

**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, 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 20j of the Taxicab Service Improvement Amendment Act of 2012, effective _____, 2012 (D.C. Law 19-____; __ DCR ____) hereby gives notice of proposed rulemaking action taken on _____, 2012, to adopt a new Chapter 14 (Sedan Vehicles and Operators) of Title 31 (Taxicab and Public Vehicles for Hire) of the District of Columbia Municipal Regulations (DCMR).

The proposed Chapter will implement Section 20j of the Act that authorizes the Commission to create and regulate sedan-class vehicles and to issue regulations governing the conduct of such vehicles.

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 14, SEDAN VEHICLES AND OPERATORS of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is added to read as follows:

CHAPTER 14 SEDAN VEHICLES AND OPERATORS

1400 APPLICATION AND SCOPE

1400.1 The purpose of this chapter is to establish procedural and substantive rules governing the operation of sedan-type vehicles in the District of Columbia, including the type of vehicles, number of inspections, licensing of drivers, advertising, safety of the driver and of the public, reservation services, financial obligations, and any other provisions necessary to provide safe public passenger transportation utilizing sedan-type vehicles.

1400.2 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.).

1401 GENERAL REQUIREMENTS

- 1401.1 No vehicle shall be operated as a sedan in the District of Columbia unless a license has been issued for that vehicle by the Commission.
- 1401.2 The sedan license shall be maintained in the vehicle and shall be readily available to passengers, hack inspectors, other employees or agents of the Commission and other law enforcement officials.
- 1401.3 No person shall drive a sedan in the District of Columbia unless that person has a valid sedan operator's license issued by the Commission.
- 1401.4 No owner of a sedan shall operate or permit the operation of sedan in the District of Columbia unless a license for that sedan has been issued by the Commission and the operator of the sedan has a valid sedan operator's license issued by the Commission.
- 1401.5 No sedan company or association shall operate in the District of Columbia without having first obtained from the Commission a Certificate of Operating Authority, which shall be maintained in good standing with the Commission during all times that the company or association shall operate. In order to obtain a Certificate of Operating Authority, the company or association shall have no less than 20 vehicles either owned or leased by or affiliated with the company or association, of which no less than ten percent shall be specifically designed to transport persons with physical disabilities in accordance with Section 508 of the Rehabilitation Act of 1973.
- 1401.6 No person shall operate a sedan vehicle reservation service operation in the District of Columbia or offer reservation services to any sedan vehicle licensed in the District of Columbia, whether by central dispatch, mobile phone or other electronic device communication or other form of digital dispatch without having first obtained from the Commission a Certificate of Operating Authority, which shall be maintained in good standing with the Commission during all times that the reservation service shall operate to provide service for a fee to District of Columbia passengers .

1402 **INITIAL AND RENEWAL CERTIFICATES OF OPERATING
AUTHORITY FOR COMPANIES AND ASSOCIATIONS; FILING
REQUIREMENTS**

- 1402.1 No person shall individually own and operate a sedan, nor shall any person operate a sedan company or association in the District of Columbia, nor shall any person operate a sedan vehicle reservation service operation in the District of Columbia or offer reservation services to any sedan vehicle licensed in the District of Columbia, whether by central dispatch, mobile phone or other

electronic device communication or other form of digital dispatch without first obtaining a Certificate of Operating Authority issued by the Commission.

1402.2 Each application for a new or renewal Certificate of Operating Authority shall be made on a form prescribed by the Commission, which shall contain a sworn and notarized statement that the information contained in the application is true under penalty of perjury, and that the applicant is in compliance with the clean hands requirements of D.C. Official Code § 47-2862 (2005 Repl. & 2011 Supp.).

1402.3 An applicant for a new or renewal Certificate of Operating Authority shall provide the following information with its application:

