

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 (amending D.C. Official Code § 50-320(a)) hereby gives notice of proposed rulemaking to amend Chapter 12 (Licensing of Limousine Operators, Vehicles and Organizations), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

Through this Notice, the Commission invites public comments prior to the publication of a Notice of Proposed Rulemaking 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 12 of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

The title of Chapter 12 is amended to read as follows:

CHAPTER 12 SEDAN AND LIMOUSINE OPERATORS, VEHICLES, AND ORGANIZATIONS

Section 1200, APPLICATION AND SCOPE, is amended as follows:

- 1200.3 In the event of a conflict between a provision of this Chapter, and any other provision of this Title or law applicable to public vehicles-for-hire, including any penalty provision, the more strict provision shall control.
- 1200.4 This Chapter establishes licensing and operating requirements for limousine and sedan operators, vehicles, and organizations under this Title. Operating requirements applicable only to sedans are contained in Chapter 14 of this Title (Operation of Sedans).

Section 1201, GENERAL REQUIREMENTS, is amended as follows:

- 1201.1 No person may operate a vehicle as a limousine or as a sedan except as provided in this Chapter.

- 1201.2 No vehicle may be operated as a limousine except as provided in this Chapter. No vehicle may be operated as a sedan except as provided in this Chapter and in Chapter 14 of this Title.
- 1201.3 A person may operate limousines, sedans, or both, provided such person:
- (a) Has a valid and current driver's license issued by the Department of Motor Vehicles ("DMV");
 - (b) Has a valid and current operator's license issued by the Office of Taxicabs ("Office") pursuant to § 1209, providing authority to operate the class(es) of public vehicle-for-hire such person chooses to operate; and
 - (c) Is in compliance with the insurance requirements of Chapter 9 of this Title (Insurance).
- 1201.4 A vehicle may be operated as a limousine, a sedan, or both, only at such times when:
- (a) It is currently registered and inspected by, and displays valid and current livery tags (L tags) issued by, DMV;
 - (b) It has been licensed by the Office pursuant to § 1204 to be operated in such class of public vehicle-for-hire;
 - (c) It is operated in compliance with § 1201.5;
 - (d) It is in compliance with Chapter 9 of this Title (Insurance); and
 - (e) If it is owned by a sedan or limousine organization, such sedan or limousine organization is in compliance with the applicable provisions of this Chapter.
- 1201.5 Operating requirements for limousines and sedans. No vehicle shall be operated as a limousine or as a sedan unless all of the following requirements are met:
- (a) The operator is in compliance with § 1201.3;
 - (b) The vehicle is in compliance with § 1201.4;
 - (c) The operator maintains at the Office correct and current contact information, including his or her full legal name, residence address, residence telephone number, cellular telephone number, and, if associated with a sedan or limousine organization, contact information for such organization or the owner for which he or she drives, and informs the

Office of any change in the foregoing information within five (5) business days by certified mail with return receipt requested or by hand delivery, in which case the Office will provide proof of filing;

- (d) The operator maintains in the vehicle a current manifest of all trips made by the vehicle, which shall be compiled by the operator on a daily basis from information in any reasonable, legible, and reliable written or electronic format created contemporaneously at the time of each trip (such as an itinerary, trip ticket, work order, log sheet or electronic device), shall include the date, the time of pick up, the address or location of the pickup, the final destination, and the time of discharge, and shall not include terms such as “as directed” in lieu of any information required by this Paragraph;
- (e) Each limousine trip shall be booked through a reasonable form of advance reservation and the fare shall be calculated based on time;
- (f) Each sedan trip shall be conducted in accordance with the operating requirements of Chapter 14 of this Title (Operation of Sedans); and
- (g) No trip by limousine or sedan may be booked in response to a street hail or through the solicitation of a street hail by any person or entity.

1201.6 Notwithstanding any other provision of this Section, a vehicle for which valid and current livery tags have been issued by both DMV and the motor vehicle licensing agency of another jurisdiction, may operate in the District while displaying the livery tags of such other jurisdiction provided the livery tags issued by DMV are maintained in the vehicle at all times available for inspection upon demand by a public vehicle enforcement inspector or other law enforcement officer, or another authorized official of the Office, and such vehicle is otherwise in full compliance with this Chapter.

Section 1201.7 is DELETED.

