

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF EMERGENCY RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in Sections 8(c)(3), (7), 14, 20a, 20g and of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(3), (7), 50-313, 50-320, 50-329, (2009 Repl.; 2012 Supp.)) (“Act”), as amended by the Taxicab Passenger Vehicle for Hire Impoundment Act of 1992 (D.C. Law 9-199, D.C. Official Code § 50-331), the Taxicab Service Improvement Amendment Act of 2012 (D.C. Law 19-0184; D.C. Official Code §§ 50-301 *et. seq.*) and the Public Vehicle for Hire Innovation Amendment Act of 2012 (D.C. Law 19-0270, D.C. Official Code § 50-307(c)(20)); hereby gives notice of intent to adopt amendments to Chapters 4 (Taxicab Payment Services) and 5 (Taxicab Companies, Associations and Fleets) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

These rules are necessary because there is an immediate need to preserve and promote the safety and welfare of the District’s taxicab industry, which is jeopardized by late, reduced, and denied payments to taxicab owners and operators that use the modern taximeter systems (MTSs) provided by payment service providers (PSPs). The failure to timely and fully pay all taxicab owners and operators the revenue generated through their use of MTSs prevents them from obtaining the protections contemplated by the Commission, in addition to negatively impacting residents and visitors by hindering the service improvements intended by the D.C. Council. These rules increase to \$1,000 the fine under existing rules for a PSP’s failure to pay taxicab owners within twenty-four (24) hours, or one (1) business day, and create a new rule with a \$1,000 fine requiring taxicab companies that contract with PSPs to pay their taxicab operators who do not own vehicles within twenty-four (24) hours, or one (1) business day. .

The emergency rulemaking was adopted on December 11, 2013, shall take effect immediately, and shall remain in effect for sixty (60) days after the date of adoption (expiring February 9, 2014), unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Chapter 4, TAXICAB PAYMENT SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 411, PENALTIES, is amended as follows:

Paragraph (c) is amended by striking the language “.” at the end of the paragraph and substituting the language “, or”.

A new paragraph (d) is added to subsection 411.2 to read as follows:

- 411.2 (d) A violation of § 408.13 by failing to pay each taxicab company or independent owner with which it is associated the portion of such PSP's revenue within twenty-four (24) hours or one (1) business day of when such revenue is received by the PSP.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, AND FLEETS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 509 [REPEALED], is amended as follows:

509 PROMPT PAYMENT TO TAXICAB OPERATORS

509.1 Except where a taxicab company and taxicab operator otherwise agree, each taxicab company that contracts with a payment service provider (PSP) for modern taximeter system (MTS) units in the vehicles it owns shall pay such operator the portion of the revenue received from the PSP to which he or she is entitled within twenty-four (24) hours or one (1) business day of when the revenue is received by the taxicab company from the PSP.

509.2 A taxicab company shall be subject to a civil fine of one thousand dollars (\$1,000) for the first violation of any of this section, which shall double for the second violation, and triple for each subsequent violation.