- (a) The name, postal address, telephone number, e-mail address, and fax number of the applicant;
- (b) Certification of Tax Compliance from the Internal Revenue Service for the prior tax year;
- (c) A “Clean Hands” certificate issued by the District of Columbia;
- (d) A copy of the certificate of occupancy for the applicant’s administrative office, which must meet the requirements of § 1402 of this Chapter;
- (e) Certificate-of-identity information on a form provided by the Commission indicating the trade name of the applicant, the person(s) authorized to sign for the applicant, and other identifying information required by the Commission;
- (f) The following information, if the applicant is a partnership:
 - (1) A certified copy of the partnership certificate; and
 - (2) A list of the partners, including the name, residential address, and telephone number of each partner;
- (g) The following information, if the applicant is a corporation:
 - (1) A certified copy of its certificate of incorporation with a filing receipt issued by the Mayor, or his or her designee, if the applicant has been incorporated for less than one (1) year from the date of the license application, or a certificate of good standing if the applicant has been incorporated more than one (1) year from the date of the license application, or if not a District of Columbia corporation, a copy of the certificate of incorporation from its jurisdiction of incorporation with a certificate of good standing and

certificate of authority to do business within the District of Columbia as a foreign corporation; and

- (2) A list of officers, including the name, residential address, electronic mail address and telephone number of each officer;
- (h) The name, postal address, telephone number, and e-mail address for the applicant's District of Columbia resident agent for service of process;
- (i) An identification of the types of vehicles to be provided, if applicable;
- (i) A statement that the company or association will not discriminate against employees or customers and, if applicable, will provide sedan service throughout the District of Columbia;
- (j) A listing of membership, insurance, dispatch, and rental fees, where applicable and a copy of each template rental or other agreement with vehicle owners or operators;
- (k) Certification that the applicant has complied with the District of Columbia Office of Tax and Revenue registration and filing requirements, including but not limited to filing the FR-500 Combined Business Tax Registration Application Form and the FR-500T, the Supplemental Information Form.

1402.4 Each applicant for a new or renewal Certificate of Operating Authority shall, if applicable also provide the following information as to each vehicle to be owned by the applicant or affiliated or associated with the applicant:

- (a) The name and residential address of the owner of each vehicle to be owned by or affiliated or associated with the applicant;
- (b) The vehicle body type, the vehicle make and model, the vehicle's model year, and the manufacturer's vehicle identification number; and
- (c) Verification that the applicant has applied for and is pre-approved for insurance that complies with District of Columbia insurance requirements and the requirements of chapter 9 of this Title.

1402.5 Annually at such time as is established by the Commission, each holder of a Certificate of Operating Authority shall renew its Certificate of Operating Authority by filing a renewal application with the Office. In addition to the information to be provided in accordance with §§ 1402.3 and 1402.4, the applicant shall, if applicable, provide the following information:

- (a) For each sedan vehicle, the sedan vehicle identification number ("SVIN") issued by the Commission, the S-tag number, and the mileage;

- (b) Verification that the Certificate holder is in compliance with District of Columbia insurance requirements and the insurance requirements in chapter 9 of this title; and
- (e) A current District of Columbia Department of Motor Vehicles, Bureau of Traffic Adjudication, ticket report for each vehicle.

1402.6 Any change in the information required by this section shall be reported by each licensee to the Commission within five (5) business days after the change, except for items that generally will increase or fluctuate such as vehicle mileage, number of associated drivers, or number of associated vehicles.

1402.7 Each applicant shall pay an annual license fee prescribed by the Commission.

1402.8 A Certificate holder that fails to timely file its renewal or other information as required in this section shall be subject to a late fee of two hundred and fifty dollars (\$250).

1403 **REQUIREMENT OF LOCAL PLACE OF BUSINESS**

1403.1 Each person operating a sedan company or association in the District of Columbia and each person operating a sedan vehicle reservation service operation in the District of Columbia or offering reservation services to any sedan vehicle licensed in the District of Columbia, whether by central dispatch, mobile phone or other electronic device communication or other form of digital dispatch shall maintain a bona fide administrative office in the District of Columbia.

1403.2 A bona fide administrative office is an office that has a working telephone number and address listed in the name of the company or association, standard office furniture; at least one (1) person on site to respond to consumer calls and receive visitors and that is open during normal business hours.

1403.3 The company, association or other entity shall maintain required business records, including but not limited to, employee, associate, fleet, and license records, at the administrative office in a secure filing system.

1403.4 Each bona fide administrative office in the District of Columbia shall have a valid Certificate of Occupancy for a business or, if located in a residentially zoned area of the District, a bona fide Home Occupancy Permit; and have the name of the business prominently displayed on the outside of the site designated as the entity's business address.

1403.5 Failure to have a bona fide administrative office within the District of Columbia shall result in the revocation of the Certificate of Operating Authority for the

entity, if the failure is not cured within fifteen (15) business days after the date of a written notice.

