

## **DISTRICT OF COLUMBIA TAXICAB COMMISSION**

### **NOTICE OF SECOND PROPOSED RULEMAKING**

The District of Columbia Taxicab Commission (“Commission”), pursuant to the authority set forth in Sections 8(c)(2), (3), (4), (5), (7), (19), 14, 20, and 20a of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(2) (3), (4), (5), (7), (19)), 50-313, 50-319, and 50-320 (2012 Repl. & 2013 Supp.)), and D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Repl. and 2013 Supp.); hereby gives notice of its intent to adopt amendments to Chapter 8 (Operation of Taxicabs) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments to Chapter 12, in combination with the new Chapter 99 and proposed amendments to Chapters 12, 14, 16, and 17 of Title 31, create a regulatory framework for the licensing and regulation of a new class of public vehicle-for-hire service to be called “private sedan service”, to address the unique issues raised by private sedan service, including rules to require adequate insurance, to ensure the safety of passengers, drivers, and the general public, to protect consumers, to require payment to the District of a passenger surcharge, and for other lawful purposes within the authority of the Commission. The proposed amendments to Chapter 8 would allow digital dispatch services (not taxicab owners or operators) to set the entire fare when dispatching a taxicab, without use of the metered rates set by the Commission, while requiring the operator to continue to use the modern taximeter system to ensure that payment service providers continue to report trip data to the Office of Taxicabs (“Office”) for dispatched trips, for enforcement, research, passenger surcharge reconciliation, and other lawful purposes.

All definitions applicable to this chapter appear in the new Chapter 99 that contains definitions for the entire title.

The original proposed rulemaking was adopted by the Commission on April 9, 2014 and published in the D.C. Register on May 9, 2014 at 61 DCR 4737. The Commission held a public hearing on the proposed rules on April 30, 2014, to receive oral comments on the proposed rules. The Commission received valuable comments from the public at the hearing and throughout the comment period which expired on June 15, 2014. The comments received were carefully considered and necessitate a second publication. The second proposed rulemaking was adopted by the Commission on August 6, 2014.

Directions for submitting comments may be found at the end of this notice. The Commission also hereby gives notice of the 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 second proposed rulemaking in the D.C. Register.

**Chapter 12, LUXURY SERVICES – OWNERS, OPERATORS AND VEHICLES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE is amended as follows:**

**Section 1200, APPLICATION AND SCOPE, is amended as follows:**

**Subsection 1200.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1200.1        This chapter shall be applicable to and govern all limousine and black car organizations, operators, and vehicles doing business in the District of Columbia (District).

**Subsection 1200.3 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1200.3        This chapter establishes licensing and operating requirements for luxury class service, comprised of black car service and limousine service. Additional and more specific operating requirements applicable only to black car service, beginning on November 1, 2013, are contained in Chapter 14 of this title.

**Section 1201, GENERAL REQUIREMENTS, is amended as follows:**

**Subsection 1201.1 is amended by striking the words “sedan” and “sedans” and inserting the words “black car” and “black cars” in its place, to read as follows:**

1201.1        Operators may be licensed by the Office of Taxicabs (Office) pursuant to § 1209 to provide limousine service, black car service, or both, and luxury class service (LCS) vehicles may be licensed by the Office pursuant to § 1204 for use as limousines, as black cars, or both. All LCS vehicles may be used as limousines, but only LCS vehicles meeting the definition of “black car” in § 1299.1 may be operated as black cars.

**Subsection 1201.2 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1201.2        The Office may issue Office orders approving certain vehicles as meeting the definition of “black car” in Chapter 99.

**Subsection 1201.4 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1201.4        Vehicle requirements. A vehicle shall be authorized to provide luxury class services if it:

- (a)        Has been approved and licensed by the Office pursuant to § 1204 for use as a black car, a limousine, or both;

- (b) Is registered and displays valid and current livery tags (also called “L-tags”) from DMV;
- (c) Has a valid and current inspection from DMV pursuant to § 1215 and applicable DMV regulations, including inspection for current compliance with the definition of a black car under § 1299.1, where applicable;
- (d) Is operated in compliance with § 1201.5; and
- (e) Is in compliance with Chapter 9 (Insurance Requirements) of this title.