The title of Section 1202 is amended to read as follows:

REQUIREMENTS FOR LICENSING OF SEDAN ORGANIZATIONS, LIMOUSINE ORGANIZATIONS, AND INDEPENDENT OWNERS

Section 1202, REQUIREMENTS FOR LICENSING LIMOUSINE ORGANIZATIONS, SEDAN ORGANIZATIONS AND INDEPENDENT OWNERS, is amended as follows:

1202.1 No limousine organization, sedan organization, or independently operated limousine or sedan shall operate in the District without first paying the applicable fees of four-hundred seventy-five dollars (\$475.00), comprising an annual operating authority of three-hundred seventy-five dollars (\$375.00) and a business license fee of one-hundred dollars (\$100.00), for a limousine or sedan

organization, or two-hundred fifty dollars (\$250.00), comprising an annual operating authority of one-hundred fifty dollars (\$150.00) and a business license fee of one-hundred dollars (\$100.00), for an independently operated limousine or sedan, and obtaining a certificate of authority to operate.

1202.2 Each limousine or sedan organization shall file with Office, in addition to other information and data required by law, the following:

Paragraph 1202.2 (d) is amended as follows:

- (d) The name and residence address of the lessee and owner of each limousine or sedan operated by the organization;

Paragraph 1202.2 (f) is amended as follows:

- (f) The ownership, seating capacity, make, year, weight, and vehicle identification number of all vehicles;

Paragraphs 1202.2 (l) and 1202.2 (m) are amended as follows:

- (l) A description of service(s) to be rendered, including, time(s) of operation; and
- (m) A schedule of fares and charges as they occur.

Subsection 1202.4 is amended as follows:

1202.4 Each base owner and limousine or sedan organization shall comply with all record keeping procedures established by the Commission. The operational information required to be maintained by § 1202.2 shall be safeguarded and maintained at the office of the organization for a period of five (5) years.

Subsection 1202.9 is amended as follows:

1202.9 Any limousine or sedan organization that fails to timely file information as required in § 1202.2 shall be subject to a civil fine of two-hundred fifty dollars (\$250.00).

Subsection 1202.10 is added as follows:

1202.10 Each limousine or sedan organization shall post its current rates and charges on its website, if any, and shall maintain its current rates and charges with the Office. No limousine or sedan organization shall collect a fare based on a rate or charge that is not posted and maintained as provided in this Subsection at the time of the booking.

Section 1203, REQUIREMENT OF BASE OWNER, is amended as follows:

- 1203.1 Each limousine or sedan base owner may maintain an office in the District with an operable telephone number listed in the name of the organization.

The title of Section 1204 is amended to read as follows:

REQUIREMENTS FOR LICENSING OF LIMOUSINE AND SEDAN VEHICLES

Section 1204, REQUIREMENTS FOR LICENSING OF LIMOUSINE AND SEDAN VEHICLES, is amended as follows:

- 1204.1 An owner or lessee of a vehicle proposed to be operated as a limousine, as a sedan, or as both (“applicant”), in the District of Columbia shall obtain a license for such vehicle from the Office.
- 1204.2 Each applicant shall file an application for each vehicle license using a form approved by the Office. Each application shall set forth the applicant’s lawful name, the residence and business addresses of the applicant’s residence, business, and mobile telephone numbers, tax identification number, and an indication of whether the applicant proposes to operate the vehicle as a limousine, as a sedan, or as both.
- 1204.4 Each applicant shall present evidence that the vehicle has been inspected by the Department Motor Vehicles.
- 1204.6 Upon receipt of an application for a limousine or sedan license and evidence satisfactory that all requirements have been met, including an inspection of the vehicle reflecting that it meets the definition of sedan, limousine, or both, as set forth in § 1299.1, and upon receipt of the proper fee, the Office shall issue a license to the owner.
- 1204.7 The fee for each license to operate a vehicle as a limousine, as a sedan, or as both, shall be one-hundred dollars (\$100.00) for each vehicle.
- 1204.8 Each vehicle license shall be in the form prescribed by the Office and shall contain any information the Office considers appropriate.

