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(b)(1) (C), (D), (E), (F), (G), (I), (J), 14, and 20 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(b)(1) (C), (D), (E), (F), (G), (I), (J) and 50-319 (2009 Repl.)); D.C. Official Code § 50-313 (2009 Repl.; 2012 Supp.); D.C. Official Code § 47-2829 (b), (d), (e), (e-1), and (i) (2012 Supp.); Section 12 of the 1919 District of Columbia Taxicab Act, approved July 11, 1919 (41 Stat. 104; D.C. Official Code § 50-371 (2009 Repl.)); and Section 6052 of the District of Columbia Taxicab Commission Fund Amendment Act of 2012 (Commission Fund Amendment Act), effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 50-320(a) (2012 Supp.)), hereby gives notice of its intent to amend Chapter 4 (Taxicab Payment Service Providers) of the District of Columbia Municipal Regulations (DCMR).

This Emergency and Proposed Rulemaking is necessary for the immediate preservation and promotion of the public peace, safety, and welfare of the residents of and visitors to the District of Columbia by updating the regulatory framework to implement the modern taximeter system (MTS), preventing legal incongruities that will halt the implementation of the MTS, and providing the residents and visitors the consumer and safety improvements intended by the D.C. Council.

This emergency rulemaking was adopted on May 24, 2013, will take effect on May 31, 2013 and will remain in effect for up to one hundred twenty (120) days after the date of publication (September 28, 2013), or upon earlier amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS,] of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended to read as follows:

CHAPTER 4 TAXICAB PAYMENT SERVICES

400 APPLICATION AND SCOPE

400.1 The purpose of this chapter is to establish substantive rules for the administration and operation of payment service providers (PSPs) who provide the modern taximeter systems (MTSs) required by § 603 of this title, and for the integration of MTSs with registered dispatch services, including rules applicable to both PSPs and dispatch services, to ensure the safety of passengers and operators, for consumer protection, and to collect a taxicab passenger surcharge.

400.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of

1985, effective March 25, 1986 (D.C. Law 6-97, D.C. Official Code §§ 50-301 *et seq.*).

400.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the more restrictive provision shall control.

401 GENERAL REQUIREMENTS

401.1 Each person interested in being licensed by the Office as a PSP to market an MTS to taxicab owners pursuant to § 603 shall apply for and obtain approval of its proposed MTS under this chapter.

401.2 Each person interested in providing digital payment service to taxicab companies and independent owners shall apply for and obtain a certificate of operating authority that includes such service pursuant to Chapter 16.

401.3 Each PSP and each DDS that are not affiliated businesses shall comply with the integration requirements of § 408.16 for the processing of digital payment, not later than the implementation date set forth in § 603.2. Prior to the implementation date, each DDS shall be permitted to process digital payments without integration.

401.4 Beginning on the implementation date set forth in § 603.2, no PSP shall fail or refuse to participate in processing digital payments in the manner required by this chapter, where the taxicab company or independent owner that uses an MTS unit provided by the PSP chooses to offer digital payment its passengers.

401.5 All costs associated with an MTS shall be the responsibility of the PSP, but may be allocated by a written agreement among the PSP, the taxicab companies and independent owners to whom the PSP markets its MTS units, or any other person, including costs for:

(a) Development (including those which may arise in the review process under § 404 and those associated with adding the passenger console and safety feature required by § 603.8 (n));

(b) Integration, pursuant to § 408.16;

(c) Service and support;

(d) Upgrade or modification (including costs to remain in compliance with any amendment to a provision of this Title);

(e) Installation;

(f) Repair and maintenance; and

(g) Compliance with an Office order.

401.6 Nothing in this chapter shall be construed to solicit or create a contractual relationship between the District of Columbia and any person.

402 RELATED SERVICES

402.1 A person may operate a PSP and one or more affiliated businesses, provided each affiliated business is operated in compliance with all applicable provisions of this Title and other applicable laws.

