

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 8 (Operation of Taxicabs) 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 8, OPERATION OF TAXICABS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Section 800, APPLICATION AND SCOPE, is amended by adding a new subsection 800.4 to read as follows.

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

801 PASSENGER RATES AND CHARGES

- 801.1 No person regulated by this Title shall charge a rate, charge, or fare for taxicab service in the District in excess of the amounts established by this section.
- 801.2 No person regulated by this Title shall charge any amount for a taxicab trip before service is rendered.
- 801.3 No person regulated by this Title shall participate in providing taxicab service where any person regulated by this Title manually enters any amount into any

device, other than an authorized additional charge under § 801.7(b), or a gratuity, if any.

- 801.4 Each taxicab company, independent owner, and taxicab operator shall charge the taximeter fare, except for hourly contracts pursuant to § 801.7(a)(4), and shall accept only cash, cashless payments, and vouchers.
- 801.5 A dispatch fee of not more than two-dollars (\$2) may be charged by a licensed telephone dispatch service, which shall be included in the taximeter fare as an authorized additional charge.
- 801.6 A dispatch, booking or similar fee may be charged by a licensed digital dispatch service, which shall not be included in the taximeter fare.
- 801.7 Taximeter fare. Each taximeter fare shall consist only of the following charges based on time and distance charges under paragraph (a) of this subsection and the authorized additional charges, if any, under paragraph (b) of this subsection.
- (a) Time and distance charges. The time and distance charges that shall be automatically generated by each taximeter for a taxicab trip are established as follows:
- (1) Three dollars and twenty-five cents (\$3.25) upon entry (drop rate) and first one-eighth (1/8) of a mile;
 - (2) Twenty-seven cents (\$0.27) for each one-eighth (1/8) of a mile after the first one-eighth (1/8) of a mile;
 - (3) The wait rate is twenty-five dollars (\$25.00) per hour. Wait time begins five (5) minutes after time of arrival at the place the taxicab was dispatched. No wait time shall be charged for premature response to a dispatch. Wait time shall 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.
 - (4) The rate for an hourly contract in a taxicab 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.
- (b) Authorized additional charges. The only charges that may be included in taximeter fare are the following:

- (1) A fee for telephone dispatch, if any, which shall be two dollars (\$2.00);
- (2) A taxicab passenger surcharge, which shall be twenty-five cents (\$.25) (per trip, not per passenger);
- (3) 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;
- (4) An airport surcharge or toll paid by the taxicab operator, if any, which shall be charged for the same amount that was paid;
- (5) An additional passenger fee, if there is more than one 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
- (6) A snow emergency fare when authorized under § 804.

801.8 Group or shared riding. In cases where more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (group riding or shared riding) bound for common or different destinations, in addition to any applicable charges set out in this section, the fare shall be charged as follows: As each passenger arrives to his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There 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.

801.9 Total charges. The total charges to a passenger for a taxicab trip shall not exceed the following:

- (a) Where the passenger chooses to make an in-vehicle payment: the taximeter fare plus a gratuity, if any; and
- (b) Where the passenger chooses to make a digital payment: the taximeter fare, any gratuity, and any fee charged by a DDS pursuant to § 801.6.

801.10 Passengers accompanied by animals.

- (a) Service animals.

A service animal (such as a guide dog, signal dog, or other animal trained to assist or perform tasks for an individual with a disability) accompanying a passenger shall be carried without charge.

(b) Animals other than service animals.