1404 **LICENSING REQUIREMENTS FOR SEDAN VEHICLES**

1404.1 All owners of sedan vehicles proposed to operate in the District of Columbia shall first obtain a sedan vehicle license from the Commission.

1404.2 Each sedan owner shall file an application for a sedan vehicle license with the Commission on a Commission-approved form. The application shall provide:

- (a) The owner of the vehicle;
- (b) The owner's personal address, if an individual owner, or the owner's business address, if the owner is a company or an association;
- (c) The owner's tax identification number;
- (d) Any other information required by the Commission; and
- (e) The vehicle body type, make, model, year of production and vehicle identification number.

1404.3 The owner shall provide evidence that the vehicle has been inspected and approved by the District of Columbia Department of Motor Vehicles and is current in its inspection.

1404.4 The owner shall provide evidence that the vehicle is either currently insured or is pre-approved for insurance that meets the requirements for public vehicles for hire as set forth in Chapter 9 of this Title.

1404.5 Each vehicle to be licensed as a sedan must be a full sized four-door sedan that is black in color as painted by the manufacturer and classified by the manufacturer as a luxury vehicle. For purposes of this Chapter, a sedan may also be full sized vehicle that is specifically modified to accommodate persons with physical disabilities and that offers similar amenities to that of a sedan. Each vehicle shall have premium features such as a long wheelbase, rear passenger leg room of at least 39 inches, rear passenger head room of at least 36 inches, individual reading lights, leather or equivalent seating surfaces and wireless internet access. All vehicles shall have been manufactured within the previous five model year period. No salvaged vehicle may be utilized as a sedan. No vehicles may be licensed or operated as a sedan if that vehicle is rented from an entity whose predominant business is that of renting motor vehicles on a time basis. The following vehicles are authorized by the Commission to be licensed as sedans:

Acura MDX 2011-2012

Acura RDX 2012
Audi A8 2009-2012
Audi A8L 2009-2012
Audi Q7 2010-11
Buick Lucerne 2009-2011
Buick Enclave 2009-2012
BMW 750 LI 2009-2012
BMW 760 LI 2009-2012
Cadillac SRX 2009-2012
Cadillac DTS 2009-2011
Cadillac STS 2011
Cadillac CTS Sport Wagon 2012
Cadillac Escalade 2009-2012
Cadillac Escalade Hybrid 2009-2012
Cadillac XTS 2013
Chevrolet Equinox 2009-2012
Chevrolet Express Van 2012
Chevrolet HHR 2009-2011
Chevrolet Impala 2009-2012
Chevrolet Impala (CNG only) 2008-2012
Chevrolet Uplander 2009-2009
Chevrolet Venture (Wheelchair Only) 2008
Chevrolet Suburban 2009-2012
Chevrolet Tahoe 2009-2012
Chevrolet Tahoe Hybrid 2008-2012
Chevrolet Traverse 2009-2012
Chrysler Aspen 2009
Chrysler Aspen Hybrid 2009
Chrysler 300 2009-2012
Chrysler PT Cruiser 2009-2011
Chrysler Town & Country 2009-2012
Chrysler Town & Country (Wheelchair Only) 2008-2012
Dodge Charger 2009-2012
Dodge Caravan (Wheelchair Only) 2008
Dodge Grand Caravan 2009-2012
Dodge Grand Caravan (Wheelchair Only) 2008-2012
Dodge Durango 2009-2012
Dodge Journey 2010-2012
Dodge Nitro 2009-2011
Ford Crown Victoria 2008-2011
Ford Crown Victoria (Long Wheel Base) 2008
Ford Edge 2011-2012
Ford Taurus 2009-2012
Ford Excursion 2009-2011
Ford Expedition 2009-2012
Ford Explorer (Not Sportrac) 2009-2012
Ford Escape (Hybrid/CNG 2008-2012
Ford Escape 2009-2012
Ford Flex 2009-2012