403 PROPOSED MODERN TAXIMETER SYSTEMS – APPLICATIONS BY PSPs

403.1 No person shall operate as a PSP, process an in-vehicle payment for a taxicab trip, market MTS units, or allow another person to use its MTS units, unless such person is a PSP with current approval of its MTS under this chapter. The approval of a PSP's modern taximeter system under this chapter shall constitute the PSP's operating authority under this title.

403.2 Each person seeking approval of a proposed MTS shall file with the Office an application that includes the following information (including such documentation as required by the Office):

(a) The PSP's name, business address, and business telephone number, and the name(s) of its owner and operator;

(b) The name, business address, and business telephone number of each affiliated business;

(c) A brief narrative describing the proposed MTS and demonstrating that it would meet:

(1) The MTS equipment requirements of § 603.8, including the requirement of § 603.8(n) that a passenger console be incorporated not later than December 1, 2013, and the requirement of § 603.8(n)(3) that a safety feature be incorporated not later than June 1, 2014; and

(2) The MTS service and support requirements of § 603.9;

(d) A certification that the PSP owns the rights to, or holds licenses to use, all the intellectual property used by the proposed MTS;

(e) The forms of in-vehicle payment that the PSP proposes to offer, in addition to cash (such as near-field communications);

(f) Information showing the PSP is in compliance with federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements applicable to a business operating in the District;

(g) The address and telephone number for the PSP's bona fide administrative office or for its registered agent authorized to accept service of process, information showing that the PSP's bona fide administrative office, if any, is in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District, and an indication of whether a place of business would be shared with an affiliated business;

(h) The customer service telephone number that the PSP will provide for passengers;

(i) The technical support telephone number that the PSP will provide for taxicab owners and operators;

(j) The URL for the PSP's website, if any;

(k) The trade name for the MTS and for each service offered by an affiliated business;

(l) A certification that the PSP is in compliance with the Clean Hands Before Receiving a License or Permit Act of 1996 ("Clean Hands Act"), effective May 11, 1996 (D.C. Law 11-118, D.C. Official Code § 47-2862);

(m) An initial inventory of the vehicles and operators associated with the PSP, as required by § 408.12;

(n) Information showing the PSP will collect from the passenger and pay to the District the passenger surcharge for each taxicab trip, as required by § 408.15;

(o) A sample agreement used by the PSP to associate with taxicab companies, independent owners, and operators;

(p) The name of each dispatch service with which the PSP is associated, if any;

(q) Information showing the PSP will be in compliance with the integration requirements of § 408.16; and

(r) Such other information related to establishing compliance with this chapter as the Office may require at the time of application or during the review process.

403.3 Each application shall be made under penalty of perjury, and shall be accompanied by an application fee of one-thousand dollars ($1,000) and by a surcharge bond.

403.4 A request for approval may be denied if an application contains or was submitted with materially false information provided orally or in writing for the purpose of inducing approval.

404 REVIEW PROCESS

404.1 The PSP shall bear the burden of establishing to the satisfaction of the Office that its proposed MTS meets all the requirements of this chapter and §§ 603.8 and 603.9.

404.2 An applicant may be scheduled for one or more demonstrations of its proposed MTS equipment, where the Office's technical staff shall examine and test the equipment and ask questions of the PSP's technical staff, who shall attend.

404.3 A request for approval may be denied if the applicant does not cooperate with the Office during the review process, or if applicant provides materially false information orally or in writing during the review process for the purpose of inducing approval.

404.4 The Office may use any information or documentation it acquired from the applicant during an MTS pre-approval process, if such process was used by the PSP. Pre-approval of a proposed MTS shall not entitle a PSP to approval under this chapter.

405 DECISION TO GRANT OR DENY

405.1 The Office shall complete the review process and issue its decision to grant or deny approval of a proposed MTS within thirty (30) days after the application is filed, provided however, that such period may be extended by the Office for no more than ten (10) days with notice to the PSP whenever the Office has five (5) proposed MTSs under review.