The title of Section 1205 is amended to read as follows:

ELIGIBILITY REQUIREMENTS FOR LIMOUSINE OR SEDAN OPERATOR’S LICENSE

Section 1205, ELIGIBILITY REQUIREMENTS FOR LIMOUSINE OR SEDAN OPERATOR’S LICENSE, is amended as follows:

- 1205.1 Each applicant for a license to operate a limousine or sedan (“applicant”) shall be at least eighteen (18) years of age.
- 1205.6 No operator’s license shall be issued by the Office to any person who is required by this Chapter to take and pass an examination unless that person has successfully passed an examination which shall including testing of the applicant’s ability to read, write, and speak the English language.
- 1205.12 Notwithstanding the provisions of § 1205.11, if the parole or the probation arose out of a conviction other than those listed in § 1205.13, the parolee’s or probationer’s application may be considered for approval if a letter from the appropriate parole or probation officer is submitted with the application stating that there is no objection to the issuance of a limousine or sedan operator's license.
- 1205.13 An applicant shall not be considered of good moral character if the applicant has been convicted of or has served any part of a sentence for the following crimes within the three (3) years immediately preceding the filing of the application, or an attempt to commit any of the following crimes:
- (a) Murder, manslaughter, mayhem, malicious disfiguring of another, arson, kidnapping, burglary, housebreaking, robbery, theft, fraud, or unlawful possession of a firearm;
 - (b) Assault with the intent to commit any offense punishable by imprisonment in the penitentiary;
 - (c) A sex offense proscribed by [D.C. Official Code §§ 22-1901](#) (incest), §§ 22-3101 to 3103 (serial performances using minors), § 22-2701 to § 2722 (prostitution and pandering), § 22-4801 (rape), § 22-3801 (indecent acts with children) or, an act committed outside the District which, if committed in the District, would constitute an offense under such laws;
 - (d) A violation of the District of Columbia Uniformed Controlled Substances Act of 1981 or the Drug Paraphernalia Act of 1982, [D.C. Official Code §§ 48-901.01, et seq.](#) and [§§ 48-1101 et seq.](#) or, an act committed outside the District which, if committed in the District, would constitute an offense under these laws; or
 - (e) A criminal offense committed against a passenger.

The title of Section 1206 is amended to read as follows:

APPLICATION PROCESS FOR LICENSE TO OPERATE A LIMOUSINE OR SEDAN

Section 1206, APPLICATION PROCESS FOR LICENSE TO OPERATE A LIMOUSINE OR SEDAN, is amended as follows:

- 1206.1 Each application for an operator's license shall be made on a form provided by the Office and shall indicate the applicant's choice of whether such applicant proposes to be licensed to operate vehicles limousines, sedans, or both.
- 1206.3 Each application shall be accompanied by two (2) new full face and one (1) profile head and shoulders color photographs, one and three-quarter inches by one and seven-eighths inches (1 ³/₄ in. x 1 in.) in size.
- 1206.7 If the applicant is a member of the Armed Forces at the time the application is filed, the application shall be accompanied by written permission of the appropriate commanding officer permitting the applicant to receive an operator's license.

Section 1207, HEALTH REQUIREMENTS, is amended as follows:

- 1207.1 Each application for a new or renewal operator's license shall be accompanied by a certificate from a licensed physician who resides in the metropolitan area.
- 1207.2 The certificate shall be on a form provided by the Office executed under penalty of perjury.
- 1207.3 The certificate shall be executed no earlier than thirty (30) days before the date on which the application is filed.
- 1207.4 The certificate shall not be considered sufficient to support an application unless it contains all of the following:
- (a) A statement that the applicant is not afflicted with any disease or infirmity, such as a contagious disease, epilepsy, vertigo, fainting spells, blackouts, attacks of dizziness, or another medical condition that, in the discretion of the Office, may render the applicant unsafe or unsatisfactory as a vehicle operator;
 - (b) A statement that the applicant has central visual acuity of at least 20/40 in one eye, either unassisted or assisted by glasses or contact lens, and hearing of at least 10/20 in one ear; and
 - (c) Such additional information or documentation relating to the applicant's past or present medical history as the Office deems appropriate.

Sections 1207.5 and 1207.6 are DELETED.

The title of Section 1208 is amended to read as follows

INVESTIGATION, EXAMINATION, AND EDUCATION OF APPLICANTS

Section 1208, INVESTIGATION, EXAMINATION, AND EDUCATION OF APPLICANTS, is amended as follows:

- 1208.1 Upon receipt of an application for a limousine or sedan operator's license, the Office shall investigate each applicant to verify the identity and determine the competency, fitness, and eligibility of the applicant for a license.
- 1208.2 Each applicant shall attend and complete, to the satisfaction of the Office, such training and education as the Office may require as a condition for licensing.

Section 1209, ISSUANCE OF LICENSES TO OPERATE, is amended as follows:

- 1209.2 Each license to operate a public vehicle-for-hire shall have marked upon its face a statement indicating that it is valid only for the class(es) of vehicle for which it is issued and that it is nontransferable.
- 1209.4 Each person to whom an operator's license has been issued shall, during the term of the license, reside within the Metropolitan Area, and shall, no later than five (5) days following the termination of the residence within the Metropolitan Area, surrender the license to the Office.

