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DISTRICT OF COLUMBIA TAXICAB COMMISSION

THIRD 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, 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.; 2011 Supp.); D.C. Official Code § 47-2829 (b),(d), (e), (e-1), and (i) (2005 Repl.)); and 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.)), hereby gives notice of its intent to adopt amendments to chapter 8 (Operation of Taxicabs) of title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments will: (1) clarify that Hack Inspectors may make traffic stops in order to enforce the taxicab regulations and laws; (2) update regulations for the use of hand-free communication devices; (3) clarify regulations for the use of the radio when a passenger is in the taxicab; (4) clarify the “No Smoking” requirements and signage ; (5) expand shared riding venue options and clarify shared riding fare calculation; (6) require the original operator identification (Face) card to be displayed at all times while the operator is in the taxicab; (7) clarify that the operator must remove his or her operator identification (Face) card from an unattended taxicab; (8) clarify violation for leaving the operator identification (Face) card accessible in an unattended taxicab; (9) prohibit duplicate or counterfeit operator identification (Face) cards or vehicle identification (DCTC) cards and the possession of duplicate and counterfeit cards; (10) impose operator standards of conduct and prohibit unlawful activities, including fraud, improper fare charges, bribery of government officials, receipt of gifts for or from government officials, and failure to report criminal convictions, and to impose a requirement to report violations to the Commission; (11) prohibit threats or abuse of any Commission representative, Taxicab Office representative, civil or law enforcement personnel, public servant, passenger or other person; (12) require cooperation by operators with Commission personnel at all times; (13) update the regulation that prohibits loitering in front of hotels, theaters, public buildings, and public gatherings; (14) prohibit hotels from excluding licensed taxicabs from their taxicab stands; (15) update the requirement for the payment of all taxes, assessments, fines, fees, penalties, and interest owed to the District in excess of one hundred (\$100) at the time of payment for and receipt of a renewal of an operator identification (Face) card or vehicle identification (DCTC) card; (16) clarify that law enforcement personnel (including civilian Hack Inspectors) and personnel of the Office of Taxicabs may file complaints for violations of taxicab regulations or laws; (17) incorporate fee increases established in the Fiscal Year 2011 Budget Support Act of 2010; (18) establish increased fines to discourage misconduct; (19) require operators to accept request from passenger to travel a certain route, if possible; (20) clarify the application of the reciprocity requirements; (21) authorize a medical exemption certificate for operators who can establish a documented medical condition that prevents traveling with small dogs/animals; and (22) clarify certain definitions.

The proposed rules were originally published on April 29, 2011, at 58 DCR 3783. The comment period expired on May 30, 2011. The Commission held a public hearing on Wednesday, May 11, 2011 to receive oral comments on the Commission's proposed amendments to Chapter 8. The Commission received a number of valuable comments from the public and considerably revised the proposed rules in light of suggestions and comments received at the public meeting and during the written comment period.

The proposed rules were published for a second time on August 12, 2011, at 58 DCR 007179. The comment period expired on September 12, 2011. The proposed rules were tabled for a period of time for review by the new Chairman of the Commission. A second public hearing was held on June 6, 2012 to receive oral comments on the August 12, 2011 publication. The Commission again received some valuable comments from the public and again revised the proposed rules in light of the suggestions and comments received at the public meeting and during the written comment period. Substantial revisions have been made to the proposed rulemaking in response to public comments. The revised sections include 800.3, 801.6(g), 801.10, 807, 822.15, 825.5-7, and 828.

The Commission approved this proposed rulemaking for republication on June 13, 2012.

This third notice of proposed rulemaking incorporates revisions made after considering comments received from the public and subsequent discussions with the Commissioners. The Commission will consider additional comments received in response to this Third Notice of Proposed Rulemaking.

The Commission gives notice of its 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 8, OPERATION OF TAXICABS, of title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the District of Columbia Municipal Regulations is amended as follows:

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

800 APPLICATION AND SCOPE

800.1 This chapter shall apply to the operation of every public vehicle for hire licensed in the District of Columbia, including taxicabs and limousines.

800.2 The provisions of this chapter shall be interpreted to comply with the language and intent of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-301, *et seq.* (2009 Repl.; 2011 Supp.)) (Act).

800.3 Enforcement of the Act and its implementing regulations may be accomplished during traffic stops by Hack Inspectors, police officers, and other duly appointed

law enforcement personnel. A traffic stop may include, but is not limited to, stops to verify compliance with license requirements; insurance and proof insurance requirements; stops to inspect vehicles for compliance with safety standards; and stops made in response to observed conduct which may constitute safety and service violations. All traffic stops must be based on reasonable suspicion of a violation of law or regulation or public safety, and must be in accord with Commission General Orders.

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

Subsection 801.6 is amended as follows:

Paragraph (g) is amended as follows:

A new subparagraph (3) is added to read as follows:

- (3) A driver may request an Exemption Certificate from the Commission that certifies that he or she suffers from a documented diagnosed medical condition, such as allergies, and which prevents him or her from traveling with such small dogs or other small animals securely enclosed in a carrier designed for that purpose. Without such Certificate a driver may NOT refuse to transport any passenger traveling with a small dog or other small animal, securely enclosed in such carrier. The certificate shall be on the form proscribed by the Commission and notarized by an appropriately licensed medical professional (for example, general practitioner or allergist). The Certificate must be renewed at each license renewal.