405.2 If the Office denies approval on any ground, it shall state the reasons for its decision in writing.

405.3 A decision to deny approval may be appealed to the Chief of the Office within fifteen (15) business days, and, otherwise, shall constitute a final decision of the Office. The Chief shall issue a decision on such appeal within thirty (30) days. A

timely appeal of a denial shall extend an existing MTS approval pending the Chief's decision. A decision of the Chief to affirm or reverse a denial shall constitute a final decision of the Office. A decision of the Chief to remand to the Office for further review of the MTS shall extend an existing MTS approval pending the final decision of the Office.

405.4 An approval shall continue in effect for twelve (12) months, during which time no substantial change shall be made to an approved MTS without written approval from the Office. A PSP shall promptly inform the Office of a proposed substantial change that would require written approval. A PSP's integration with a DDS, including the submission of a proposed integration agreement, shall not constitute a substantial change.

405.5 Each approved MTS shall be listed on the Commission's website.

406 RENEWAL APPLICATIONS

406.1 Each approved MTS shall be submitted for renewal of its approval at least sixty (60) days prior to the expiration of the approval, unless the Office provides otherwise in writing. The procedures applicable to new applications shall apply to renewal applications, except as otherwise required by the Office.

406.2 An approval shall continue in force and effect beyond its expiration period during such time as an application for re-approval is pending in proper form.

406.3 Renewal of MTS approval shall require that the MTS be in compliance with all applicable provisions of this title, and other applicable laws in effect at the time renewal is sought.

407 SUSPENSION OR REVOCATION OF APPROVAL

407.1 The approval of an MTS may be suspended or revoked by the Office with reasonable notice and an opportunity to be heard if the Office learns that the MTS or the associated owners or operators using are not it in substantial compliance with this title, or if that the MTS is being used in a manner that poses a significant threat to passenger or operator safety, or consumer protection.

408 OPERATING REQUIREMENTS APPLICABLE TO PSPs and DDSs

408.1 Each PSP shall operate in compliance with this chapter and Chapters 6 and 8 of this Title, and other applicable laws.

408.2 Each DDS that provides dispatch or digital payment for taxicabs shall operate in compliance with this chapter and Chapters 8 and 16 of this Title, and other applicable laws.

408.3 Each PSP shall comply with all applicable federal and District licensing, permitting, registration, anti-discrimination, and taxation requirements for a business operating in the District.

408.4 Each PSP shall either maintain a bona fide administrative office, consisting of a physical office in the District, in the same manner required of a taxicab company under Chapter 5 of this title and in compliance with all laws, rules, and regulations concerning the operation of a place of business in the District, or shall maintain a registered agent authorized to accept service of process, provided, however, that a PSP operated by a person that provides another service regulated by this title requiring such person to maintain a bona fide administrative office in the District shall operate such bona fide administrative office as a bona fide administrative office for the PSP as well. Each PSP may share a place of business its affiliated businesses provided the place of business is in compliance with this Title and other applicable laws, including the requirement for a certificate of occupancy provided by the Department of Consumer and Regulatory Affairs.

408.5 Each PSP shall maintain a customer service telephone number for passengers with a "202" prefix or a toll-free area code that shall be available during normal working hours 365 days per year.

408.6 Each PSP shall maintain a technical support telephone number for vehicle owners and operators with a "202" prefix or a toll-free area code that shall be available 24 hours per day, 365 days per year.

408.7 Each PSP shall operate only in compliance with §§ 508-513 of this title, to the same extent as if the PSP were a taxicab company.

408.8 Each PSP shall:

(a) Store its business records in a safe and secure manner, and in compliance with industry best practices and applicable federal and District law;

(b) Make its business records available for inspection and copying during regular business hours at the Office or at its bona fide administrative office, if maintained, within five (5) business days of its receipt of a written demand from the Office; and

(c) Retain its business records for at least five (5) years.

