

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission (Commission), pursuant to the authority set forth in sections 8(c)(2) (3), (4) and (5) 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(c)(2), (3), (4) and (5) (2009 Repl.; 2012 Fall Supp.)); and Section 20g(a)(3) of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-59 DCR 9431) hereby gives notice of its adoption of amendments to Chapter 6 (Taxicab Parts and Equipment), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The amendments: (1) limit the ability to place a new vehicle into service during the implementation of the Taxicab Service Improvement Amendment Act of 2012 (“Act”), which requires the modernization of taxicabs by making vehicle and equipment improvements including uniform color, (2) establish a procedure for granting a waiver for accidents and mechanical failures, (3) establish a procedure for an exemption in other cases, and (4) would allow a vehicle otherwise required by this section to be removed from service to remain in service without interruption.

The emergency and proposed rule was adopted on December 12, 2012, and became effective on December 21, 2012. The rule was originally published on December 21, 2012, at 59 DCR 14993. The comment period expired on January 19, 2013, without any comments having been received by the Commission. The Commission adopted the rulemaking as final on January 24, 2013. This rule will become effective upon publication of notice in the *D.C. Register*.

Chapter 6, TAXICAB PARTS AND EQUIPMENT, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

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

New subsections 609.6 through 609.10 are added to read 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 July 1, 2013, at which time they shall resume their effect and shall be enforced as if this suspension had not occurred.
- 609.7 Effective immediately, and notwithstanding any other requirement of Title 31 of the DCMR, no vehicles shall be placed into service until July 1, 2013.
- 609.8 An exemption to subsection 609.7 will be granted by the Office of Taxicabs upon execution of a written agreement in a form incorporating such terms as are required by the Commission, including but not limited to:
- (a) The vehicle shall be repainted at the sole expense of the vehicle owner and/or operator;
 - (b) The vehicle repainting shall comply with such rules concerning a uniform color scheme as may be promulgated by the Commission in the future;
 - (c) The repainting shall occur no later than the deadline stated in the agreement; and
 - (d) The repainting shall be done to the satisfaction and subject to the approval of the Commission.
- 609.9 A waiver to subsection 609.7 in cases of accidents and mechanical failures will be granted by the Office of Taxicabs only in response to a formal, written request by the owner or operator of the vehicle that includes:
- (a) Execution of a written agreement pursuant to subsection 609.8, and
 - (b) Any and all documentary evidence of the accident or need for an equipment change, including but not limited to:
 - (1) Any police and/or accident reports; or notarized proof of mechanical vehicle failure;
 - (2) A notarized proof of vehicle purchase after December 12, 2012, and

(3) Proof of insurance.

609.10

An exemption or waiver granted pursuant to this section may be revoked by the Commission upon a finding that the vehicle was not properly or timely repainted to the uniform color scheme rules. If an exemption or waiver is revoked, the vehicle shall immediately be removed from service, and the owner and operator of such vehicle also will be subject to any applicable fines and penalties listed in section 825.