Subsection 801.7 is amended to read as follows:

- 801.7 In cases where more than one (1) passenger enters a taxicab at the same time on a pre-arranged basis (Group Riding or Shared Riding) bound for common or different destinations, in addition to any applicable charges set out in this section, the fare shall be charged as follows: As each passenger arrives to his or her destination, the fare then due shall be paid by the passenger(s) leaving the taxicab. There shall be a new flag drop and the passenger(s) remaining in the group shall pay in the same manner until the last passenger(s) arrives at his or her destination and the final taxicab fare is then paid. There shall be a new flag drop for each leg (or separate destination) of the trip.

Subsections 801.8 and 801.9 are repealed.

Subsection 801.10 is amended to read as follows:

801.10 As provided in § 808, Shared Riding is only allowed from Union Station, Verizon Center and Nationals Park at the direction of a Starter at designated taxi stands. The fare for Shared Riding shall be calculated in accordance with § 801.7. Shared Riding may be authorized by the Chairman for other venues from time to time in order to address crowd control issues.

Section 803, CUSTOMER RECEIPTS FOR SERVICE, is amended as follows:

Subsection 803.1 is amended to read as follows:

- 803.1 At the end of each taxicab ride, the taxicab operator shall give a printed, meter-generated receipt that provides the following information:
- (a) Operator's name;
 - (b) Identification card number;
 - (c) Vehicle tag number;
 - (d) Time and date;
 - (e) Amount of the fare; and
 - (f) Commission's complaint phone number.

New subsections 803.4 and 803.5 are added to read as follows:

- 803.4 The operator shall not give a customer a non-meter generated receipt; except, if the meter malfunctions **during the process of printing the receipt** then the operator may give that customer a non-meter generated receipt at the customer's request. The non-meter generated receipt must include all information required in §803.1 and must be signed, legibly, by the driver.
- 803.5 The exception in § 803.4 does not relieve the operator of complying with the the requirements that meters must be operational and have paper and ink at all times. The operator must immediately proceed to an authorized meter repair shop and have the meter repaired.

Section 805, DISPOSITION OF DISPUTED SNOW EMERGENCY FARES, is amended as follows:

Subsection 805.5 is amended to read as follows:

- 805.5 If the Office is unable to resolve the matter within thirty (30) days after receipt of the written complaint, the matter shall be forwarded to the Office of

Administrative Hearings pursuant to the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01, *et seq.* (2007 Repl.; 2011 Supp.)), for disposition as a complaint.

Section 806, CARRYING AND MAKING CHANGE, is amended as follows:

Subsection 806.4 is amended to read as follows:

- 806.4 If the driver has informed the passenger of the lack of change as set forth in § 806.1 and the passenger presents the driver, at the destination, with a bill requiring change which the driver is unable to provide, the driver may allow the meter to continue running (or reset the meter if it has been stopped) to take the passenger to obtain change and return to the passenger's original destination. The passenger must pay the total fare.

Section 807, SMOKING PROHIBITED/CELL PHONE USE, is repealed and replaced with:

807 SMOKING PROHIBITED/CELL PHONE USE

- 807.1 No taxicab or public vehicle for hire operator shall smoke or permit smoking in a vehicle while a passenger is being transported. Pursuant to the District of Columbia Smoking Restriction Act of 1979, effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1703(5) (2008 Repl.)).
- 807.2 Each taxicab or public vehicle for hire shall display the international "No Smoking" symbol. The symbol shall be at least six inches (6 in.) in diameter and shall consist of a cigarette surrounded by a circle with a diagonal line.
- 807.3 Pursuant to the District of Columbia Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.04 (2009 Repl.)), a taxicab or public vehicle for hire operator shall not use a mobile phones or other electronic devices while operating a moving motor vehicle in the District of Columbia unless the telephone or device is equipped with a hands-free accessory. This prohibition does not apply to the use of mobile phones for bona fide emergency calls as defined at D.C. Official Code § 50-1731.04(b) (2009 Repl.).
- 807.4 Further, a taxicab or public vehicle for hire operator shall not use a mobile phones or other electronic devices, with or without a hands-free device, while carrying a passenger in the vehicle, except in the event of bona fide emergency calls, as defined at D.C. Official Code § 50-1731.04(b) (2009 Repl.), and then only with a hands free accessory.

Section 808, GROUP RIDING AND SHARED RIDING, is amended to read as follows:

808 GROUP RIDING AND SHARED RIDING

- 808.1 Group riding for pre-formed groups, as defined in § 899, is permitted at all times. No driver shall refuse to transport a pre-formed group at any time. Fares for Group riding shall be calculated in accordance with §801.7.
- 808.2 Shared riding, as defined in § 899, is only permitted at Union Station, Verizon Center, and Nationals Park at such times as are determined to be necessary to achieve adequate service by a Starter employed or authorized by Union Station, Verizon Center, or Nationals Park. The following requirements shall apply to Shared Riding:
- (a) The Starter shall have the sole authority to determine when a taxicab shall depart after taking on passengers, except that after an initial passenger has been taken on, the starter shall not unreasonably delay the departure of the taxicab for the purpose of securing additional passengers;
 - (b) In the absence of a Starter, shared riding is prohibited.
 - (c) The general direction of the destination of the first passenger shall determine the general direction of that particular trip. Other passengers whose destinations lie generally in that direction may be transported to the extent of the design capacity of the taxicab;
 - (d) Passengers shall be discharged in the order of the arrival at their respective destinations. In the event any questions arise as to the order of arrival at any destination, the question shall be resolved in favor of the passenger who entered the taxicab first; and
 - (e) Passengers have the right to refuse Shared Riding; and
 - (f) Fares for Shared riding shall be calculated in accordance with §801.7.