408.9 Each PSP and its owners, operators, officers, employees, agents, and representatives shall, at all times, cooperate with the instructions of public vehicle enforcement inspectors, other law enforcement officers, other authorized officials of the Office, and General Counsel to the Office, including a request in connection with a possible violation of this title or other applicable law by any

person seeking an operator's identification (Face Card) number or a vehicle's PVIN, previously reported in anonymous format under § 603.

408.10 Each PSP shall notify the Office if it learns of a security breach as to which a report must be made pursuant to the D.C. Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237;D.C. Official Code §§ 28-3851, *et seq*.) or other applicable law.

408.11 Each PSP shall allow each passenger to make his or her choice of in-vehicle payment or digital payment, to the extent required by this chapter, and no minimum payment shall be required.

408.12 Each PSP shall remain in compliance with all MTS service and support requirements in Chapter 6 and all requirements of this chapter throughout the period that its MTS has a current and valid approval from the Office.

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

408.14 PSP inventory requirements.

(a) Each PSP shall maintain an accurate inventory of its associated vehicles and operators containing the following information—

(1) For each vehicle: the name of and contact information for its owner(s), including work and cellular telephone numbers; the vehicle's PVIN, make, model, and year of manufacture; certification by the PSP that the vehicle is in compliance with the insurance requirements of Chapter 9 of this title; an indication of whether the vehicle is wheelchair accessible; an indication with whether the vehicle is in active use; and, if the vehicle is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet; and

(2) For each operator: the name of and contact information for such operator, including work and cellular telephone numbers; his or her DCTC operator license (Face Card) number; an indication of whether such operator is actively using the MTS; and, if he or she is associated with a taxicab company, association, or fleet, the name of and contact information for such company, association, or fleet.

(b) The Office may remove a vehicle or operator from a PSP's inventory at any time with reasonable notice and an opportunity to be heard if a vehicle

or operator on the inventory is not legally authorized to operate, or in the event an MTS unit is not legally authorized for use (such as where a vehicle inspection reveals the MTS unit has been tampered with).

408.15 Passenger surcharge collection and payment by PSPs and DDSs.

(a) Each PSP shall comply with paragraph (c) of this subsection.

(b) Each DDS that is required to collect the taxicab passenger surcharge pursuant to § 408.16 shall comply with paragraph (c) of this subsection.

(c) Each person required to comply with this subsection shall:

(1) If it is a DDS, it shall provide a surcharge bond to the Office at the time of its application for a certificate of operating authority under Chapter 16 that includes processing digital payments for taxicabs;

(2) Collect the surcharge as an authorized additional charge under § 801.7(b)(2) for each taxicab trip;

(3) Remit to the District, at the end of each seven (7) day period, a payment to the D.C. Treasurer in the amount of all the surcharges it has collected during such period; and

(4) Send via email at the time of its payment a report to the Office certifying its payment to the District and providing a basis for the amount of such payment.

(d) Each person that participates in providing service for a taxicab trip, regardless of whether it is required by paragraph (a) or (b) to collect and pay the passenger surcharge, shall cooperate with the Office to resolve any discrepancy concerning a passenger surcharge owed or paid to the District by any person, and, if the Office is unable to resolve such discrepancy within thirty (30) days, the Office may, in its discretion, make a claim against the surcharge bond deposited by any person that participated, as necessary and appropriate to satisfy the amount of the discrepancy.

(e) A surcharge bond provided to the Office by a PSP or by a DDS shall be returned within thirty (30) days following an event that causes such business to lose its operating authority under this title, provided, however, that the surcharge bond shall not be returned while there remains a discrepancy concerning a passenger surcharge owed or paid to the District by any person.

408.16 Digital payment requirements. Each PSP and each DDS shall comply with the following requirements for integration of their services, except that this section

shall not apply to a digital payment where the PSP and the DDS are affiliated businesses.

