

**DISTRICT OF COLUMBIA TAXICAB COMMISSION**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c) (2), (3), (7), and (19), 14, and 20a, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (2), (7), (19) and (20), 50-301.13, and 50-301.20 (2012 Repl. & 2015 Supp.)), hereby gives notice of its intent to adopt amendments to Chapter 20 (Fines and Civil Penalties) of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This emergency and proposed rulemaking amends the recently-enacted Chapter 20, to immediately reinstitute fines for violations of 31 DCMR § 816, which were inadvertently not including in the new chapter, published in the *D.C. Register* on May 20, 2016. This rulemaking also amends Chapter 8 to clarify that the standards of conduct for public vehicle-for-hire operators in § 816.14, which are subject to the reinstated fines in Chapter 20, are limited to willful misconduct which endangers the health or safety of passengers or the public, such as driving in a manner that is clearly unsafe (such as driving aggressively or recklessly, but not including committing a minor traffic offense), engaging in threatening and offensive conduct by (such as by spitting on a passenger), and endangering a passenger (such as by refusing to allow the passenger to depart from the vehicle). The Commission finds that it is appropriate to reestablish the fine structure in § 825, which previously appeared in a schedule of fines in that section. The Commission therefore finds there is an immediate need to preserve and promote the safety and welfare of District residents by ensuring that lawful, reasonable, and appropriate civil fines are immediately available for the violations in § 825, which also requires a clarification of the violations under § 816.14.

This emergency rulemaking was adopted by the Commission on June 23, 2016, and took effect immediately. The emergency rules shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring October 21, 2016), unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

The Commission also hereby gives notice of its intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice of proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

**CHAPTER 8, OPERATING RULES FOR PUBLIC VEHICLES-FOR-HIRE, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:**

**Subsection 816.14 of Section 816 is amended as follows:**

**Subsection 816.14 of Section 816 is amended to read as follows:**

816.14 No public vehicle-for-hire operator shall engage in willful misconduct that endangers the health or safety of passengers or the public, regardless of whether or not the conduct is prohibited by this title or other applicable law. Examples include, but are not limited to:

- (a) Driving in a manner that is clearly unsafe, including by driving aggressively or recklessly, or by tailgating, but not including committing a minor traffic offense;
- (b) Engaging in threatening and offensive conduct by:
  - (1) Using profanity or gestures commonly associated with profanity;
  - (2) Spitting on a passenger or a member of the public; or
  - (3) Demanding an unauthorized pre-payment of fare or a gratuity;
- (c) Endangering a passenger by:
  - (1) Refusing to allow the passenger to depart from the vehicle, through any means, including by locking the vehicle's doors, or by refusing to release the passenger's luggage or other property; or
  - (2) Demanding that the passenger exit the vehicle where it is clearly unsafe to do so.

**CHAPTER 20, FINES AND CIVIL PENALTIES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:**

**Subsection 2000.8 of Section 2000 is amended as follows:**

**SCHEDULE 3 (Fines for Entities, Owners, and Operators) is amended as follows:**

The fine for fraudulent and unlawful actions is amended to read as follows:

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| <p><b>Schedule 3</b><br/><b>Fines For Entities, Owners, and Operators</b><br/><b>Maximum Fines Based On Circumstances</b></p> |
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| <p style="text-align: center;"><b>Fraudulent and unlawful actions</b></p> <ul style="list-style-type: none"> <li>• Falsifying or tampering with manifest (§ 823)</li> <li>• Displaying, possessing, or presenting a fraudulent copy or altered government issued operator identification (Face) card or vehicle inspection (DCTC) card (§ 814.7)</li> <li>• Tampering with meter or meter seals (§ 1323)</li> <li>• Knowingly operating with non-functioning meter or operating without a meter</li> <li>• Improperly sealed meter (§ 1321)</li> <li>• Improper conduct and/or unlawful actions (§ 816)</li> </ul> | <p>\$500</p> |
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Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, D.C. 20020. All persons desiring to file comments on the proposed rulemaking action should submit written comments via e-mail to [dctc@dc.gov](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.