Section 814, DISPLAYING OF IDENTIFICATION, is amended as follows:

Subsection 814.3 is amended to read as follows:

- 814.3 The original operator identification (Face) card issued to the driver pursuant to D.C. Official Code § 47-2829(e) (2005 Repl.; 2011 Supp.) shall be displayed at all times when occupied by the driver in a bracket or receptacle of a type approved by the Commission and shall be firmly attached to the right sun visor so as to be visible to passengers.

Subsection 814.4 is amended to read as follows:

814.4 At all times when the operator is not in the vicinity of the taxicab, the operator shall remove the operator identification (Face) card from the vehicle to prevent theft. For purposes of this section “vicinity” means within twenty-five feet (25 ft.) of the taxicab.

A new subsection 814.7 is added to read as follows:

814.7 No person shall possess, display, or present a counterfeit, copy, or altered official government issued operator identification (Face) card or a counterfeit, copy, or altered official government issued taxicab vehicle identification (DCTC) card. It shall be a violation to make, duplicate, obtain, purchase, possess, display, or present a counterfeit, copy, or altered government issued operator identification (Face) card or a counterfeit, copy, or altered taxicab vehicle identification (DCTC) card. Penalties for violations may include suspension, revocation or non-renewal of the operator or vehicle license and/or a fine as provided in the table of fines found at § 825 of this title.

A new subsection 814.8 is added to read as follows:

814.8 Notwithstanding §814.7, an operator may make, and keep secured, a personal copy of his or her official government issued operator identification (Face) card or official government issued taxicab vehicle identification (DCTC) card in his or her personal files. This personal copy may not be carried in the vehicle or presented or displayed as proof of licensure.

A new section 816 is added to read as follows:

816 STANDARDS OF CONDUCT; UNLAWFUL ACTIVITIES PROHIBITED

816.1 A taxicab operator or operator of a public vehicle for hire, while performing duties and responsibilities as a licensed operator, shall not commit or attempt to commit, alone or in concert with another, an act of fraud, misrepresentation, or larceny.

816.2 Examples of fraud, larceny, or misrepresentation include:

- (a) Charging a fare other than the fare set by the Commission;
- (b) Requesting, or participating in, adjustment of the tire size, driving axle, pinion gear, transducer, wiring, or other equipment, for the purpose of generating an inaccurate signal of time or distance into the taximeter;
- (c) Receiving, purchasing, or using a device manufactured, sold, or installed, which is either designed to or does generate a false or inaccurate signal into the taximeter; and

(d) Entering fake or false entries into the manifest or any document or related record.

- 816.3 A taxicab or public vehicle for hire operator shall not use or permit any other person to use the taxicab or public vehicle for hire for any unlawful purpose.
- 816.4 A taxicab or public vehicle for hire operator shall not conceal any evidence of a crime connected with the taxicab or public vehicle for hire.
- 816.5 A taxicab or public vehicle for hire operator shall report immediately to the Commission, a hack inspector, or law enforcement personnel an attempt by a person to use the taxicab or public vehicle for hire to commit a crime.
- 816.6 A taxicab or public vehicle for hire operator or any person acting on his or her behalf, shall not file with the Commission any statement, including but not limited to statements required to be filed pursuant to these rules, which he or she knows or reasonably should know to be false, misleading, deceptive, or materially incomplete.
- 816.7 A taxicab or public vehicle for hire operator or any person acting on his or her behalf shall notify the Commission in writing of his or her arrest for a crime within five (5) days of such arrest, and he or she shall cause to be delivered to the Commission a certified copy of the disposition of any arrest issued by the clerk of the court within five (5) days after the disposition.
- 816.8 A taxicab or public vehicle for hire operator, or any person acting on his or her behalf, shall notify the Commission of any material change in the information contained in the owner's latest taxicab license application or renewal within five (5) days after the material change occurs or becomes known to the operator.
- 816.9 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, shall notify the Commission in writing within twenty-four (24) hours after a suspension or revocation of a license granted to the licensee, or a person acting on his or her behalf, by an agency of the District of Columbia, Maryland, Virginia, the federal government, or by an airport authority.
- 816.10 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, shall not offer or give a gift, gratuity, or thing of value to an employee, representative, or member of the Commission, District of Columbia or federal government, or an airport authority.
- 816.11 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, during the scope of his or her employment with a company or association shall immediately report to the Commission and the Inspector General of the District of Columbia or a law enforcement officer a request or demand for a gift,

gratuity, or thing of value to the operator or person acting on his or her behalf by an employee, representative, or member of the Commission, District of Columbia or federal government, or an airport authority.

816.12 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, shall not accept a gift, gratuity, or thing of value, from an individual or other person actually or purportedly acting on behalf of an owner or operator for the purpose of failing to act as required by these rules or committing a violation of these rules.

