

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF 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.), and 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 proposed rulemaking action to publish a proposed rulemaking to amend Chapter 4 (Hearing Procedures Applicable to Notices of Infractions) of the District of Columbia Municipal Regulations (DCMR).

Proposed rules amending Chapter 6 (Taxicab Parts and Equipment) of DCMR Title 31 were originally approved for publication on January 31, 2013, and published in the *D.C. Register* on February 8, 2013, at 60 DCR 1566. The Office held a public hearing on the proposed rules on February 15, 2013, to receive oral comments on the proposed rules. The Office received valuable comments from the public at the hearing and throughout the comment period, which expired on March 9, 2013. This proposed rulemaking is drawn from the original proposed rulemaking for Chapter 6, which has been divided into proposed rulemaking that would amend Chapter 6 (Taxicab Parts and Equipment) and Chapter 8 (Operation of Taxicabs), and create a new Chapter 4 (Taxicab Payment Service Providers). The proposed rulemaking for Chapter 8 includes related adjustments in the passenger rates and charges for taxicab service.

Directions for submitting comments may be found at the end of this notice. A public hearing on this second proposed rulemaking will be held following publication. 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*.

Section 800, APPLICATION AND SCOPE, is amended to read as follows:

800.4 Each taxicab company, independent owner, taxicab operator, payment service provider, and dispatch service shall comply with an administrative order or request for information issued by the Office that relates to the Office’s administration of any rule in this Chapter, including an administrative order or request for information concerning an aspect of the operation of taxicabs subject to a provision of this Chapter.

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

- 801.1 Passenger rates and charges for metered taxicab service provided within the District of Columbia shall be in accordance with the charges established in this Chapter.
- 801.2 No person shall knowingly or intentionally charge an amount in excess of the rates and charges established in this Chapter, nor charge a passenger for service before taxicab service is rendered, provided, however, that a digital dispatch service operating in compliance with this Title and all applicable laws, may charge a passenger a service charge in addition to the rates and charges established by this Chapter, after taxicab service has been rendered and provided that payment is made by a digital payment.
- 801.3 The regular metered rates for all trips within the District of Columbia and the Washington Metropolitan Area are established as follows:
- (a) Three dollars and twenty-five cents (\$3.00) upon entry (drop rate) and 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; and
 - (c) The wait rate is twenty-five dollars (\$25.00) per hour.

Section 801.6 is re-designated as Section 801.5.

- 801.5 Extra charges, surcharges, and fares are established as follows:
- (a) The fee for telephone dispatch shall be two dollars (\$2.00);
 - (b) The taxicab passenger surcharge shall be twenty-five cents per trip (\$.25);
 - (c) Delivery service (messenger service and parcel pick-up and delivery) shall be at the same rate as for a single passenger unless the vehicle is hired by the hour;
 - (d) An airport surcharge or toll that has been paid by the taxicab operator;
 - (e) Hourly rate. The rate to employ a taxicab on a time basis shall be thirty-five dollars (\$35.00) 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;

- (f) Additional passenger fee. A one dollar (\$1.00) fee may be charged if there are any additional passengers (the total fee shall not exceed one dollar (\$1.00) regardless of the number of additional passengers);
- (g) A snow emergency fare during a period when authorized under § 804; and
- (h) A gratuity that complies with § 801.6.

A new Section 801.6 is added as follows.

801.6 A gratuity may be charged only at the conclusion of a taxicab trip, and only if the passenger determines whether to pay a gratuity and, if so, the amount of such gratuity.

Section 801.10 is re-designated as Section 801.8.

A new Section 801.9 is added as follows.

801.9 Requirements applicable to 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.

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.

- (1) 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;
- (2) No operator shall have a personal pet or animal of any kind in a public vehicle-for-hire (taxicab or limousine) while

holding the vehicle out for hire or transporting passengers;
and

- (3) An operator may request an Exemption Certificate from the Commission 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. The Exemption Certificate shall be on the form prescribed by the Office and notarized by an appropriately licensed medical professional (for example, a general practitioner or allergist). The Exemption Certificate shall be renewed at each renewal of the DCTC operator's license.

A new Section 801.10 is added as follows.

801.10 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 801, CUSTOMER RECEIPTS FOR SERVICE, is amended to read as follows.

The title of Section 803 is amended to read "RECEIPTS FOR TAXICAB SERVICE".

Section 803, RECEIPTS FOR TAXICAB SERVICE, is amended to read as follows.

- 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 date and time of the trip;
 - (b) The distance of the trip;
 - (c) The trip number assigned by the PSP;
 - (d) The vehicle's PVIN;
 - (e) The number of passengers;

- (f) The payment method, including whether payment was made by cash, cashless payment, or digital payment;
- (g) The fare;
- (h) An itemization of the fare showing all rates and charges, and not including any fee by a digital dispatch service, if any;
- (i) The name and customer service telephone number of the PSP that provides the service and support for vehicle's MTS unit;
- (j) If payment is made by digital payment, the following statement: "You may be charged an additional service fee by [name of the digital dispatch service and its customer service telephone number or email address]"; and
- (j) The following statement: "This taxicab is regulated by the D.C. Taxicab Commission, 2041 Martin Luther King Jr., Ave., SE, Suite 204, Washington, DC. 20020, www.dctaxi.dc.gov, dctc3@dc.gov, 1-855-484-4966, TTY: 711."

803.2 When payment is made by 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 899, DEFINITIONS, is amended to read as follows:

899.2 The definitions in Chapter 4 of this Title (Taxicab Payment Service Provider) shall apply to this Chapter in addition to the definitions set forth in § 899.1. In the event of a conflict between a definition in § 899.1 and a definition in Chapter 4, the more restrictive definition shall apply.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, District of Columbia Taxicab Office, 2041 Martin Luther King, Jr., Avenue, S.E., Suite 204, Washington, D.C. 20020. All

persons desiring to file comments on this proposed rulemaking should submit written comments via e-mail to dctc@dc.gov or by mail to the D.C. Taxicab Office, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Jacques P. Lerner, General Counsel, no later than thirty (30) days after the publication of this notice in the *D.C Register*.