Ford Fusion Hybrid 2011-2012
Ford Transit Connect 2010-2012
GMC Yukon Hybrid 2008-2012
GMC Yukon/Denali 2009-2012
GMC Envoy 2009
GMC Terrain 2011-2012
Hummer H2 2009
Honda CRV 2009-2012
Honda CRV-Hybrid 2012
Honda Odyssey 2009-2012
Honda Accord LX / LX-P Model only 2009-2012
Honda Pilot 2009-2012
Hyundai Azera 2009-2010
Hyundai Veracruz 2009-2012
Hyundai Elantra Touring 2012
Hyundai Equus Signature 2011-2012
Hyundai Genesis 2009-2011
Hyundai Santa Fe 2009-2012
Hyundai Sonata 2009-2012
Hyundai Sonata Hybrid 2012
Hyundai Tucson 2009-2012
Infiniti M35 2009-2011
Infiniti QX 2011-2012
Jeep Grand Cherokee 2009-2012
Jeep Patriot 2009-2012
Kia Amanti 2009-2009
Kia Borrego 2009
Kia Sedona 2009-2012
Kia Sorento 2009-2012
Kia Soul 2010-2012
Kia Optima Hybrid 2012
Kia Sportage 2012
Lexus 460LS 2009-2012
Lincoln Town Car 2009-2011
Lincoln MKX 2009-2012
Lincoln MKZ Hybrid 2012
Lincoln MKS 2012
Lincoln MKT 2010-2013
Lincoln Navigator 2009-2012
Mazda CX7 2009-2012
Mazda CX9 2009-2012
Mazda Tribute 2011
Mercury Mariner 2009-2011
Mercury Mariner Hybrid 2008-2011
Mercury Mountaineer 2009-2010
Mercury Grand Marquis 2009-2010
Mercury Sable 2009-2009
Mercedes GL 320 2009
Mercedes ML 350 2009

Mercedes GL350 BlueTEC SUV (Diesel) 2010-2011
Mercedes S400 Hybrid 2010
Mercedes S550 2009-2011
Mercedes S600 2009-2011
Mercedes R350 2011
Mitsubishi Outlander 2009-2012
Mitsubishi Endeavor 2011
Nissan Altima Hybrid 2008-2012
Nissan Altima (4 cylinder only) 2009 (no extra year)
Nissan Armada 2009-2012
Nissan Murano 2009-2012
Nissan Pathfinder 2009-2012
Nissan Quest 2009-2012
Nissan Rogue 2009-2012
Nissan Leaf 2012
Pontiac G8 2009
Pontiac Torrent 2009
Saturn Outlook 2009
Saturn Vue 2009
Saturn Vue Hybrid 2008-2009
Toyota Avalon 2009-2012
Toyota Camry Hybrid 2008-2012
Toyota 4 Runner 2009-2012
Toyota Prius Hybrid (All Trims except C) 2008-2012
Toyota Sienna 2009-2012
Toyota Highlander 2009-2012
Toyota Highlander Hybrid 2008-2012
Toyota Matrix 2009-2011
Toyota Land Cruiser 2009-2012
Toyota Rav4 2009-2012
Toyota Scion XB 2009-2012
Toyota Sequoia 2009-2012
Toyota Venza Crossover 2011-2012
Subaru Forester 2009-2012
Subaru Outback Wagon 2009-2012
Subaru Tribeca 2009-2012
Scion XB 2009-2012
Volkswagen Routan 2009-2012
Volkswagen Touareg 2009-2012
VPG MV-1 (Gas) 2011-2012
VPG MV-1 (CNG) 2011-2012

1404.6

A sedan may be equipped with rear shades or curtains and after market tint to darken the rear and rear passenger windows; provided, however that the tinting shall still allow for 50% light transmittance through the rear and rear passenger windows.

1406.7 Each sedan shall be equipped with a handheld device that is utilized by the sedan driver to communicate with the owner/operator and/or the entity that provides dispatch service to the driver. The device shall be capable of providing both a detailed written receipt for the passenger upon the conclusion of the contracted for ride and an electronic receipt that can be uploaded by the passenger on his/her choice of communications device. The device shall also be capable of transmitting real-time trip data to the Commission's BOMIS. The device must only be operated through a "hands-free" method when the vehicle is being driven, and shall not be operated in violation of Section 50-1731.04 of the District of Columbia Official Code.

1404.8 Each sedan vehicle shall be annually inspected for safety and emissions by the District of Columbia Department of Motor Vehicles. No sedan vehicle shall be operated without a valid inspection sticker.

