

## 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(c) (3), (5), (7), (19) and (20), 20a, and 20g, of the District of Columbia Taxicab Commission Establishment Act of 1985 (“Establishment Act”), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 (“Vehicle-for-Hire Act”), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c) (3), (5) (7), (19) and (20), 50-320, and 50-326 (2012 Repl. & 2014 Supp.)), hereby gives notice of its intent to adopt amendments to Chapters 4 (Taxicab Payment Service Providers) and 8 (Operation of Public Vehicles for Hire), of Title 31 (Taxicabs and Public Vehicles For Hire) of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would amend Chapters 4 and 8 by instituting new approval standards for payment service providers (“PSPs”), to improve industry performance and accountability, boost competition, and streamline regulatory oversight. The rulemaking would establish the amount of the surcharge bond. The rulemaking would proscribe certain terms for PSP contracts, as the Commission finds that PSP contracts with terms in excess of two (2) years are anti-competitive, not in the interest of the District of Columbia, and unduly unfair to vehicle owners. The rulemaking would also delete the requirement for driver surcharge accounts in 31 DCMR § 802, which is unnecessary as a result of the Vehicle-for-Hire Act, which requires digital dispatch services to collect and pay the passenger surcharge.

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 proposed rulemaking in the *D.C. Register*. Directions for submitting comments may be found at the end of this notice.

**Chapter 4, TAXICAB PAYMENT SERVICE PROVIDERS, of Title 31 TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:**

**Section 401, GENERAL REQUIREMENTS, is amended as follows:**

**Subsections 401.2 through 401.4 are amended to read as follows:**

401.2 If the Office establishes a uniform twelve (12) month licensing period through an administrative issuance, the Office shall determine the number of PSPs which may be approved for the next licensing period (“annual PSP determination”), based upon the following considerations:

- (a) The results of an annual audit of the PSPs with current approvals;
- (b) The ability of the Office to ensure full compliance by all PSPs with the data reporting and other applicable provisions of this title;
- (c) An assessment to ensure meaningful competition among the number of

approved PSPs; and

(d) Such other information as the Office deems relevant.

401.3 The Office's annual PSP determination for the next licensing period shall be publicly announced and posted on the Commission's website not later than February 15<sup>th</sup>, or the first business day thereafter, of each calendar year, beginning in 2016.

401.4 If the number of PSP applicants (including both those PSPs seeking to renew their existing approvals and new applicants) exceeds the annual PSP determination, the Office shall select the approved PSPs for the next licensing period by lottery.

**Section 403, PROPOSED MODERN TAXIMETER SYSTEMS – APPLICATION, is amended as follows:**

**The title of Section 403, PROPOSED MODERN TAXIMETER SYSTEMS – APPLICATION, is amended to read as follows:**

**403 APPLICATIONS**

**Subsection 403.3 is amended to read as follows:**

403.3 Each application shall be made under penalty of perjury, and shall be accompanied by an application fee of one-thousand dollars (\$1,000) and by a surcharge bond of one hundred thousand dollars (\$100,000).

**Section 409, PROHIBITIONS, is amended as follows:**

**A new subsection 409.13 is added to read as follows:**

409.13 After the effective date of this regulation, no contract executed between a PSP and a vehicle owner shall:

- (a) Be for a period exceeding twenty four (24) months;
- (b) Be binding on the owner if for any reason the PSP loses its approval prior to the end of the period covered by the contract; or
- (c) Contain terms or conditions not in plain language, or not readily understandable by taxicab owners and operators.

**Chapter 8, OPERATION OF PUBLIC VEHICLES FOR HIRE, OF Title 31 TAXICABS AND PUBLIC VEHICLES FOR HIRE, is amended as follows:**

**Section 802, TAXICAB OPERATOR SURCHARGE ACCOUNTS, is deleted.**

Copies of this proposed rulemaking can be obtained at [www.dcregs.dc.gov](http://www.dcregs.dc.gov) or by contacting the Secretary to the Commission, District of Columbia Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, 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](mailto:dctc@dc.gov) or by mail to the DC Taxicab Commission, 2235 Shannon Place, S.E., Suite 3001, Washington, DC 20020, Attn: The Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C. Register*.