

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 8, 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 8, OPERATION OF TAXICABS, is amended as follows:

Section 801, PASSENGER RATES AND CHARGES, is amended to read as follows:

Subsections 801.3 through 801.4 are repealed.

Subsections 801.5 through 801.8 are amended to read as follows:

801.5 Each taxicab company, independent owner, taxicab operator, payment service provided, and digital dispatch service shall charge only the applicable taxicab fare established by § 801.7 and shall use only the equipment specified in § 801.6 to process payments.

801.6 Equipment to process payments shall be operated as follows:

- (a) The taximeter shall be engaged when a trip is booked by a street hail, telephone dispatch, or digital dispatch, regardless of how payment is made.
- (b) If a taxicab trip is booked through a street hail, a telephone dispatch, or a DDS which does not process digital payments, the operator shall use the vehicle's MTS unit to process an in-vehicle payment for the entire trip and shall not use any other device.
- (c) If a taxicab trip is booked through a DDS which processes digital payments, the operator shall use the digital payment solution (handheld or tablet running an app) provided by the DDS to allow the DDS to process a digital payment for the entire trip and shall not use the vehicle's MTS unit to process the payment (except where permitted by an integration agreement between the DDS and the payment service provider ("PSP") approved by the Office pursuant to Chapter 4).

801.7 Taxicab fares shall be as follows:

- (a) Each taximeter fare shall consist only of the time and distance charges, and authorized additional charges, provided in this subsection, as applicable.
- (b) Fare for trips booked on a time basis by advance contract. The hourly rate for a taxicab trip booked on a time basis shall be thirty-five dollars (\$35) for the first one (1) hour or fraction thereof, and eight dollars and seventy-five cents (\$8.75) for each additional fifteen (15) minutes or fraction thereof, without regard to distance. No additional charges are authorized.
- (c) Fare for trips booked by a street hail, a telephone dispatch or a digital dispatch by a DDS that does not process digital payments (in-vehicle payment only).

- (1) Time and distance charges. The time and distance charges that shall be automatically generated by the taximeter for a taxicab trip booked by a street hail, telephone dispatch, or digital dispatch by a DDS that does not process digital payments are established as follows:
 - (A) Three dollars and twenty-five cents (\$3.25) for entry (drop rate) and the first one-eighth (1/8) of a mile;
 - (B) Twenty-seven cents (\$0.27) for each one-eighth (1/8) of a mile after the first one-eighth (1/8) of a mile;
 - (C) The rate for wait time is twenty-five dollars (\$25.00) per hour. Wait time begins five (5) minutes after the taxicab arrives at the place to which it was dispatched. No wait time shall be charged for premature response to a dispatch. Wait time shall also be charged for time consumed while the taxicab is stopped or slowed to a speed of less than ten (10) miles per hour for longer than sixty (60) seconds and for time consumed for delays or stopovers en route at the direction of the passenger. Wait time shall be calculated in sixty (60) second increments. Wait time does not include time lost due to taxicab or operator inefficiency
- (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a street hail, or a telephone dispatch, or a digital dispatch by a DDS that does not process digital payments are the following:
 - (A) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
 - (B) A taxicab passenger surcharge, which shall be twenty-five cents (\$.25) (per trip, not per passenger);
 - (C) A charge for delivery service (messenger service and parcel pick-up and delivery), which shall be at the same rate as for a single passenger unless the vehicle is hired by the hour pursuant to § 801.4;
 - (D) An airport surcharge or toll paid by the taxicab operator, if any, which shall be charged in an amount equal to the amount paid by the operator;
 - (E) An additional passenger fee, if there is more than one (1) passenger, which shall be one dollar (\$1.00) regardless of

the number of additional passengers (the total fee shall not exceed one dollar (\$1.00)); and

- (F) A snow emergency fare when authorized under § 804.
- (d) Fare for trips booked by digital dispatch and paid by digital payment.
 - (1) Time and distance charges. The time and distance charges for a taxicab trip booked by a digital dispatch are established as follows: zero dollars (\$0) regardless of the amount displayed on the taximeter.
 - (2) Authorized additional charges. The additional charges which shall be included in the taximeter fare for a trip booked by a digital dispatch are the following: zero dollars (\$0) regardless of the amount displayed on the taximeter.
 - (3) DDS charges. The only charges, if any, which may be assessed to the passenger for a trip paid by digital payment shall be those charges billed directly to the passenger by the DDS, which shall not be displayed on the taximeter, and which shall adhere to the requirements of § 1402.11, in the same manner and to the same extent as if the taxicab were a black car or a private sedan, including the requirement that the District be paid the passenger surcharge in the manner required by this title.