816.13 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, shall notify the Commission in writing within twenty-four (24) hours after any offer of a gift, gratuity, or thing of value prohibited by District law and this title.

816.14 A taxicab or public vehicle for hire operator, or a person acting on his or her behalf, shall not perform any willful act which endangers or is against the best interest, health, or safety of the passenger or public, even if not specifically prohibited by these rules. Examples include, but are not limited to:

- (a) aggressive driving;
- (b) offensive or profane language or gestures;
- (c) Tailgating;
- (d) demanding pre-payment or a tip from passenger;
- (e) illegal driving maneuvers;
- (f) impeding passenger exit from the vehicle;
- (g) withholding a passenger's luggage;
- (h) spitting on a passenger or pedestrian; or
- (i) demanding a passenger leave the vehicle in an unsafe manner or location.

816.15 A violation of this section shall be subject to:

- (a) The fines set forth in § 825 of this chapter;
- (b) Impoundment of the vehicle associated with the violation pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331 (2009 Repl.; 2011 Supp.));
- (c) License suspension, revocation, or non-renewal; or
- (d) A combination of the sanctions listed in this subsection.

A new section 817 is added to read as follows:

817 THREATENING, HARASSING, OR ABUSIVE CONDUCT PROHIBITED

- 817.1 A taxicab or public vehicle for hire operator, or any person acting on his or her behalf, shall not:
- (a) Threaten, harass, or abuse a passenger, a Commission representative, civil or law enforcement personnel, government employee, or other person; or
 - (b) Use or attempt to use physical force, assault, or batter, a passenger a Commission representative, civil or law enforcement personnel, government employee, or other person.
- 817.2 A taxicab or public vehicle for hire operator, or any person acting on his or her behalf, shall at all times, cooperate with civil or law enforcement officers and representatives of the Commission and the Office of Taxicabs.
- 817.3 A taxicab or public vehicle for hire operator, or any person acting on his or her behalf, shall answer and comply as directed with all questions, communications, notices, directives, and summonses from the Commission, the Office, or its representatives, including Hack Inspectors and law enforcement personnel.
- 817.4 It shall be unlawful for a taxicab or public vehicle for hire operator to fail or refuse to obey an order or directive of Commission personnel, including but not limited to Hack Inspectors and local or federal law enforcement personnel.
- 817.5 A taxicab or public vehicle for hire operator shall produce his or her authentic official original Commission license and other documents whenever directed by the Commission, the Office of Taxicabs, or civil or law enforcement personnel. A violation of this section shall represent a failure to obey in violation of § 817.3.
- 817.6 A violation of this section shall be subject to
- (a) The fines set forth in § 825 of this chapter, or if a specific fine or penalty is not listed in this chapter, a fine of one hundred dollars (\$ 100);
 - (b) Impoundment of the vehicle associated with the violation pursuant to the Taxicab and Passenger Vehicle for Hire Impoundment Act of 1992, effective March 16, 1993 (D.C. Law 9-199; D.C. Official Code § 50-331 (2009 Repl.; 2011 Supp.));
 - (c) License suspension, revocation, or non-renewal; or
 - (d) Any combination of the sanctions listed in this subsection.

Section 818, DISCRIMINATION, is amended as follows:

Section 818 is amended to read as follows:

818.1 No taxicab or public vehicle for hire operator, taxicab company, association, or fleet shall discriminate based upon race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibility, genetic information, political affiliation, disability, matriculation, or source of income, or place of residence or business.

818.2 Discriminatory conduct prohibited by this section includes, but is not limited to the following:

- (a) Not picking up a passenger on the basis of any protected characteristic or trait, including a visually impaired individual with a service animal;
- (b) Requesting that a passenger get out of a taxicab on the basis of a protected characteristic or trait;
- (c) Using derogatory or harassing language on the basis of a protected characteristic or trait; and
- (d) Refusing a call in a specific geographic area of the District.

Section 819, SOLICITING PASSENGER, is amended as follows:

The title of Section 819 is amended to read as follows:

Consumer Service and Passenger Relations

Subsection 819.5 is amended as follows:

A new subsection 819.5(e) is added

819.5 (e) The passenger(s) is engaged in lewd, lascivious, or sexual behavior in the taxicab at anytime while the trip is in progress, after the operator has asked the passenger(s) at least once to stop the conduct.

Section 821, TAXICAB STANDS, is amended by adding new subsections 821.5 and 821.6 to read as follows:

821.5 No taxicab or public vehicle for hire shall loiter or wait around in front of a hotel, theater, or public building or place of public gathering or in the vicinity of a taxicab stand which is occupied to full capacity, in the District of Columbia. Specifically, there shall be no stopping, except to either take on or discharge a passenger, nor unnecessarily slow driving. Violations are subject to a fine of as

provided in the table of § 825.2.

821.6 It shall be unlawful for a keeper or proprietor of a licensed hotel in the District of Columbia, or a person employed by or acting on his or her behalf, to exclude a District licensed taxicab operator from picking up passengers at a taxicab stand or other location where taxicabs are regularly allowed to pick up passengers on the hotel premises. Pursuant to D.C. Official Code § 50-371 (2009 Repl.), a violation of this subsection is punishable by a fine of three hundred dollars (\$300), or imprisonment for not more than ninety (90) days, or both.

821.7 A posted taxicab stand may be occupied only by a District of Columbia licensed taxicab that is taxicab available for hire.

