**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)(E), (I) and (J) 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)(E), (I) and (J) (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 by 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 4, 5, 6, 7, 8 and 10 of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments clarify jurisdiction, procedures, and timelines for enforcing violations of Title 31. The rulemaking creates procedural, and not substantive, rules, while clarifying that all enforcement actions shall be governed by Chapter 7 of this Title.

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 7, COMPLAINTS AGAINST TAXICAB OWNERS OR OPERATORS, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:**

**The title of Chapter 7 is amended to read as follows:**

**CHAPTER 7 ENFORCEMENT OF THIS TITLE**

**Section 700, APPLICATION AND SCOPE, is amended as follows:**

**Subsection 700.1 is amended to read as follows:**

700.1 The purpose of this chapter is to create procedural rules for the enforcement of the provisions of this title against any person regulated by this title.

**Subsection 700.3 is amended to read as follows:**

700.3 In the event of a conflict between a provision of this chapter and a provision of another chapter of this title, the provision of this chapter shall control.

**The title of Section 701 is amended to read as follows:**

**701 CONTESTED CASES**

**Section 701, CONTESTED CASES, is amended as follows:**

**Subsections 701.1, 701.2, and 701.3 are amended to read as follows:**

701.1 The Office of Taxicabs (“Office”) may initiate a contested case alleging the violation of one or more provisions of this title by serving on a respondent through a public vehicle enforcement inspector (hack inspector), mediation officer, enforcement officer, general counsel, or other authorized official:

 (a) A notice of infraction seeking a penalty authorized by a provision of this title; or

 (b) A notice of summary or proposed action by the Office:

 (1) Denying, revoking, or suspending a license; or

 (2) Requiring the respondent to cease and desist conduct that violates a provision of this title, or to take action necessary to achieve compliance with a provision of this title.

701.2 A contested case shall be adjudicated by the Office of Administrative Hearings (“OAH”) or by such other authorized official as designated in the notice.

701.3 In addition to any other penalty authorized by a provision of this title, the Office may recommend to another government agency the denial, revocation, or suspension of any license that may be issued by such other agency.

**Subsections 701.4 through 701.12 are DELETED.**

**The title of Section 702 is amended as follows:**

**COMPLAINTS**

**Section 702, COMPLAINTS, is amended to read as follows:**

**702 COMPLAINTS**

702.1 The Office shall receive complaints by members of the public orally by telephone or in person, or in writing through the Commission’s website, by email, by U.S. Mail, or by a courier delivery service. An oral complaint shall be reduced to writing prior to the Office initiating a contested case based on such complaint.

702.2 The Office shall provide written notice to each complainant that his or her complaint has been received, within seventy-two (72) hours of receiving a complaint submitted in writing or within seventy-two (72) hours after a complaint originally submitted orally is reduced to writing by the Office.

702.3 If the Office determines that a complaint has merit, it shall provide written notice to the person who is the subject of the complaint. The notice shall include a detailed description of the complaint, including the time, place, and location of any incident referenced in the complaint, and the potential penalties if a contested case is initiated based on the complaint.

702.4 The Office may, in its sole discretion, invite a person who is the subject of a complaint to engage in settlement negotiations, which shall proceed according to any guidelines or orders that may be issued by the Office, and during which the parties may negotiate a payment of fines, admission of liability, execution of a compliance agreement or consent decree, or any other relief authorized by law. A party’s offer to compromise made orally or in writing during voluntary settlement negotiations shall be inadmissible in any contested case.

702.5 The Office shall initiate any contested case based on a complaint not later than sixty (60) days after the incident giving rise to such complaint, or sixty (60) days after the complaint is submitted, whichever is later, provided, however, that such period shall be subject to tolling as provided by District of Columbia case law applicable to limitations periods.

702.6 There shall be displayed in a suitable frame on the back of the front seat of each taxicab, in a position as to be clearly visible to passengers, notice of the procedure to be followed by persons wishing to file a complaint.

702.7 Each taxicab operating in the District of Columbia shall prominently display the passenger rights form that shows the address and telephone number of the District of Columbia Taxicab Commission.

**Section 703 is REPEALED.**

**Section 799, DEFINITIONS, is amended as follows.**

**Subsection 799.1 is amended to read as follows:**

799.1 The terms “adjudication,” “contested case,” “order,” “person,” “party,” and “license” shall have the meanings ascribed to them in Section 3 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502).

**A new Subsection 799.2 is added to read as follows:**

799.2 The following words and phrases shall have the meanings ascribed:

 “Respondent” - a person against whom a contested case is initiated.

 “Complainant” - a member of the public who submits a complaint.

**Chapter 4, HEARING PROCEDURES APPLICABLE TO NOTICES OF INFRACTIONS, is DELETED and RESERVED.**

**Chapter 5, TAXICABS COMPANIES, ASSOCIATIONS, AND FLEETS AND INDEPENDENT TAXICABS, is amended as follows:**

**Subsection 500, APPLICATION AND SCOPE, is amended to read:**

500.3 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

**Subsection 510.3 is DELETED.**

**Subsections 518.2 and 518.3 are DELETED.**

**Chapter 6, TAXICABS PARTS AND EQUIPMENT, is amended as follows:**

**Section 600, APPLICATION AND SCOPE, is amended to read:**

600.5 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

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

**The title of Section 826 is amended to read:**

**ENFORCEMENT OF THIS CHAPTER**

**Section 826, ENFORCEMENT OF THIS CHAPTER, is amended as follows:**

826.1 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

**Chapter 10, PUBLIC VEHICLES FOR HIRE, is amended as follows:**

**Subsection 1002, APPLICATION FOR A HACKER’S LICENSE; FEES, is amended to read:**

1002.10 The denial of a hacker’s license for failure to successfully take and pass the written examination is not reviewable on appeal.

**Section 1013 is DELETED.**

**A new Section 1013, ENFORCEMENT, is added.**

1013.1 The enforcement of this chapter shall be governed by the procedures set forth in Chapter 7 of this title.

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 and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*. Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcdocs.dc.gov/) or by contacting Jacques P. Lerner, General Counsel and Secretary to the Commission, at the above address.