(a) Integration mandated.

(1) Each PSP shall:

(A) Allow each taxicab company and independent owner to which it provides its MTS to associate with one or more DDSs with current operating authority under Chapter 16 that extends to providing digital payment;

(B) Integrate as provided in this section with each DDS that has existing operating authority under Chapter 16 for digital payment, within sixty (60) days of receiving approval of its MTS under this chapter, and, thereafter, shall remain integrated while both businesses continue to have operating authority; and

(C) Integrate as provided in this section with each DDS that obtains new operating authority under Chapter 16 for digital payment, within sixty (60) days of when the DDS obtains such authority and, thereafter, shall remain integrated while both businesses continue to have operating authority.

(2) Each DDS shall:

(A) Integrate as provided in this section with each PSP that has approval for its MTS under this chapter, within sixty (60) days of receiving operating authority under Chapter 16 for digital payment and, thereafter, shall remain integrated while both businesses continue to have operating authority; and

(B) Integrate as provided in this section with each PSP that obtains approval of a new MTS under this chapter, within sixty (60) days of such approval and, thereafter, shall remain integrated while both businesses continue to have operating authority.

(3) Prior to a deadline by which a PSP or DDS is required to integrate under by paragraph (a)(1) or (a)(2) of this subsection, each digital payment shall be processed by the PSP and any DDS participating in a transaction may charge a separate booking or dispatch fee as permitted by § 801;

(4) Each PSP and each DDS required to integrate under paragraph (a)(1) or (a)(2) of this subsection shall integrate and maintain integration at its own cost and expense, but may allocate such cost and expense as provided in an integration agreement; and

(5) Any PSP or DDS that fails to integrate or to maintain integration as required by this subsection shall be subject to civil penalties, including the modification, suspension, or revocation of its operating authority as provided in this chapter.

(b) Integration requirements.

(1) Each PSP and each DDS may execute an integration agreement pursuant to paragraph (b)(3) of this subsection.

(2) Minimum requirements for integration. Where a PSP and a DDS have not executed an integration agreement pursuant to paragraph (b)(3), they shall integrate in a manner that allows them to do the following for each taxicab trip where a digital payment is selected by the passenger, in the following order:

(A) At the end of the trip, the operator shall indicate through the MTS unit that the trip is complete and the method of payment is digital payment;

(B) The PSP shall transmit to the DDS through an application program interface:

(i) The amount of the taximeter fare and any gratuity amount; and

(ii) The same data required to be transmitted to the TCIS for the trip, pursuant to § 603.9 (c), including the unique trip number assigned by the PSP ;

(C) The PSP shall transmit to the TCIS the data required by § 603.9;

(D) The DDS shall process the total charge for the digital payment;

(E) The DDS shall collect the passenger surcharge and make a payment to the District, in the manner required by § 408.15(c);

(F) The owner of the vehicle shall pay the integration service fee to the PSP; and

(G) The DDS shall transmit to the TCIS the same data required to be transmitted by the PSP under § 603.9 (c).

(3) Alternative requirements for approved integration agreements. In lieu of complying with paragraph (b)(2) of this subsection, any DDS and any PSP may negotiate an integration agreement that allocates the obligations set forth in paragraph (b)(2) in any reasonable, reliable, verifiable, and commercially reasonable manner that meets the following requirements:

(A) The parties shall submit the integration agreement to the Office for its review. Approval of the agreement shall be granted where the Office determines that all of the following requirements are met:

(i) The passenger surcharge will be collected from the passenger and paid to the District for every trip, which shall require a DDS to comply with § 408.15 if the agreement requires the DDS to collect the surcharge from passengers and make the payments to the District;

(ii) The MTS requirements in Chapter 6 will be met, including those for the collection and reporting of trip data and validation of the operator;

(iii) Each party will be in compliance with all applicable provisions of this Title, except for those in paragraph (b)(2) of this subsection; and

(iv) The agreement and its implementation will not threaten the safety of passengers, operators, or the public, or consumer protection.