801.8 Group or shared riding shall be charged as follows:

- (a) Trips booked by street hail, telephone dispatch, or digital dispatch with no digital payment. If more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (group riding or shared riding) bound for different destinations, the fare shall be charged as follows: As each passenger arrives at his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There then shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final taxicab fare is then paid. There shall be a new flag drop for each leg (or separate destination) of the trip.
- (b) Trips booked by digital dispatch and paid by digital payment. The charges, if any, for group or shared riding shall be established by the DDS. The charges shall not be included in the taximeter fare and shall adhere to the requirements of § 1402.11 in the same manner as if the taxicab were a black car.

Subsection 801.9 is repealed.

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended as follows:

Subsection 803.1 is amended to read as follows:

803.1 At the end of each taxicab trip, the operator shall provide the passenger with a printed receipt (except as authorized by § 803.3). The printed receipt shall contain the following information:

- (a) The taxicab owner's name and telephone number;
- (b) The taxicab's PVIN number;
- (c) The operator's DCTC commercial operator's license number;
- (d) The trip number;
- (e) The date;
- (f) The starting and ending times;
- (g) The distance traveled;
- (h) The form of payment, including:
 - (1) If the payment was an in-vehicle payment, whether it was made in cash, by payment card (including the type of card, the last four digits of the card number, and the transaction authorization code), by voucher, or by account; and
 - (2) If the payment was a digital payment, the name, customer service telephone number or URL for the DDS's customer service website;
- (i) If the passenger made an in-vehicle payment:
 - (1) The total charges established by § 801.7 (c), itemized to show the time and distance charge pursuant to § 801.7 (c) (1), and any authorized additional charges pursuant to § 801.7 (c) (2), the passenger surcharge, and any gratuity;
 - (2) The last four digits of any payment card processed through the MTS unit and the transaction authorization code; and
 - (3) If the passenger made a digital payment, the following statement:

“[NAME OF DDS] DETERMINED THE AMOUNT OF YOUR TAXICAB FARE AND PROCESSED YOUR PAYMENT. THE AMOUNT YOU PAID MAY BE HIGHER OR LOWER THAN THE AMOUNT DISPLAYED ON THE

TAXIMETER, WHICH DID NOT APPLY TO YOUR TRIP.”;

(j) The following statement:

“DCTC COMPLAINTS LINE AND WEBSITE ADDRESS: 855-484-4967, TTY 711, www.dctaxi.dc.gov”.

Subsection 803.3 is amended to read as follows:

803.3 When payment is made by digital payment, the passenger shall receive a printed receipt or an electronic receipt containing the information required by § 803.1, which shall be sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

Section 822, OPERATION OF PUBLIC VEHICLES FOR HIRE, is amended as follows:

A new subsection 822.23 is added to read as follows:

822.23 No operator of a taxicab shall use the services of more than one (1) DDS at a time. There shall be a rebuttable presumption that the operator has violated this provision if there is, present in the vehicle, more than one (1) DDS device (app) present in the vehicle.

Section 823, MANIFEST RECORD, is amended as follows:

Subsection 823.1 is amended to read as follows:

823.1 An operator of a public vehicle-for-hire shall maintain a daily log record (manifest) of all trips made by the vehicle while under his or her control. A manifest shall be on a form approved by the Office or, when applicable, in an electronic form as part of a digital payment solution for taxicab dispatch and payment, or a digital payment solution for black cars or private sedans. An electronic manifest shall contain, at a minimum, all the information required by § 823, all information required for each receipt by § 803, and all information required by Chapter 16. An electronic manifest for a taxicab must be capable of providing a printed record immediately upon demand by a District enforcement official.

Section 826, FILING OF COMPLAINTS, is amended as follows:

Subsection 826.1 is repealed.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Junda 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 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.