Section 822, OPERATION OF TAXICABS, is amended as follows:

Subsection 822.1 is amended to read as follows:

822.1 No person shall be issued nor allowed to renew a license for a taxicab or public vehicle for hire vehicle identification (DCTC) card or operator identification (Face) card under D.C. Official Code §§ 47-2829(d) and (e) (2005 Repl.; 2011 Supp.) unless he or she has paid, together with the cost of the license, any outstanding assessment ordered by the Commission pursuant to D.C. Official Code § 50-320 (2009 Repl.; 2011 Supp.); all fines imposed for notices of infractions issued for violations(s) of a Commission rule or District traffic or parking regulations involving the operation of a taxicab; and all other outstanding taxes, fines, fees, penalties, or interest owed to the District in excess of one hundred dollars (\$100) pursuant to D.C. Official Code § 47-2862 (2005 Repl.; 2011 Supp.). If the applicant has properly and timely filed an appeal of the assessment, taxes, fine, fees, penalties or interest and the appeal is still pending, the applicant shall be given temporary operating authority (a temporary license) pending disposition of the appeal.

A new subsection 822.2 is added to read as follows:

822.2 No person shall counterfeit, make, duplicate, obtain, purchase, possess, display, or present a counterfeit, false, or altered official government issued operator identification (Face) card or a counterfeit, false, or altered official government issued taxicab vehicle identification (DCTC) card. Penalties for a violation of this provision may include license suspension, revocation, or non-renewal, or a fine of as provided in the table of fines in § 825 of this chapter, or both. However, an operator may make, and keep secured, a personal copy of his or her official government issued operator identification (Face) card or official government issued taxicab vehicle identification (DCTC) card in his or her personal files. This personal copy may not be carried in the vehicle or presented or displayed as proof of licensure.

Current subsections 822.2 through 822.21 are renumbered 822.3 through 822.22.

Subsection 822.15 is amended to read as follows:

822.15 Taxicab operators shall follow the most direct and reasonable route between the origin and destination of each trip. However, operator shall accept direction from the passenger to travel a certain route to the destination, if at all possible.

Subsection 822.20, which will be renumbered 822.21, is amended to read as follows:

822.21 At the request of the passenger, a taxicab operator shall turn off or turn down the sound on a radio, other than the radio used for communications with a dispatcher.

Section 823, MANIFEST RECORD, is amended as follows:

Subsection 823.1 is amended to read as follows:

823.1 Every operator of a taxicab shall maintain a daily log record (manifest) of all trips made by the taxicab while under his or her control. A manifest shall be on a form approved by the Commission or in an electronic form that contains, at a minimum, all information required by §823.2. An electronic manifest must be capable of providing a printed record immediately upon request by a Hack Inspector, law enforcement personnel, or Commission personnel.

A new subsection 823.5 is added to read as follows:

823.5 The daily manifest shall not be altered in any manner. Evidence of alternation may include, but is not limited to, changing or striking out any of the information required by § 823.2 or completing the manifest with false information after it has been requested by a Hack Inspector, law enforcement personnel, or Commission personnel. An altered manifest represents a failure to properly complete and maintain a manifest and any corresponding violation represented by the actual alteration, such as a failure to charge proper fare or a failure to haul when on duty, for which fines are provided in this chapter. However, a correction of a manifest by an operator is permitted when a mistake or error is struck out, initialed, and dated by the operator.

Subsection 823.6 is amended to read as follows:

823.6 Manifests are official records of all trips made by a taxicab operator and the consumers served and are to be maintained securely for presentation to the Commission upon request. The manifest requirement applies also to out-of-state

taxicabs (and limousines) picking up passengers in the District of Columbia pursuant to Section 828 (Reciprocity).

Section 824, SANCTIONS AND PENALTIES, is amended as follows;

Subsections 824.1 and 824.2 are amended to read as follows:

- 824.1 A person who violates a Commission rule may, upon determination of liability, be subject to civil fine or other sanctions pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, this title, and other District of Columbia laws and regulations.
- 824.2 Penalties for violations of § 819 (Soliciting Passengers) and § 821 (Taxicab Stands) shall be as provided in D.C. Official Code § 50-371 (2001).

Section 825, TABLE OF CIVIL FINES AND PENALTIES, is repealed and replaced with:

825 TABLE OF CIVIL FINES AND PENALTIES

- 825.1 The civil infractions and their respective fine amounts set forth in this section are applicable to public passenger vehicles for hire, both taxicab and limousine, operation. These civil infractions and their respective fines do not include moving violations for which jurisdiction remains within other municipal bodies and/or the Superior Court of the District of Columbia.
- 825.2 Civil infractions and their respective fine amounts shall be:

INFRACTION	FINE (\$)/PENALTY
<u>Accident</u> Failure to report to insurance carrier within specified time	\$100
<u>Air Conditioning</u> Improperly operating system	\$125
<u>Animals</u> Failure to comply with § 801.6(g)	\$50
<u>Service Animals</u> Failure to comply with § 801.6(h)	\$100
<u>Cell Phone Use</u> Cell phone use prohibited while operating vehicle in	\$100

compliance with § 807.2

Change in Information

Failure to notify the Office of Taxicabs of a change in information \$100

Conduct

Unlawful activities as outlined in § 816, threatening, harassing, or abusive conduct \$500, Impoundment of the vehicle, license suspension, revocation, or non-renewal, or a combination of the sanctions listed in § 817

or attempted threatening, harassing, or abusive conduct as outlined in § 817 or violation of any affirmative obligation or prohibition outlined in chapter 5 of this Title

