

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(b)(1)(D), (G) and 13 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(D), (G) and 50-312, (2009 Repl.; 2012 Fall 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 6051 of the Fiscal Year 2013 Budget Support Act of 2012 (District of Columbia Commission Fund Amendment Act of 2012), 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 adopt amendments to Chapters 5, 6, 8 and 9 of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments are established pursuant to the Commission's duty to establish standards and requirements relating to equipment and equipment design, D.C. Official Code §§ 50-307(b)(1)(G), and the Office of Taxicab's authority to enforce Commission rules, D.C. Official Code § 50-312, and are intended to implement the directive of Section 20(g)(a)(3) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-0184). Pursuant to this statutory authority, the Commission hereby establishes the uniform color scheme for taxicabs in the District, to include both independent and company-owned vehicles.

The proposed rules were published in the *D.C. Register* on May 10, 2013, at 60 DCR 00691. Following a public hearing on the uniform taxicab color/design on May 29, 2013, and received valuable comments from the public. This second proposed rulemaking was approved by the Commission on June 25, 2013 and will begin a thirty (30) day comment period upon publication in the *D.C. Register*. 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 in the *D.C. Register*.

Chapter 5, TAXICAB COMPANIES, ASSOCIATIONS, AND FLEETS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR are amended as follows:

Section 501, INITIAL AND RENEWAL CERTIFICATES AND LICENSES; FILING REQUIREMENTS, is amended as follows:

Subsection 501.4(d) and (e) are amended to read as follows:

- 501.4(d) The trade name and any design, insignia, logo, term, symbol, lettering or other exterior object, pursuant to § 503 of this chapter; and
- 501.4(e) The specially-equipped taxicab vehicle information, where applicable, required to be submitted in § 604 of this title.

Subsection 501.5 is amended to read as follows:

- 501.5 The Office shall verify all the information provided in response to §§ 501.3 and 501.4 of this section and provide a preliminary approval of the name, logo or insignia before each application is presented to the Office for approval.

Subsection 501.6(f) is amended to read as follows:

- 501.6(f) Three (3) three inch by five inch (3" x 5") pictures of the Office-approved name, logo and insignia information displayed on the front, right side, and rear of the taxicab; and

Section 503, TAXICAB COLORING AND MARKINGS, is amended to read as follows:

- 503.1 Uniform color scheme. Effective October 1, 2013, each vehicle in the District intended for use as a taxicab shall comply with the uniform color scheme in § 503.3 if—
- (a) It is entering service as a new vehicle; or
 - (b) For any reason it is repainted in whole or in part, or is required to be repainted in whole or in part by any provision of this Title or by any other District of Columbia law or regulation; or
 - (c) It is a replacement vehicle, including a vehicle entering service according to the gradual removal schedule of § 609 of this title.
- 503.2 A taxicab that fails to comply with this section shall not be operated. Each taxicab operated in violation of this section shall subject the owner and operator to the civil penalties set forth in this chapter, including impoundment of the vehicle.
- 503.3 The uniform color scheme for District taxicabs is established as provided in this subsection. Each vehicle shall:
- (a) Be painted red in color to match the D.C. Circulator: 3M Controltac Graphic Film color Geranium 180C-63;
 - (b) Bear a vehicle model specific stripe decal on both sides that: aligns with the bottom of the taxicab tail light at the rear of the vehicle, is made of 3M Controltac Plus Film (or equivalent), and matches Pantone Warm Gray 2 in color;
 - (c) Bear decal letters of the name of the taxicab company, association, or fleet name, or the name of the owner for an independently operated taxicab, and a customer service telephone number on both front side doors (driver and

passenger). The decal letters shall be the color black, in Calibri font, using capital letters that are two and fifteen sixteenths (2-15/16) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);

- (d) Bear decal letters of the taxicab company, association, or fleet name and fleet vehicle number, if applicable, or the name of the owner and independent taxicab number, if applicable, which shall be on the rear of the body so as to be clearly visible from the rear, on either side of and in alignment with the center of the vehicle manufacturer placed logo. The decal letters shall the color black, in Calibri font, using capital letters that are one and one half (1-1/2) inches in height measured from the X height and manufactured of 3M Controltac Plus Film (or equivalent);
- (e) Display a DCTC Certification Decal, of a size and shape determined by the Office, which shall be affixed in the lower left hand corner of the rear passenger window; and
- (f) If the owner has received express written approval from the Office, an insignia, logo, term, or symbol may be placed on the vehicle, consistent with the requirements of § 503.7, as follows—
 - (1) If the owner is a taxicab company, or the vehicle is associated with a taxicab association or fleet, the insignia or logo of such company, association, or fleet may be centered on both rear passenger doors, which shall be no more than seventeen (17) inches in width and shall be a two (2) inches from the closest gray edge/field; and
 - (2) Based on specifications set forth in one or more Office orders, where the vehicle is an alternative fuel vehicle, a term or symbol commonly used in the motor vehicle or taxicab industry to mark such vehicle may be placed on the vehicle consistent.

- 503.4 Additional information about the specifications for the uniform color scheme shall be maintained on the Commission's website.
- 503.5 It shall be the responsibility of each taxicab company, association or fleet to ensure that any taxicab bearing its name, insignia or logo, is on the insurance list filed with the Office for that company, association or fleet.
- 503.6 The operation of a taxicab bearing a name, insignia, or logo in violation of this section shall be presumptive evidence that the operator and the owner are in violation of § 816 (fraud).
- 503.7 Review process for proposed display of insignia, logo, term, or symbol.

