

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.); ; and Section 20m of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2012 (D.C. Law 19-59 DCR 9431) hereby gives notice of its intent to adopt amendments to Chapter 7 (Complaints Against Taxicab Owners or Operators), of Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed amendments clarify jurisdiction, procedures, and timelines for enforcing violations of Title 31. This Chapter creates procedural, and not substantive, rules.

The Commission also hereby gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the publication of this notice in the *D.C. Register*.

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

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

CHAPTER 7 ENFORCEMENT OF THIS TITLE

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

- 700.1 The purpose of this Chapter is to create procedural rules for the enforcement of this Title by the Office of Taxicabs (“Office”) against a charged person.
- 700.2 A “charged person” means an individual or entity--
- (a) That owns or operates a public vehicle-for-hire regulated by this Title;
 - (b) That owns or operates a business or service regulated by this Title;
 - (c) As to whom the Office has authority to institute a contested case, including an individual or entity that lacks legal authority to operate but engages in conduct that violates a provision of this Title with intent to induce another individual or entity to believe the charged person has legal authority to operate or with reckless disregard as to whether legal authority to operate exists.

- 700.3 The term “contested case” shall have the meaning ascribed to it by the Administrative Procedures Act.
- 700.4 The term “legal authority to operate” means an approval, permit, certificate, registration, or license issued by the Commission or by other government agency that is required in order to lawfully engage in an activity regulated by this Title.
- 700.5 The Office may initiate a contested case through one or more of the following means:
- (a) By issuing through a public vehicle enforcement inspector (hack inspector) a notice of infraction seeking a penalty authorized by a provision of this Title;
 - (b) By filing through its mediation officer or other authorized official a notice of infraction seeking a penalty authorized by a provision of this Title;
 - (c) By issuing through its enforcement officer or other authorized official—
 - (1) A summary or proposed order of denial, revocation, or suspension of legal authority to operate;
 - (2) A summary order to cease and desist conduct that violates a provision of this Title; or
 - (3) A summary order to take an action necessary to achieve compliance with a provision of this Title, including an order to immediately surrender a license issued by the Office.
 - (d) By seeking any other remedy available under District of Columbia law.
- 700.6 A contested case initiated pursuant to § 700.5 (a), (b), or (c) shall be subject to review within the time provided by law, and by the Office of Administrative Hearings (“OAH”) or by another authorized official designated in the notice.
- 700.7 When a contested case is subject to review by OAH—
- (a) if the charged person denies a notice of infraction issued or filed pursuant to § 700.5 (a) or (b), OAH shall conduct a hearing, and, if the charged person admits with explanation, OAH shall decide the case based on all materials filed by the Office and the charged person; and
 - (b) if the charged person requests a hearing within the time required by law after the Office issues an order pursuant to § 700.5 (c), OAH shall conduct a hearing, and, otherwise, OAH shall dismiss the hearing request.

- 700.8 A contested case initiated pursuant to § 700.5 (b) shall be filed not later than twelve (12) months after the event or occurrence giving rise to the contested case, provided, however, that such period may be tolled as provided by District of Columbia law applicable to statutes of limitation.
- 700.9 In addition to any other penalty authorized by a provision of this Title, the Office may recommend to another government agency the suspension or revocation of any license or privilege to do business in the District of Columbia.
- 700.10 In the event of a conflict between a provision of this Chapter and a provision of another Chapter of this Title, the provision of this Chapter shall control.

Section 701 is amended as follows:

- 701.3 The Office shall receive a consumer complaint by telephone, or through its Website, U.S. Mail or commercial delivery, or in person, concerning an event or occurrence that involves an individual or entity regulated by this Title.
- 701.4 If a consumer complaint is used by the Office as the basis to initiate a contested case pursuant to § 700.5 (b), (c), or (d) such consumer complaint shall:
- (a) Be received not later than sixty (60) days after the event or occurrence giving rise to the consumer complaint;
 - (b) Be reduced to writing if initially made orally; and
 - (c) Contain the identity of the complainant.
- 701.5 The Office shall give notice of the existence of a consumer complaint received pursuant to § 701.3 to the individual or entity that is the subject of such consumer complaint, and of the possibility that a contested case may be initiated based on such consumer complaint. Such notice shall be sufficient and complete at the time it is dispatched provided that the Office serves such notice via U.S. Mail, email, or other reasonable means using the contact information maintained by such individual or entity at the Office.
- 701.6 The Office may, at any time, in its sole discretion, invite an individual or entity to engage in voluntary settlement negotiations, which shall proceed according to any guidelines or orders issued by the Office, and during which the parties may negotiate a payment of fines, admission of liability, execution of a compliance agreement or consent decree, or any other relief authorized by law. A party's offer to compromise made orally or in writing during voluntary settlement negotiations shall be inadmissible in any contested case proceeding.

Sections 702, 703, and 799 are DELETED.

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*.