**Subsection 1201.5 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1201.5 Operating requirements. Luxury class service shall not be provided unless, from the time each trip is booked, through the conclusion of the trip, all of the following requirements are met:

- (a) The operator is in compliance with § 1201.3;
- (b) The vehicle is in compliance with § 1201.4;
- (c) The owner is in compliance with § 1202.1;
- (d) The operator is maintaining at the Office current contact information, including his or her full legal name, residence address, cellular telephone number, and, if associated with an LCS organization, contact information for such organization or for the owner for which he or she drives, and informs the Office of any change in the foregoing information within five (5) business days through U.S. Mail with delivery confirmation, by hand delivery, or in such other manner as the Office may establish in an Office order;
- (e) The operator is maintaining in the vehicle a manifest that:
  - (1) Is either:
    - (A) In writing, compiled by the operator not later than the end of each shift using documents stored safely and securely in the vehicle; or
    - (B) Electronic, compiled automatically and in real time throughout each shift;
  - (2) Is in a reasonable, legible, and reliable format that safely and securely maintains the information;

- (3) Reflects all trips made by the vehicle during the current shift;
  - (4) Includes the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge;
  - (5) Does not include terms such as “as directed” in lieu of any information required by this paragraph; and
  - (6) Is kept in the vehicle readily available for immediate inspection by a District enforcement official (including a public vehicle enforcement inspector (hack inspector)).
- (f) Where limousine service is provided, the trip is booked by contract reservation based on an hourly rate;
  - (g) Beginning November 1, 2013, where black car service is provided, the trip is conducted in accordance with the operating requirements of Chapter 14 of this title;
  - (h) The trip is not booked in response to a street hail solicited or accepted by the operator or by any other person acting on the operator’s behalf; and
  - (i) There is no individual present in the vehicle who is not the operator or a passenger for whom a trip is booked or payment is made.

**Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:**

**Subsection 1203.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1203.1 Each limousine or black car base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

**Section 1204, LICENSING OF LCS VEHICLES, is amended as follows:**

**Subsection 1204.2 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office, accompanied by the applicable fee. Each application shall set forth the applicant’s lawful name, business address(es), business and mobile telephone numbers, tax identification number, and an indication of whether the applicant intends to operate the vehicle as a limousine, as a black car, or as both.

**Subsection 1204.4 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1204.4        The Office shall inspect the vehicle to determine whether it meets the definitions of “black car”, “limousine”, or both, as set forth in § 1299.1, consistent with the applicant’s stated intentions for the use of vehicle.

**Section 1205, LICENSING OF LCS VEHICLE OPERATORS – ELIGIBILITY REQUIREMENTS, is amended as follows:**

**Subsection 1205.12 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1205.12        Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee’s or probationer’s application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or black car operator’s license.

**Section 1206, LICENSING OF LCS VEHICLE OPERATORS – APPLICATION PROCESS, is amended as follows:**

**Subsection 1206.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1206.1        Each application for an operator’s license shall use a form provided by the Office, shall indicate the applicant’s choice of whether such applicant proposes to be licensed to provide limousine service, black car service, or both, and shall be accompanied by the applicable fee.

**Section 1213, WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATION PROVIDING SEDAN SERVICE, is amended as follows:**

**The title is amended to read as follows:**

**1213            WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR LCS ORGANIZATIONS PROVIDING BLACK CAR SERVICE**

**Subsection 1213.1 is amended by striking the word “sedan” and inserting the words “black car” in its place, to read as follows:**

1213.1        Each LCS organization with twenty (20) or more black car class vehicles in its fleet that does not have wheelchair-accessible vehicles in its fleet shall provide

contact information for LCS organizations that do have such vehicles, when requested by a customer.

**Subsection 1213.2 is amended by striking the word “sedans” and inserting the words “black cars” in its place, to read as follows:**

- 1213.2 Each LCS organization with twenty (20) or more vehicles licensed under this Chapter to be operated as black cars on or after the effective date of this rulemaking, shall dedicate a portion of such vehicles as follows:
- (a) At least six percent (6%) of such vehicles shall be wheelchair-accessible by December 31, 2014;
  - (b) At least twelve percent (12%) of such vehicles shall be wheelchair-accessible by December 31, 2016; and
  - (c) At least twenty percent (20%) of such vehicles shall be wheelchair-accessible by December 31, 2018.

**Section 1220, PROHIBITIONS, is amended as follows:**

**Subsection 1220.3 is amended by striking the word “sedan” and inserting the words “black car” in its place.**

- 1220.3 Beginning November 1, 2013, no operator shall provide black car service except as provided in this chapter and in Chapter 14 of this title.

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting Juanda Mixon, Secretary to the Commission, District of Columbia Taxicab Commission, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, 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, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Juanda Mixon, Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the D.C. Register.