- (a) An owner interested in displaying an insignia, logo, term, or symbol on its vehicle pursuant to § 503.3(f) shall submit an application under oath, in a form acceptable to the Office, accompanied by the appropriate fee, and—
 - (1) Either—
 - (A) If the application seeks approval of a taxicab company, association, or fleet insignia or logo, pursuant to § 503.3(f)(1): an electronic rendering of the design accurately depicting the insignia or logo and its proposed location(s) on the vehicle; or
 - (B) If the application is for an term or symbol for an alternative fuel vehicle, pursuant to § 503.3(f)(2), then a website URL for a trade or industry association or vehicle manufacturer website where the term or symbol may be found and which reflects that the term or symbol is commonly used in the motor vehicle or taxicab industry to mark such vehicle, and an electronic rendering accurately depicting the term or symbol and its proposed location(s) on the vehicle; and
 - (2) Such additional information and documentation that the Office may require to evaluate the request.
- (b) The Office shall deny an application where the proposed insignia, logo, term or symbol would be offensive, in poor taste, confuse or mislead consumers, undermine the uniform color scheme, or violate any provision of this title or other applicable law.
- (c) The Office shall render its decision to grant or deny an application in writing within thirty (30) days, which, if denied, may be appealed to the Chairman, whose decision shall be a final, appealable order of the Office.
- (d) If the Office grants its approval, the owner shall complete placement of the insignia, logo, term, or symbol on all of its vehicles within sixty (60) days of the issuance of the approval.

503.8

Prohibitions.

- (a) No paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol, advertisement, signage, display, label, sticker, or lettering shall be placed on any taxicab unless it complies with this section or the owner has obtained the express written approval of the Office.
- (b) There shall not be placed on or in any taxicab, paint, graphic, vehicle wrap or decal, paint color, design, insignia, logo, term, symbol,

advertisement, signage, display, label, sticker, lettering or other exterior object which has, tends to have, or may have the effect of confusing, misleading or deceiving the public.

Section 504, COLOR SCHEME APPROVAL, is DELETED.

Subsection 505.1, INDEPENDENT TAXICABS, is amended to read as follows:

- 505.1 The Office shall not issue independent taxicab numbers.
- 505.2 Existing independent taxicab numbers shall only be displayed on taxicabs
- (a) In a manner consistent with § 503.3(d), and;
- (b) By the independent owner in possession of the independent taxicab number after October 1, 2013.

Section 506, TAXICAB REMOVAL FROM SERVICE, is amended to read as follows:

- 506.1 Immediately upon withdrawing a vehicle from use as a taxicab, the owner shall remove any design, insignia, logo, term, symbol, lettering or other exterior object or trade, association, company or owner's name, vehicle number and remove the dome light and H-tag.
- 506.2 Upon removal of a vehicle from service the owner shall notify any associated the association, company or fleet, and immediately surrender the H-tag to DMV.

Section 516, COOPERATION WITH THE COMMISSION, is deleted.

Chapter 4, TAXICAB PAYMENT SERVICES, is amended as follows:

Subsection 499 is amended by amending the definitions for “Association”, “Company”, “Fleet”, and “Independently Operated Taxicab” to read as follows:

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

Company – a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs utilizing the same identifying name, logo or insignia, as approved by the Office.

Fleet -- a group of twenty (20) or more taxicabs utilizing the same identifying name, logo or insignia and having unified control by ownership or by association.

Independently Operated Taxicab -- a taxicab operated by an individual owner which is not part of a fleet, company, or association and which does not operate under the name, logo or insignia of any fleet, company, or association.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, is amended as follows:

Subsection 602.1(d) is amended to read as follows:

602.1(d) Whenever the Office issues an Office Order requiring taxicab owners to gather or report information each taxicab company, association or fleet shall be responsible for the gathering or reporting of such information from each taxicab operator associated with such company, association or fleet. . The company, association, or fleet shall be a conduit of that information to the Commission without liability for the transmission of such information to the Commission.

Subsection 609, AGE OF TAXICAB, is amended as follows:

Subsection 609.6 is amended as follows:

609.6 Effective immediately, subsections 609.2 and 609.3 of this section are suspended and shall not be enforced by the Commission until December 1, 2013, at which time they shall resume their effect and shall be enforced as if this suspension had not occurred.

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

Subsection 825.2 is amended to amend the wording of the infraction for “Insignia” to read as follows:

825.2	INFRACTION	FINE (\$)/PENALTY
	<u>Insignia</u>	
	Owner failure to have proper name, number, logo or insignia on vehicle	\$50

Chapter 9, INSURANCE REQUIREMENTS, is amended as follows:

Subsection 906.1 is amended to read as follows:

906.1 Sinking fund coverage shall also cease when a member, authorized by the Chairperson of the District of Columbia Taxicab Commission to do so, has changed the name, logo, insignia and identity lettering on any vehicle or vehicles for operation in another association or independently, and has filed with the Office a certificate of insurance or bond, or evidence of sinking fund coverage, if any, by the association to which his or her vehicle or vehicle has or have been transferred.

Subsection 906.4 is amended to read as follows:

906.4 Each operator of a public vehicle for hire shall give immediate notice to the owner, company, partnership, or association under whose name, logo or insignia the vehicle is being operated, of each accident accompanied by loss of human life or personal injury, arising directly or indirectly from or connected with the maintenance or operation of the vehicle.

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*.