- (1) When securely enclosed in a carrier designed for that purpose, small dogs or other small animals may accompany a passenger without charge. Other animals not so enclosed may be carried at the discretion of the operator.
- (2) An operator may refuse to transport any passenger traveling with a small dog or other small animal if the operator presents to the passenger an exemption certificate from the Office that certifies that such operator suffers from a diagnosed medical condition, such as allergies, which prevents such operator from traveling with such small dogs or other animals;
- (3) No operator shall have a personal pet or animal of any kind in a public vehicle-for-hire while holding the vehicle out for hire or transporting passengers; and
- (4) An operator may request an exemption certificate from the Office that certifies that such operator suffers from a documented diagnosed medical condition, such as allergies, which prevents such operator him or her from traveling with such small dogs or other small animals securely enclosed in a carrier designed for that purpose. Without such exemption certificate, an operator may not refuse to transport any passenger traveling with a small dog or other small animal that is securely enclosed in such carrier. Each exemption certificate shall be on a form prescribed by the Office and notarized by an appropriately licensed medical professional (for example, a general practitioner or allergist). Each exemption certificate shall be renewed at each renewal of the DCTC operator's license.

801.11 A device for the aid of a disabled person, such as a folding wheelchair, when accompanying a passenger with a disability, shall be carried without charge. There shall be no additional charge for loading or unloading such device.

Section 803, CUSTOMER RECEIPTS FOR SERVICE, is amended to read as follows:

803 RECEIPTS FOR TAXICAB SERVICE

803.1 At the end of each taxicab ride, the taxicab operator shall provide the passenger with a receipt containing the following information:

- (a) The taxicab name and telephone number;
- (b) The date of the trip;
- (c) The taxicab number;
- (d) The operator's DCTC operator Identification (Face Card) number;
- (e) The trip number;
- (f) The start and end time of the trip;
- (g) The mileage of the trip;
- (h) The total charges established by § 801.9, itemized to show the taximeter fare, any authorized additional charges, the passenger surcharge and gratuity, if any;
- (i) The form of payment, including whether the payment was made by cash payment, credit card (and type), digital payment, mobile payment, voucher or account;
- (j) Last four digits of any applicable payment card number and the transaction authorization code;
- (k) The following information:
DCTC COMPLAINTS LINE AND WEBSITE ADDRESS
PH: 855-484-4967, TTY 711
www.dctaxi.dc.gov

803.2 When payment is made by a cash or cashless payment, a printed receipt shall be provided using the vehicle's MTS printer component. If the printer component malfunctions while printing a receipt, the operator shall provide the passenger with a handwritten receipt and the vehicle shall then be out of service until the printer component is operational.

803.3 When payment is made by digital payment, the operator shall provide the passenger with the passenger's choice of a printed receipt or an electronic receipt sent to the passenger via email address or SMS text message not later than when the passenger exits the vehicle.

803.4 In the case of messenger or parcel delivery service, the operator shall provide the customer with a written invoice describing the article(s) transported.

Section 808, GROUP RIDING AND SHARED RIDING, is amended as follows.

808.1 Group riding for pre-formed groups, as defined in § 899, is permitted at all times. No driver shall refuse to transport a pre-formed group at any time. Fares for group riding shall be calculated in accordance with § 801.8.

Section 813, [RESERVED], is amended to read as follows:

813 ASSOCIATION OR FLEET CONSENT

813.1 An 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 shall obtain the consent of such taxicab fleet or association prior to the operator's association with:

- (a) A PSP, for thirty (30) days following the effective date of this rulemaking, if such fleet or association is providing credit card processing services to its associated operators; or after thirty (30) days following the effective date of this rulemaking, such fleet or association has filed an application or been approved as a PSP under Chapter 4; and
- (b) A DDS, for thirty (30) days following the effective date of this rulemaking, if such fleet or association is operating a dispatch service limited to its associated vehicles; or after thirty (30) days following the effective date of this rulemaking, such fleet or association has filed an application or received operating authority as a DDS under Chapter 16.

Section 825, TABLE OF CIVIL FINES AND PENALTIES, is amended as follows:

Section 825.2 is amended as follows:

825.2	INFRACTION	FINE/PENALTY(\$)
	<u>Animals</u>	
	Failure to comply with § 801.10(b)	\$50
	<u>Service Animals</u>	
	Failure to comply with § 801.10(a)	\$100

Section 899, DEFINITIONS, is amended to read as follows:

899.1 The words and phrases used in this chapter shall have the meanings ascribed to them in § 499.1 of this title.

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*.