

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), (7), 14, 20, and 20g 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, 50-319, 50-329, (2012 Repl. & 2013 Supp.)) hereby announces its intent to adopt amendments to Chapter 4 (Taxicab Payment Services) of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

These rules address various compliance standards for Payment Service Providers (PSPs), to include: (1) fees for untimely renewals applications, (2) suspensions and revocations of approvals to operate as a PSP in the District, (3) cooperation with the Office of Taxicabs (“Office”), (4) reporting to the Office, (5) maintenance of separate vehicle and operator inventories, and (6) define “double seal” of a taximeter. PSP compliance with the requirements of this title, and this chapter, are imperative to ensure that the ongoing modernization of the District’s taxicab industry offers the consumer and driver protection contemplated by the D.C. Council.

The proposed rulemaking was adopted on March 12, 2014, and will begin a thirty (30) day comment period upon publication in the *D.C. Register*. Directions for submitting comments may be found at the end of this Notice. 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 4, TAXICAB PAYMENT SERVICES, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR, is amended as follows:

Subsection 406, RENEWAL APPLICATIONS, is amended as follows:

Paragraph 406.1 is amended to read as follows:

406.1 Each approved MTS shall be submitted for renewal of its approval at least sixty (60) days prior to the expiration of the approval, unless the Office provides otherwise in writing. Renewals submitted less than sixty (60) days prior to the expiration of the approval shall be accompanied by a late fee of one thousand dollars (\$1,000). The procedures applicable to new applications shall apply to renewal applications, except as otherwise required by the Office.

Section 407, SUSPENSION OR REVOCATION OF APPROVAL, is amended as follows.

407.1 Order of immediate suspension. The Office may order the immediate suspension of a PSP’s approval issued under § 405 when:

- (a) The Office has reasonable grounds to believe the PSP has committed or is committing a willful or repeated violation of § 408.9 (failure to cooperate with or report to the Office), § 408.13 (failure to timely pay owners), § 603.9 (failure to provide MTS service and support), or § 408.14 (failure to maintain operator and vehicle inventories);
- (b) The Office has reasonable grounds to believe there exists an imminent or significant (not substantial) risk that the MTS may be or has been used by one or more individuals, or by an entity other than the PSP, to violate or enable the violation of one or more provisions of this title or other applicable law, sufficient to justify such individuals' or entity's immediate suspension under this title or other applicable law;
- (c) The Office has reasonable grounds to believe the MTS or the PSP's operations or conduct pose an imminent or significant (not substantial) threat to the safety and welfare of passengers, operators, or the public; or
- (d) The Office has reasonable grounds to believe the MTS or the PSP's operations or conduct pose an imminent or significant (not substantial) threat to consumer protection or passenger privacy.

407.2 As provided in § 407.4, a PSP's failure to timely and fully comply with the terms and conditions of an order of immediate suspension, or to further violate this title or other applicable law during the pendency of an order, shall be a sufficient basis for revocation of the PSP's approval.

407.3 Notice of proposed suspension. The Office may issue a notice of proposed suspension of a PSP's approval issued under § 405 when:

- (a) The Office has reasonable grounds to believe the PSP has committed or sponsored fraud or made a fraudulent or material misrepresentation to any person in connection with the conduct of its business within the jurisdiction of the Commission, or has concealed material information from the Office;
- (b) The Office has reasonable grounds to believe the PSP no longer meets the requirements for approval under this chapter;
- (c) An order of immediate suspension is pending at that time against the PSP § 407.1;
- (d) The Office has reasonable grounds to believe one or more grounds exist for immediate suspension of the PSP under § 407.1;
- (e) The PSP or any employee, agent, or independent contractor associated with it has been convicted with a criminal offense involving fraudulent

conduct in connection with the conduct of any activity within the jurisdiction of the Commission; or

- (f) The Office has reasonable grounds to believe the PSP has failed to comply with any provision of this title or other applicable law.

407.4 Notice of proposed revocation. The Office may issue a notice of proposed revocation of a PSP's approval issued under § 405 when:

- (a) The PSP's approval has been previously suspended at any time on any grounds;
- (b) The Office has reasonable grounds to believe the PSP has committed substantial or repeated acts which would constitute grounds for an order of immediate or proposed suspension under § 407.1; or
- (c) The Office has reasonable grounds to believe the PSP failed to timely and fully comply with the terms and conditions of an order of a suspension, or further violated this title or other applicable law during the pendency of an order of a suspension.

407.5 Content of order or notice. Each order of immediate suspension and notice of proposed suspension or revocation shall:

- (a) Be in writing;
- (b) State the grounds for the order or notice;
- (c) State the terms and conditions required for compliance with the order or notice (if any) including any deadlines;
- (d) State that the PSP is entitled to a review of the order by OAH:
 - (1) Within three (3) business days, if it is an order of immediate suspension;
 - (2) Within thirty (30) calendar days, if it is a notice of proposed suspension or revocation; and
- (e) Include full contact information for OAH.

407.6 Method of service and filing. Each order of immediate suspension and notice of immediate suspension or revocation shall:

- (a) Be served forthwith on the PSP by hand delivery to the PSP's, or its agent's address on file with the Office, leaving the document with a

person over the age of sixteen (16) years old residing or employed at that address.

- (b) Be filed promptly with OAH, and, if it is an order of immediate suspension, not later than the next business day after service.

407.7 The Office may, but shall not be required to, invite a PSP to mediate in advance of any suspension or revocation action authorized by this section.

Section 408, OPERATING REQUIREMENTS APPLICABLE TO PSPs AND DDSs, is amended as follows.

Section 408.9 is amended to read as follows.

408.9 Cooperation and reporting. Each PSP shall:

- (a) Timely and fully cooperate with the Office and all District enforcement officials in the enforcement of and compliance with all applicable provisions of this title and other applicable laws;
- (b) Timely provide full and complete routine and non-routine reports as directed by the Office;
- (c) Timely provide full and complete trip data as directed by the Office; and
- (d) Appear at the administrative offices of the Office when directed, with any records specified, except for good cause shown.

Section 408.14 is amended to read as follows.

408.14 Inventory requirements.

- (a) Each PSP shall maintain with the Office accurate and current inventories of all vehicles and all operators on active status with which it associates for its MTS. Only active vehicles and active operators shall appear on inventories.
- (b) Each PSP shall ensure that:
 - (1) Its vehicle and operator inventories are maintained and updated in the manner and frequency determined by the Office;
 - (2) When a vehicle or operator is no longer associated with the PSP as a result of a threat to passenger or public safety, the inventories shall be updated forthwith; and
 - (3) Separate inventories are maintained for vehicles and operators.
- (c) Each vehicle inventory shall include, as to each vehicle:
 - (1) The name of and contact information for the owner(s), including the name of the owner (s) (including the taxicab company, association, or fleet name, if any), including work and cellular telephone numbers;
 - (2) The vehicle's PVIN, make, model, and year of manufacture;
 - (3) A certification that the vehicle is in compliance with the insurance requirements of Chapter 9 of this title; and
 - (4) A statement of whether the vehicle is wheelchair accessible.
- (d) Each operator inventory shall include, as to each operator:
 - 1) The name of and contact information for such operator, including work and cellular telephone numbers;
 - (2) The operator's DCTC commercial operator license number and the name of and contact information for any taxicab company, association, or with which the operator is associated.

Section 499, DEFINITIONS is amended to add the following definition:

“Double seal” – a secondary lead seal, installed by a Commission-approved taximeter business, to ensure that a Commission required taximeter cannot be removed or replaced outside of regulatory requirements.

Copies of this proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. 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 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*.