Cruising Lights

Broken \$50

Failure to have \$100

Failure to use properly \$50

Curb

Failure to pull to curb to pick up and discharge passenger(s) \$50

Dirty Taxicab

\$100

Dress of Operator

Unkempt or improperly dressed \$50

Fares

Failure to charge proper fare/overcharge \$150

Failure to give a receipt \$150

Hack Stand

Exclusion of DCTC licensed taxicab by proprietor, owner, or agent \$300

Taxi at stand/driver more than five feet (5 ft.) from cab \$25

Non taxi on hack stand	\$25
Taxi parked off hack stand	\$25
Limousine parked on hack stand	\$50

Heating

Improperly operating system	\$125
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Hubcaps and Wheel Covers

Failure to have	\$25
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Identification Cards/Licenses

Displaying, possessing, or presenting a counterfeit, copy, or altered official government issued operator identification (Face) card	\$1,000, license suspension, revocation, or non-renewal or a combination of the sanctions listed
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Displaying, possessing, or presenting a counterfeit, copy, or altered official government issued taxicab vehicle identification (DCTC) card	\$1,000, license suspension, revocation, or non-renewal or a combination of the sanctions listed
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Failure to display for passenger(s) view	\$100
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Operating without possession of a valid identification (Face) card – license	\$500
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Failure to have (Face) card – license with vehicle	\$500
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Permitting the operation without possession of a valid identification (Face) card – license	\$500
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Operating without a Special Event Vehicle-for-Hire Permit	\$500
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Failure to remove identification (Face) card when away from taxicab	\$50
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Insignia

Failure to have proper colors,
number, or insignia on vehicle \$50

Inspection

Failure to display current sticker \$100
Failure to replace lost/mutilated sticker \$75
Failure to report for inspection \$75
Operating with an expired sticker \$150

Insurance

Failure to have \$500 and
impoundment of
vehicle
Failure to have proof of insurance \$100

Loitering (Taxi or Limo) \$50

Lost & Found \$100

Failure to deposit items with Commission
in accord with § 1012

Manifest (Taxi and Limo)

Failure to have approved form in possession \$50
Failure to properly complete and maintain \$25
Failure to provide manifest to Hack Inspector, law
enforcement personnel, or Commission personnel \$100

Smoking Prohibited

Smoking while transporting passengers in violation of
§ 807.1 \$250

Orders of Enforcement Personnel

Failure to obey an order of a Hack Inspector or other
law enforcement personnel engaged in the enforcement of
taxicab and public vehicle for hire laws and regulations.
See § 817.4 \$100

Operating Unsafe PVH (taxi and limo) \$100,

Violation of §608

impoundment of
the vehicle, license
suspension,
revocation or non-
renewal or any
combination

Passenger Safety and Service

Loading or unloading in crosswalk	\$50
Overloading	\$50
Asking destination/violation of § 819.9	\$50
Refusal to haul/discrimination/violation of § 818/819.4	\$500
Illegal shared ride	\$250

Property (Found in vehicle)

Failure to report and deliver property left in vehicle to Office of Taxicabs	\$25
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Rate Sticker Sign

Failure to display rate and fees schedule	\$150
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Seat Belts

Failure to have mandatory use of seat belts signage	\$100
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Signs

Improper use of "Off Duty" sign	\$100
Improper use of "On Call" sign	\$100
Failure to display the international "No Smoking" symbol	\$25

Soliciting

\$50

Speedometer or Odometer

Defective	\$250
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Taximeter

Tampering with meter or meter seals	\$1,000 or license suspension, revocation, or non-renewal or any combination
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	of the sanctions listed
Operating without meter	\$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed
Operating with non-functional meter	\$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed
Failure to provide meter statistics to government agency	\$1,000 or license suspension, revocation, or non-renewal or any combination of the sanctions listed
Operating a taxicab with “off-size” wheels or tires	\$1,000 or license suspension, revocation, or non-renewal or any combination
<u>Unlicensed Operator</u>	
District resident	\$1,000 and impoundment of vehicle
Non-resident (§828)	\$1,000 and impoundment of vehicle
<u>Unlicensed Vehicle</u>	
District resident	\$1,000 and impoundment of

vehicle

Non-resident (§828)

\$1,000 and
impoundment of
vehicle

825.3 The civil fines set forth in this section shall be doubled for the second violation of the same infraction within a twelve (12) month period. Further the civil fine shall be doubled once more for a subsequent violation or violations of the same infraction within a twenty-four (24) month period.

825.4 Where a specific civil fine or penalty is not provided in the table of fines, the fine shall be one hundred dollars (\$100).

825.5 In the sole discretion of the Commission, a taxicab or public vehicle for hire operator may be required to successfully complete an approved anger-management course in lieu of or in addition to a license revocation, suspension or fine.

825.6 If the licensee is the subject of three (3) or more consumer complaints resulting in findings of liability for civil infractions during any one year period, the Chairperson may require remedial actions, such as re-taking the operator training course or attending an anger management course or cultural sensitivity training, and/or take disciplinary actions including the imposition of fines and the suspension, revocation, or non-renewal of the license.