(B) Each integration agreement shall be reviewed and a decision to approve or reject the agreement shall be made within ten (10) business days, and, in the event of a denial, shall be subject to the appeal procedures in § 405 applicable to MTS review, and, thereafter, shall constitute final decisions of the Office.

(C) If an integration agreement is approved, the parties to such agreement shall comply with its terms while both parties

continue to have operating authority, and shall immediately notify the Office in the event the agreement has been terminated, nullified, or rendered void or unenforceable, providing to the Office the date and time at which such event occurred, and, thereafter, the parties shall comply with the provisions of paragraph (b)(2) of this subsection.

409 PROHIBITIONS

409.1 No PSP shall participate in a transaction involving taxicab service in the District where the fare, rates, charges, or payment does not comply with the applicable provisions of this title, including this chapter, and §§ 603 and 801.

409.2 No PSP shall allow its associated operators to limit service or refuse to provide service based on a person's choice of payment method.

409.3 No PSP shall allow its associated operators to access a passenger's payment card information after the payment has been processed.

409.4 No PSP shall allow its MTS to be used by an operator or vehicle not on its inventory at the time the trip is booked by dispatch or by street hail.

409.5 No PSP shall allow its MTS to be used by any person for a taxicab trip unless the PSP pays the taxicab passenger surcharge to the Office.

409.6 No person shall operate as a PSP, provide payment card processing services for taxicabs, or sell, lease, lend, or otherwise provide an MTS unit to any person in the District, unless such person is a PSP with current approval of its MTS under this chapter.

409.7 No PSP may alter or attempt to alter its legal obligations under this title or to impose an obligation on any person that is contrary to public policy or that threatens passenger or operator safety, or consumer protection.

409.8 A PSP shall not associate with a taxicab operator who provides service with a vehicle that displays on its exterior the name, logo, insignia, or other unique branding of a taxicab fleet or association, if such fleet or association does not agree to the operator's association with the PSP, and:

(a) For thirty (30) days following the effective date of this rulemaking, such fleet or association is providing credit card processing services to its associated operators; or

(b) After thirty (30) days following the effective date of this rulemaking, such fleet or association has filed an application for approval as a PSP under this chapter or has been approved as a PSP under this Chapter.

409.9 A PSP shall not allow its associated taxicab companies, independent owners, or taxicab operators to associate with, a dispatch service that is not a licensed dispatch service.

409.10 No PSP or DDS shall participate in processing a payment or otherwise providing service to a passenger who chooses to pay by digital payment, except in the manner required by all applicable provisions of this Chapter.

409.11 No PSP or DDS shall fail or refuse to participate in processing a digital payment in the manner required by all applicable provisions of this Chapter, including, without limitation, a failure to maintain integration as required by § 408.16.

409.12 No PSP or DDS shall associate with or integrate with a PSP or DDS that does not have the operating authority required by a provision of this Title, or that is operated in violation of this Title.

410 ENFORCEMENT

410.1 The enforcement of this Chapter shall be governed by the procedures in Chapter 7 of this title. If, at the time of violation, the procedures in Chapter 7 do not extend in their terms to PSPs or DDSs, such procedures shall be applied to a PSP or a DDS as if such PSP or DDS were a taxicab owner or operator.

410.2 If, at the time of a violation, the procedures in Chapter 7 do not extend in their terms to a person regulated by this chapter, violations of this chapter shall be enforced as if such person were a taxicab owner or operator.