1405 **OPERATION OF SEDAN CLASS VEHICLES**

1405.1 Sedans shall only pick up passengers that have entered into an agreement or contract with a sedan vehicle reservation service for receipt of sedan service. All trips utilizing a sedan shall have been prearranged between the passenger and the sedan vehicle reservation service. No sedan shall pick up a street hail or otherwise solicit a passenger or occupant at any time that the vehicle is being operated as a sedan. All trips must originate and end in the District of Columbia; provided, however, that sedans may operate outside of the District of Columbia in accordance with reciprocal agreements in place with governmental bodies in the Washington metropolitan area.

1405.2 No sedan driver shall request or exchange any type of currency in exchange for a sedan trip. All payments for sedan trips shall have been pre-arranged prior to the trip.

1405.3 Sedan drivers may carry hand-held devices approved by the Commission that provide communications with the owner/operator's dispatch service that will provide the driver with the name of the passenger(s), the address for pick-up, the destination address and the pick-up time. Upon reaching the passenger's destination, the device must be capable of immediately printing a receipt for and/or sending an electronic receipt to the passenger(s) that the passenger can immediately upload to the passenger's communication device of choice and capable of providing an audible narration for those passengers that may be visually impaired. The device must be capable of electronically providing detailed trip information on a real-time basis to the Commission and/or the Commissioner's agent.

1405.4 The sedan vehicle reservation service is responsible for remittance to the Commission on a weekly basis of the per-trip surcharge collected from the passenger by the owner/operator, as provided for in Section 1103 of this Title.

The remittance shall be accompanied by an itemized report on all trips conducted by sedan vehicle reservation service's drivers during the previous week, which shall include the number of paying trips per driver, in order for each licensed driver to be properly credited for the amount of the surcharge for each trip provided by such driver.

1405.6 Each sedan vehicle reservation service shall establish an account with each person, organization or entity that intends to utilize the sedan services provided by an owner/operator under contract with the sedan vehicle reservation service. The account information shall contain, at a minimum:

- (a) The name of the person, organization or entity;
- (b) The billing address and electronic mail address of the person, organization or entity;
- (c) The electronic payment information for the person, organization or entity; and
- (d) The mobile telephone number that will be utilized for communication between the owner/operator and the person, organization or entity.

1405.7 sedan vehicle reservation service shall maintain a website on which information for the entity is provided and which allows for the electronic establishment of individual accounts. The sedan vehicle reservation service shall post and continually update the actual rate that will be charged to its account holders and others interested in the service. All rate changes shall be posted on the sedan vehicle reservation service's website at least twenty-four (24) hours prior to becoming effective.

1405.8 Demand pricing for sedan service (i.e., time of day, traffic congestion, special event, seasonal) is prohibited.

1405.9 In lieu of utilizing a sedan vehicle reservation service for its dispatch service, an owner/operator may provide such service, provided that such service meets the requirements for a sedan vehicle reservation service set forth in this Section

1406 **REQUIREMENTS FOR A SEDAN OPERATOR'S LICENSE**

1406.1 No person shall operate a sedan in the District of Columbia unless that person has a valid sedan operator's license issued by the Commission pursuant to Chapter 10 of this Title.

1406.2 Eligibility for a sedan operator's license shall be determined by the Commission in accordance with Section 1001 of this Title.

- 1406.3 The application for a sedan operator's license shall be carried out by the Commission in accordance with Section 1002 of this Title.
- 1406.3 Each applicant for a sedan operator's license shall meet the health requirements of Section 1207 of this Title.
- 1406.4 The investigation and examination of applicants for a sedan operator's license shall be carried out by the Commission in accordance with Section 1004 of this Title.

1407 PENALTIES

- 1407.1 Any person, company or association that violates any provision of this Chapter may be subject to a civil fine not to exceed five hundred dollars (\$500) or license suspension or revocation.
- 1407.2 Any vehicle not properly licensed or that is being operated by a person not properly licensed pursuant to the provisions of this Chapter may be booted, impounded or towed.

Copies of the proposed rulemaking can be obtained at www.dcregs.dc.gov or by contacting Edward Rich, Interim 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 postal mail or hand delivery to the DC Taxicab Commission, 2041 Martin Luther King, Jr., Ave., S.E., Suite 204, Washington, D.C. 20020, Attn: Edward Rich, Interim General Counsel and Secretary to the Commission, not later than thirty (30) days after the publication of this notice in the *D.C. Register*.