Section 1210, DENIAL OF LICENSE AND REAPPLICATION, is amended as follows:

- 1210.1 An applicant who has been denied a license to operate a public vehicle-for-hire under this Chapter for reasons other than for failure to complete successfully an examination may file a new application for a license after the expiration of not less than six (6) months after the denial, unless the denial is reversed by the Commission.

Section 1211, LOSS, THEFT OR DESTRUCTION OF LICENSE, is amended as follows:

- 1211.1 In case of the loss, theft, or destruction of any limousine or sedan operator's or vehicle license issued pursuant to the provisions of this chapter, the licensee shall immediately notify the Office of the loss, theft, or destruction.

The title of Section 1212 is amended to read as follows:

ENFORCEMENT OF THIS CHAPTER

Section 1212, ENFORCEMENT OF THIS CHAPTER, is amended as follows:

- 1212.1 The enforcement of this Chapter shall be governed by the procedures set forth in Chapter 7 of this Title.

Subsections 1212.2 through 1212.10 are DELETED.

Section 1213, HEARINGS ON COMPLAINTS, is DELETED. .

A new Section 1213, titled WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR SEDAN ORGANIZATIONS, is added:

1213.1 Each sedan organization with twenty (20) or more vehicles licensed under this Chapter to be operated as sedans as of May 1, 2013, or anytime after, shall dedicate a portion of such vehicles as follows:

- (a) At least six (6) percent such vehicles shall be wheelchair-accessible by December 31, 2014.
- (b) At least twelve (12) percent of such vehicles shall be wheelchair-accessible by December 31, 2016.
- (c) At least twenty (20) of such vehicles shall be wheelchair-accessible by December 31, 2018.

Section 1214, RENEWAL OF OPERATOR LICENSE, is amended as follows:

1214.1 A licensed operator may seek to renew the license by applying at the Office beginning forty-five (45) days prior to the expiration of the license.

1214.3 If a person fails to submit an application to renew the license to operate for one (1) year following the expiration date of the license, such person shall be required to apply for a new license to operate pursuant to the provisions of this Chapter.

Section 1215, SPECIAL VEHICLE FOR HIRE PERMIT, is deleted.

A new Section 1215, titled INSPECTION OF LIMOUSINES AND SEDANS, is added:

1215.1 All vehicles shall be inspected annually or at other times as required by the Commission for safe operating condition and compliance with District of Columbia motor vehicle regulations with respect to the condition of the body and fenders, cleanliness, repairs, and other mechanical parts relating to both the exterior and interior condition of the vehicle.

1215.2 Any public vehicle enforcement inspector, other law enforcement officer, or other authorized official of the District, may inspect and test the lights, brakes, steering assembly, tires, equipment (including the SPS system), horn, or any other device required by Title 18 DCMR and the Commission's rules and regulations at any time a vehicle is on the public streets or public space.

- 1215.3 Any public vehicle enforcement inspector, other law enforcement officer, or other authorized official of the District, may order the removal of an unsafe or improperly equipped vehicle from any public street or space to one of the official District Inspection Stations for re-inspection, notwithstanding the fact that the vehicle displays an approved inspection sticker, for inspection or repairs.
- 1215.4 No person may operate, move, or permit the operation or use of any vehicle that is mechanically unsafe, improperly equipped, or otherwise unfit to be operated. Such vehicles shall be towed from the public streets and impounded 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(a)(6) (2009 Repl.; 2012 Supp.)).
- 1215.5 The Office may from time-to-time institute vehicle equipment inspection checkpoints to randomly inspect vehicles for the protection of passengers and the general public. Such vehicle equipment inspection check points shall be conducted in accord with this Title, Orders of the Office, and other applicable law.

Section 1217, ADVERTISING, is amended as follows:

- 1217.1 No advertising or advertising device shall be placed on or in any limousine or sedan without the approval of the Office.