411 PENALTIES

411.1 A PSP or DDS that violates this chapter or an applicable provision of another chapter of this title is subject to:

(a) A civil fine of two hundred fifty dollars ($250) for the first violation of a provision, which shall double for the second violation of the same provision, and triple for each subsequent violation of the same provision thereafter;

(b) Confiscation of an MTS unit or unapproved equipment (including any fixed or mobile hardware component such as a smartphone, mobile data terminal, tablet, or attached payment card reader) used in connection with the violation:

(c) Suspension, revocation, or non-renewal of the Office's approval of its MTS (if a PSP) or modification, suspension, revocation, or non-renewal of its certificate of operating authority under Chapter 16 (if a DDS);

(d) Any combination of the sanctions listed in (a)-(c) of this Subsection.

499 DEFINITIONS

499.1 The terms "digital dispatch," "digital dispatch service or DDS," "dispatch," and "telephone dispatch" shall have the meanings ascribed in Chapter 16 of this title.

499.2 When used in this chapter, the following words and phrases shall have the meanings ascribed:

"Affiliated" - common ownership.

"Approved MTS" - an MTS that has been approved for use by the Office under this chapter.

"Associated" - a voluntary relationship of employment, contract, joint venture, or agency. For purposes of this chapter, an association not in writing shall be ineffective for compliance purposes.

"Association" - a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, color scheme, or insignia.

"Authorized MTS installation business" - a business authorized by the Office under this title to install one or more approved MTSs.

"Cash payment" - a payment to the operator by the passenger inside the vehicle using cash. A cash payment is a form of in-vehicle payment.

"Cashless payment" - a payment to the operator by the passenger inside the vehicle other than by cash, which shall include a payment by payment card, and may include another form of non-cash payment that a PSP is approved to provide to passengers pursuant to § 403.2(e) (such as near-field communication and voucher). A cashless payment is not a "digital payment," as such term is defined in this section.

"Clean Hands Act" - the Clean Hands Before Receiving a License or Permit Act of 1996, effective May 11, 1996 (D.C. Law 11-118, D.C. Official Code § 47-2862).

"Commission" or **"DCTC"** - the District of Columbia Taxicab Commission.

"Digital payment" - a payment processed outside the vehicle using a payment card, which may include a payment card on file, or using a direct debit transaction. A digital payment is not a "cashless payment," as such term is defined in this section.

"District" - the District of Columbia.

“District of Columbia Taxicab Commission (DCTC) License” - the taxicab vehicle license issued pursuant to D.C. Official Code § 47-2829(d).

“Face Card” or **“DCTC Identification Card”** or **“Identification Card”** - the taxicab or public vehicle-for-hire operator license issued pursuant to D.C. Official Code § 47-2829(e).

“Fleet” - a group of twenty (20) or more taxicabs having a uniform color scheme and having unified control by ownership or by association.

“Gratuity” - a voluntary payment by the passenger after service is rendered, which, if made, shall be included as part of the total charge under § 801.9), in the amount determined only by the passenger.

“Group Riding” - a group of two (2) or more passengers composed prior to the booking by dispatch or street hail and whose trip has a common point of origin, and different or common destinations.

“Independent taxicab” - a taxicab operated by an individual owner.

“Independently operated taxicab” - a taxicab operated by an individual owner that is not part of a fleet, company, or association, and that does not operate under the uniform color scheme of any fleet, company, or association.

“Individual Riding” - the transportation of a single passenger for an entire trip.

“Integration” - a commercial arrangement between a PSP and a DDS for the real-time sharing of electronic information between such businesses that complies with industry best practices and allows each of them to meet all obligations imposed by this chapter.

“Integration Agreement” - an agreement between a PSP and a DDS to allocate the rights and obligations pertaining to integration under this chapter.

“Integration service fee” - a one dollar ($1) fee paid by the taxicab company or independent owner to the PSP for the use of the MTS when a digital payment is made.

“In-Vehicle Payment” - a payment made to the operator by the passenger inside the vehicle, consisting only of a cash payment or a cashless payment.

“License” shall have the meaning ascribed to it in the D.C. Administrative Procedure Act, D.C. Official Code § 2-502.