825.7 Referral of a licensee for remedial action is not appealable and the cost for such remedial action shall be borne by the licensee.

Section 826 is repealed and replaced with:

826 FILING OF COMPLAINTS

826.1 In addition to complaints which may be filed pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, and this title, law enforcement personnel (including civilian Hack Inspectors), Commission members, and Office personnel engaged in the administration, adjudication, or enforcement of taxicab laws and regulations, may file a complaint for any violation of §§ 816, 817, 822.2, and 822.3.

Section 827, TAXICAB OPERATOR AND VEHICLE FEES, is amended to read as follows:

827

PUBIC VEHICLE FOR HIRE OPERATOR AND VEHICLE FEES

827.1 The following fees, as may be amended from time to time, shall be applicable to the processing of applications for public vehicle for hire (taxi and limo) operator and vehicle licenses, testing, and requests for information:

	APPLICABLE FEE (\$)
Annual Public Vehicle for Hire Vehicle License	
DCTC Vehicle License (Taxi and Limo)	\$75 per year
Non-residency DCTC Taxicab Vehicle License	\$100 per year
Annual Operator ID License	
Hack License/Face Card	\$75 per year
	\$150 for 2 years
Limo License/Face Card	\$100 per year
	\$200 for 2 years
Assessment Fund Fee (Taxicab and Limousine)	\$50 per year
Duplicate	
1 st time	\$100
All subsequent times	\$150
Fingerprint Fee	\$41.50
Not Valid for Hire License	\$100
Duplication/copies	
Records (per page)	\$0.25
Information/Freedom of Information Act Requests	
(Per Quarter Hour Charge per Request)	
Search by personnel Grade 1-8	\$4
Search by personnel Grade 9-13	\$7
Search by personnel Grade 14+	\$10
Pre-License Testing	
1 st Testing	\$58
2 nd Testing	\$26
3 rd Testing	\$26

Section 828, RECIPROCITY WITH SURROUNDING JURISDICTIONS, is amended to read as follows:

828 RECIPROCITY WITH SURROUNDING JURISDICTIONS

828.1 Public Vehicle for Hire operators and vehicles (properly licensed in jurisdictions outside of the District of Columbia, including but not limited to, Arlington County, Fairfax County, or the City of Alexandria in Virginia, or Montgomery County in Maryland may pick up passengers in the District for transport directly to their respective jurisdiction of licensure only under the following circumstances:

- (a) Public Vehicles for Hire licensed in one of the above noted jurisdictions will be permitted to enter the District to pick up passengers on a prearranged basis. Public Vehicles for Hire shall pick up passengers on a prearranged basis only. Street hails and the use of taxicab stands is strictly prohibited;
- (b) Public Vehicles for Hire licensed in one of the above noted jurisdictions and entering the District for the purpose of discharging passengers may, at the destination of the discharged passenger(s), pick up and directly transport passengers to the jurisdiction where such taxicabs are licensed. Street hails and the use of taxicab stands is strictly prohibited;
- (c) Public Vehicles for Hire licensed in one of the above noted jurisdictions and entering the District for the purpose of discharging passengers are not permitted to transport passengers intra-District;
- (d) Public Vehicles for Hire licensed in one of the above noted jurisdictions and entering the District for the discharge of passengers shall return immediately and directly to their respective jurisdiction of licensure without cruising, parking, loitering, or soliciting passengers in the District; and
- (e) Dispatchers (**including electronic, internet and other computer-based applications and services**) shall only dispatch a driver of a Public Vehicles for Hire licensed in one of the above noted jurisdictions to pick up in the District while the driver is in his or her licensing jurisdiction. The dispatching of a Public Vehicles for Hire unlicensed in the District, while in the District to another District location is strictly prohibited.

828.2 The Public Vehicles for Hire vehicle owner and operator shall ensure that a manifest entry of each trip authorized by § 828.1 is entered prior to the start of the trip in a log carried in the vehicle. The manifest entry of each trip shall be written

legibly in ink, or maintained in an electronic device which can print out a copy when requested, and include the following information:

- (a) The passenger's name and address of pick-up;
- (b) The time of scheduled pick-up of passenger;
- (c) The destination of the passenger;
- (d) The time of completion of the trip; and
- (e) The amount of the fare.

828.3 For prearranged and dispatched trips the information required by § 828.2(a) through (c) shall be recorded in the manifest prior to the Public Vehicles for Hire entering the District.

828.4 The manifest required by § 828.2 shall be kept in the vehicle during trips and shall be subject to inspection by any Hack Inspector, law enforcement official, or other person authorized by the Commission. Failure to present such a manifest maintained in the manner prescribed by § 828.2 when requested by a Hack Inspector, law enforcement official, or Commission shall be presumptive evidence of unlicensed operation in violation of the Commission's rules, including failure to obey, unlicensed operator (non-resident) and unlicensed vehicle (non-resident).

828.5 The manifest required by § 828.2 shall be maintained and available for a period of two (2) years. The manifest shall be provided to the Commission upon request and to any Hack Inspector, law enforcement official, or other person authorized by the Commission.