Section 1218, PENALTIES, is amended as follows:

- 1218.1 Each violation of this Chapter by a sedan or limousine owner or operator shall subject the violator to:
- (a) A civil fine not to exceed two-hundred fifty dollars (\$250.00), provided, however, that the applicable fine for a violation of this Chapter shall be doubled for the second offense within any twenty-four (24) month period and tripled for the third and any subsequent offense within such period;
 - (b) The suspension, revocation, or non-renewal of the operator's license or the owner's vehicle license, issued by the Office pursuant to this Chapter;
 - (c) Impoundment of any vehicle found to be operated by such operator, pursuant to D.C. Official Code § 50-331 (2011 Supp.); or
 - (d) A combination of the sanctions listed in this Subsection.
- 1218.2 Each violation of this Chapter by a sedan or limousine organization shall subject the violator to:

- (a) A civil fine not to exceed five hundred dollars (\$500.00), provided, however, that the applicable fine for a violation of this Chapter shall be doubled for the second offense within any twenty-four (24) month period and tripled for the third and any subsequent offense within such period;
- (b) The suspension, revocation, or non-renewal of the organization's license issued by the Office pursuant to this Chapter;
- (c) Impoundment of any vehicle found to be operated by such operator, pursuant to D.C. Official Code § 50-331 (2011 Supp.); or
- (d) A combination of the sanctions listed in this Subsection.

1218.3 The Office may recommend to any other government agency the suspension or revocation of any license or privilege to do business in the District of Columbia for failure to comply with this Chapter, including any penalty imposed by the Office.

Section 1219, APPEALS, is DELETED.

A new Section 1219, RECIPROCITY WITH SURROUNDING JURISDICTIONS, is added:

1219.1 The reciprocity provisions of § 828 of this Title shall apply to any vehicle operating as a sedan or limousine in the District of Columbia.

Section 1299, DEFINITIONS, is amended as follows:

1299.1 When used in this Chapter, the following words and phrases shall have the meaning ascribed.

Associated - connotes a voluntary relationship of employment, contract, ownership, or other legal affiliation. For purposes of this Chapter, an association not in writing shall be ineffective for compliance purposes.

Identification card - the operator license issued under § 31(i) of the License Act ([D.C. Official Code § 47-2829\(i\)](#) (2001)).

Independently Operated Limousine or Sedan - a sedan or limousine that is not affiliated with an organization.

Limousine - a vehicle that meets the following requirements:

- (a) It is designated as a Large Car, Passenger Van, or Sport Utility Vehicle ("SUV") by the Environmental Protection Agency ("EPA"), and may be stretched;

- (b) It is equipped with at least three (3) passenger doors;
- (c) It is designed to carry fewer than nine (9) passengers (excluding the operator);
- (d) It is equipped with substantial luxury features, including premium sound system, reading lights, aluminum wheels, and noise-dampening materials or systems; and
- (e) If it has shading of the rear or rear passenger windows, such shading does not reduce light transmission by more than fifty (50) percent through such windows.

Sedan organization - an individual, person, corporation, company, partnership, or association, owning or operating two or more sedans in the District of Columbia.

Operator - a person who operates a limousine or sedan.

Owner - a person, corporation, partnership, or association that holds the legal title to a limousine or sedan, the registration of which is required in the District of Columbia. If a limousine or sedan is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a limousine or sedan is entitled to possession, then the conditional vendee, lessee, or mortgagor shall be considered the owner.

Sedan – a vehicle that meets the following requirements:

- (a) It is designated as an EPA Large Car or SUV and is not stretched;
- (b) It is equipped with a six (6) or greater cylinder gasoline engine (not hybrid, electric, or diesel), has a curb weight of at least 4,000 lb., is equipped at least three (3) passenger doors, and, if it is an SUV, it has all-wheel drive or four-wheel drive;
- (c) It is designed to carry at least four (4) and fewer than nine (9) passengers (excluding the operator);
- (d) It is equipped with substantial luxury features, including premium sound system, reading lights, aluminum wheels, and noise-dampening materials;
- (e) If it has shading of the rear or rear passenger windows, such shading does not reduce light transmission by more than fifty (50) percent through such windows;

- (f) It is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis;
- (g) It was manufactured during the five (5) model year period ending in the calendar year during which the vehicle licensing or re-licensing is sought; and
- (h) It is black in color.

1299.2 The Office may from time-to-time issue an order approving one or more vehicles presumed to meet the definition of “limousine” or “sedan” which shall be posted on the Commission’s website.

The following definitions are DELETED:

Panel on Adjudication - the Panel on Adjudication established pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, as amended (D.C. Law 6-97; D.C. Official Code § 50-301 et seq. (2001)).

Panel on Rates and Rules - the Panel on Rates and Rules established pursuant to the District of Columbia Taxicab Commission Establishment Act of 1985, as amended (D.C. Law 6-97; D.C. Code § 50-301 et seq. (2001)).

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Jacques P. Lerner, General Counsel, 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, no later than thirty (30) days after the publication of this notice in the *D.C Register*.