“License Act” - D.C. Official Code § 47-2829.

“Limousine” shall have the meaning ascribed to it by § 1299.1.

"Loitering" - waiting around or in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity; stopping in such locations, except to take on or discharge a passenger; or unnecessarily slow driving in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity.

"Modern taximeter system" or **"MTS"** - a technology solution that combines taximeter equipment and PSP service and support in the manner required by this chapter and § 603.

"MTS unit" - the MTS equipment installed in a particular vehicle.

"Notice" - notice of transfer under § 507.

"Office" - Office of Taxicabs.

"Office order" - an administrative issuance by the Office to a class of persons or vehicles regulated by a provision of this Title or other applicable law that: adopts a form; issues a guideline or protocol applicable to persons other than employees of the Office; provides guidance concerning a provision of this Title; or takes any action that the Office deems necessary for purposes of administration, enforcement, or compliance.

"Operator" - a person who operates a public vehicle-for-hire.

"Owner" - a person, corporation, partnership, or association that holds the legal title to a public vehicle-for-hire, the registration of which is required in the District of Columbia. If the title of a public vehicle-for-hire is subject to a lien, a mortgagor may also be considered an owner.

"Passenger surcharge" - the passenger surcharge required to be collected from passengers and remitted to the District for each trip in a taxicab, in an amount established by § 801.

"Payment card" - any major credit or debit card including Visa, MasterCard, American Express, and Discover.

"Payment information on file" - any payment card, direct debit, or pre-paid account that allows a person authorized to process a recurring payment, to process such payment without requiring the person authorizing the payment to present the original payment information.

"Payment service provider" or **"PSP"** - a business that offers an MTS, which, if approved by the Office, may operate such MTS pursuant to this chapter and § 603.

"Person" shall have the meaning ascribed to it in the D.C. Administrative Procedure Act, D.C. Official Code § 2-502.

"Personal service" - assistance or service requested by a passenger that requires the taxicab operator to leave the vicinity of the taxicab.

"Public vehicle-for-hire" - any private passenger motor vehicle operated in the District as a taxicab, limousine, or sedan, or any other private passenger motor vehicle that is used for the transportation of passengers for hire but is not operated on a schedule or between fixed termini and is operated exclusively in the District, or a vehicle licensed pursuant to D.C. Official Code § 47-2829, including taxicabs, limousines, and sedans.

"Public Vehicle-for-hire Identification Number" or **"PVIN"** - a unique number assigned by the Office of Taxicabs to each public vehicle-for-hire.

"Sedan" shall have the meaning ascribed to it in § 1299.1.

"Shared Riding" - a group of two (2) or more passengers, arranged by a starter at Union Station, Verizon Center, or Nationals Park, or other locations designated by an administrative order of the Office, that has common or different destinations.

"Street" - a roadway designated on the Permanent System of Highways of the District as a public thoroughfare.

"Surcharge Account" - an account established and maintained by the PSP with the Office for the purpose of processing the Passenger Surcharge.

"Surcharge Bond" - a security bond of fifty-thousand dollars ($50,000) payable to the D.C. Treasurer for the purpose of securing a person's payment of a passenger surcharge to the District, which remains effective throughout the period when such person has operating authority under this Title and for one (1) year thereafter.

"Taxicab" - a public vehicle-for-hire that operates pursuant to Chapter 6 and other applicable provisions of this title, having a seating capacity for eight (8) or fewer passengers, exclusive of the driver, and operated or offered as a vehicle for passenger transportation for hire.

"Taxicab Commission Information System" or **"TCIS"** - the information system operated by the Office.

"Taxicab company" - a taxicab company that operates pursuant Chapter 5 and other applicable provisions of this title.

"**Taximeter fare"** - the fare established by § 801.7.

"Washington Metropolitan Area" - the area encompassed by the District; Montgomery County, Prince Georges County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, 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 or by mail to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, DC 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.