

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(c)(3), (7), 14, 20a, 20g and 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)(3), (7), 50-313, 50-320, 50-329, (2009 Repl.; 2012 Supp.)) (“Act”), as amended by the Taxicab Passenger Vehicle for Hire Impoundment Act of 1992 (D.C. Law 9-199, D.C. Official Code § 50-331), the Taxicab Service Improvement Amendment Act of 2012 (D.C. Law 19-0184; D.C. Official Code §§ 50-301 *et. seq.*) and the Public Vehicle for Hire Innovation Amendment Act of 2012 (D.C. Law 19-0270, D.C. Official Code § 50-307(c)(20)); hereby gives notice of intent to adopt amendments to Chapters 4 (Taxicab Payment Services) and 6 (Taxicab Parts and Equipment) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

These rules are necessary because there is an immediate need to preserve and promote the safety and welfare of the District’s taxicab industry. Specifically, Payment Service Provider (PSP) non-compliance with vehicle and driver verification measures, in addition to consistent driver complaints regarding the submission of payments from their PSPs, necessitates a significant increase in associated fines for specific provisions. These rules will 1) increase fines associated with a failure to properly maintain the vehicle or operator inventories; 2) increase fines associated with a failure to properly submit data to the Commission’s Taxicab Information System (TCIS), and (3) clarify that a connection to the Commission’s TCIS must be achieved through a required login process, and increasing the fine for allowing operation without the required login process. The failure to fully enforce these regulatory mandates prevents the owners and operators of taxicabs in the District from obtaining the protections contemplated by the Commission, in addition to negatively impacting residents and visitors from receiving the improvements intended by the D.C. Council.

The emergency rulemaking was adopted on October 9, 2013, shall take effect immediately and remain in effect for one hundred twenty (120) days after the date of adoption (expiring February 6, 2014), unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first.

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*.

Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Chapter 4, TAXICAB PAYMENT SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Section 411, PENALTIES, is amended as follows:

A new subsection 411.2 is added to read as follows:

- 411.2 A PSP shall be subject to a civil fine of one thousand dollars (\$1,000) for the first violation of any of the following provisions, which shall double for the second violation of the same provision, and triple for each subsequent violation of the same provision thereafter:
- (a) A violation of § 408.12 by failing to submit electronic trip data to the TCIS every twenty-four (24) hours, or
 - (b) A violation of § 408.12 by failing to verify driver credentials through a required login process, or
 - (c) A violation of § 409.4 by failing to submit updated vehicle and operator inventories to the TCIS every twenty-four (24) hours.

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

Subsection 603.9(a), MTS SERVICE AND SUPPORT REQUIREMENTS, is amended as follows:

- 603.9
- (a) Validate the status of the operator's DCTC license (Face Card) in real time by connecting to the Taxicab Commission Information System (TCIS) through a required login process to ensure the license is not revoked or suspended, and that the operator is in compliance with the insurance requirements of Chapter 9;

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques Lerner, General Counsel and 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 should submit written comments via e-mail to dctc@dc.gov or by postal mail or hand delivery to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Jacques Lerner, General Counsel and Secretary to the Commission. Comments should be filed within thirty (30) days after publication of this notice in the *D.C. Register*.