828.6 A Public Vehicles for Hire owner is responsible for each driver who operates his or her vehicle as his or her agent and acknowledges that his or her driver may accept service of notices of infractions or summonses from a Hack Inspector, law enforcement official, or other person authorized by the Commission. Such acceptance shall accomplish service of process to the vehicle owner.

828.7 A Public Vehicles for Hire not properly licensed to operate in the District or operated in noncompliance with this section may be booted, impounded, and towed.

828.8 A Public Vehicles for Hire or any unlicensed person who violates a provision of this section is subject to fine and penalty for unlicensed operator (Non-resident) and unlicensed vehicle (Non-resident) and is subject to the fine and penalty set forth in § 825, impoundment of the vehicle or upon conviction, imprisonment for not more than ninety (90) days.

828.9 For the purposes of this section, the term:

- (a) “Prearranged” means the passenger has requested the public vehicle for hire operator for transport or has asked an on-duty employee of a District-licensed hotel operator to make such a request.
- (b) “Soliciting” means an effort made to obtain a passenger or passengers in a manner that is in violation of § 819.1 and 819.2.
- (c) “Loitering” also includes the failure of a driver, while in service, to proceed directly to the prearranged destination to service a trip permitted by this section or return directly to his or her licensing jurisdiction.

Section 899, DEFINITIONS, is amended to read as follows:

899 DEFINITIONS

899.1 When used in this chapter, the following words and phrases shall have the meaning ascribed:

Association - a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, color scheme, or insignia.

Commission - the District of Columbia Taxicab Commission established pursuant to section 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 § 50-304 (2009 Repl.)).

Company – a person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform color scheme.

District - the District of Columbia.

District of Columbia Taxicab Commission (DCTC) License - the taxicab vehicle license issued pursuant to D.C. Official Code § 47-2829(d) (2005 Repl.; 2011 Supp.)).

Face Card - the official taxicab or public vehicle for hire operator license (Identification Card) issued pursuant to D.C. Official Code § 47-2829(e) (2005 Repl.; 2011 Supp.)).

Fleet - a group of twenty (20) or more taxicabs having a uniform color scheme and having unified control by ownership or by association.

Group Riding - a personally pre-formed group of two (2) or more passengers whose trip has a common point of origin and either different or common destinations.

Identification Card - the official taxicab or public vehicle for hire operator license (Face Card) issued pursuant to D.C. Official Code § 47-2829(e) (2005 Repl.; 2011 Supp.)).

Independently Operated Taxicab - a taxicab operated by an individual independent owner which is not part of a fleet, company, or association and which does not operate under the uniform color scheme of any fleet, company or association.

Individual Riding - the transportation of a single passenger for an entire trip.

License Act – D.C. Official Code § 47-2829 (2005 Repl.; 2011 Supp.).

Limousine - a public passenger vehicle for hire, including a sedan vehicle, having a seating capacity of nine (9) or fewer passengers, exclusive of the driver, with three (3) or more doors, operated or offered as a vehicle for passenger transportation for hire by contract fixed solely by the hour (also known as contract livery).

Loitering - waiting around or in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity; stopping in such locations, except to take on or discharge a passenger; or unnecessarily slow driving in front of a hotel, theater, public building, or place of public gathering or in the vicinity of a taxicab or limousine stand that is occupied to full capacity.

Notice - notice of transfer under § 507 of Chapter 5 of this Title.

Office – the Office of Taxicabs established pursuant to section 13 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 (2009 Repl.)).

Operator - a person operating a public vehicle for hire – taxicab or limousine.

Owner - a person, corporation, partnership, or association that holds the legal title to a Public Vehicles for Hire, the registration of which is required in the District of Columbia. If a Public Vehicles for Hire title is subject to a lien, a mortgagor may be considered an owner also.

Panel on Consumer and Industry Concerns - the Panel on Consumer and Industry Concerns established pursuant to § 7(c) of the District of Columbia

Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-306(c) (2009 Repl.). MAY NEED TO DELETE SOON

Panel on Rates and Rules - the Panel on Rates and Rules established pursuant to the § 7(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-306(b) (2009 Repl.). MAY NEED TO DELETE

Passenger Vehicle for Hire –includes a public vehicle for hire licensed in the District of Columbia including, but not limited to, taxicabs and limousines.

Personal Service - assistance or service requested by a passenger that requires the taxicab operator to leave the vicinity of the taxicab.

Public Vehicle for Hire – includes a passenger vehicle for hire licensed in the District of Columbia including, but not limited to, taxicabs and limousines.

Shared Riding – a group of two (2) or more passengers arranged by a Starter at Union Station, Verizon Center and Nationals Park with common or different destinations.

Street - a roadway designated on the Permanent System of Highways of the District of Columbia as a public thoroughfare.

Taxicab - a public vehicle for hire, as authorized in §609 of Chapter 6 of this title, having a seating capacity for eight (8) or fewer passengers, exclusive of the driver, and operated or offered as a vehicle for passenger transportation for hire.

Trunk Tote - a tote bag maintained by the vehicle operator to carry necessities for emergencies and essential tools, as described in § 601.17.

Washington Metropolitan Area - the area encompassed by the District of Columbia; Montgomery County, Prince Georges County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia. Also referred to as the Metropolitan Area.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Dena C. Reed, 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 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: Dena C. Reed, General Counsel and Secretary to the Commission, no later than thirty (30) days after the publication of this notice in the *D.C Register*.

DRAFT