

AN ACT

Bill 19-892
Act 19-631
effective
January 18,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To amend the District of Columbia Taxicab Commission Establishment Act of 1985 to clarify the regulation of sedan-class vehicles and businesses providing dispatch service to public vehicles-for-hire in the District of Columbia and to update the procedures for the District of Columbia Taxicab Commission hotline; to amend Chapter 28 of Title 47 of the District of Columbia Official Code to create a public vehicle-for-hire license; and to amend the District of Columbia Smoking Prohibition Act of 1979 to eliminate an exception for limousines.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Public Vehicle-for-Hire Innovation Amendment Act of 2012”.

Public
Vehicle-for-
Hire
Innovation
Amendment
Act of 2012

Sec. 2. 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.*), is amended as follows:

(a) Section 4(20) (D.C. Official Code § 50-303(20)) is amended as follows:

Amend
§ 50-303

(1) Strike the word “dispatch” and insert the phrase “digital dispatch” in its place.

(2) Strike the phrase “charges exclusively on the basis of time and distance” and insert the phrase “charges on the basis of time and distance, except for trips to airports, and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis” in its place.

(b) Section 8(c) (D.C. Official Code § 50-307(c)) is amended as follows:

Amend
§ 50-307

(1) Paragraph (18) is amended by striking the word “and” at the end.

(2) Paragraph (19) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (20) is added to read as follows:

“(20) Charge and collect reasonable fees for services it is authorized to provide under this act and D.C. Official Code § 47-2829(e)(2), with funds to be deposited in the Public Vehicles-for-Hire Consumer Service Fund created by section 20a.”.

(c) A new section 8b is added to read as follows:

New
§ 50-307.02

“Sec. 8b. Reciprocal agreements.

“The Commission shall work with its counterparts in surrounding jurisdictions to update its reciprocal agreements and shall submit a report to the Council on or before June 30, 2013, on its progress.”.

(d) Section 20 (D.C. Official Code § 50-319) is amended as follows:

Amend
§ 50-319

(1) Subsection (a)(1) is amended by striking the phrase “, including dispatch service,”.

(2) Subsection (d) is amended by striking the second sentence.

(e) Section 20a(a) (D.C. Official Code § 50-320(a)) is amended as follows:

**Amend
§ 50-320**

(1) Paragraph (3) is amended by striking the word “and”.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (5) is added to read as follows:

“(5) All funds collected by the Commission pursuant to section 8(c)(20).”.

(f) Section 20f (D.C. Official Code § 50-325) is amended as follows:

**Amend
§ 50-325**

(1) Subsection (b)(3) is amended by striking the phrase “February 15” and inserting the phrase “March 30” in its place.

(2) Subsection (e) is amended by striking the phrase “wheelchair-accessible taxicabs” and inserting the phrase “wheelchair-accessible public vehicles-for-hire” in its place.

(3) Subsection (f) is amended by striking the phrase “Wheelchair-accessible taxicabs” and inserting the phrase “Wheelchair-accessible public vehicles-for-hire” in its place.

(g) Section 20h(b) (D.C. Official Code § 50-327(b)) is amended to read as follows:

**Amend
§ 50-327**

“(b) The Commission shall publicize on its website fuel-efficiency information available from DDOE about vehicles used as public vehicles-for-hire and, upon request, distribute this information at no charge to public vehicle-for-hire operators.”.

(h) Section 20i (D.C. Official Code § 50-328) is amended to read as follows:

**Amend
§ 50-328**

“Sec. 20i. Loitering of public vehicles-for-hire.

“(a) No operator of a public vehicle-for-hire shall loiter around or in front of hotels, restaurants, theaters, or public buildings in the District. For the purposes of this section, the term “loitering” means the willful operation of a public vehicle-for-hire for the purpose of soliciting passengers by stopping the vehicle, or by driving at such a slow speed as may impede or block the normal and reasonable movement of traffic.

“(b) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor, of a hotel, restaurant, or theater in the District to discriminate against a District licensed taxicab operator by excluding the operator from access to a hack stand or other location where taxicabs are regularly allowed to pick up passengers on the hotel premises; provided, that a taxicab or taxicab operator that is not in compliance with taxicab vehicle safety requirements or operator requirements may be denied a passenger and reported to the Commission.

“(c) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor of a hotel, restaurant, or theater in the District to solicit, or offer to solicit passengers on behalf of a public vehicle-for-hire operator, company, or association if the resulting trip would violate this act. This subsection shall not prohibit a hotel, restaurant, or theater from entering into a written contract to provide its customers with the services of public vehicles-for-hire on a pre-arranged basis, as long as these services are provided in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District.

“(d) The Commission shall have authority to determine, by rule, appropriate fines and penalties for violations of subsections (a), (b), and (c) of this section.”.

(i) Section 20j (D.C. Official Code § 50-329) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “fares,”.

(B) Strike the phrase “to provide safe public passenger transportation” and insert the phrase “; provided, that the rules and regulations are necessary for the safety of customers and drivers, consumer protection, or the collection of non-personal trip data information. Any rules and regulations shall protect personal privacy rights of customers and drivers and shall not result in the disclosure of confidential business information” in its place.

(2) Subsection (b) is amended to read as follows:

“(b) Sedan-class vehicles shall operate exclusively through a digital dispatch service as defined by and meeting the requirements of section 20l and shall not solicit or accept street hails. Sedan-class vehicles shall calculate fares on the basis of time and distance, except trips to airports and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis.”.

(3) Subsection (c) is amended to read as follows:

“(c) An owner of a licensed taxicab or limousine may convert a vehicle from a taxicab or limousine to a sedan-class vehicle; provided, that the vehicle complies with the requirements of sedan-class vehicles. Additionally, if a vehicle meets the requirements of more than one class, and the driver is properly licensed for each class, the vehicle may operate as either class of vehicle.”.

(4) A new subsection (d) is added to read as follows:

“(d)(1) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, shall dedicate a portion of its sedan-class vehicles as follows:

“(A) At least 6% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2014.

“(B) At least 12% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2016.

“(C) At least 20% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2018.

“(2) The Commission may withhold the renewal of licenses of companies with sedan-class vehicles that do not meet the requirements of this subsection. The Commission shall have the authority to audit or monitor wait times and rates charged by sedan-class operators and companies in the provision of wheelchair-accessible service in order to evaluate the number of wheelchair-accessible sedans.

“(3) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, that does not yet have wheelchair-accessible vehicles in its fleet shall provide information as to companies that do offer wheelchair-accessible service to customers upon request.”.

(j) Section 201 (D.C. Official Code § 50-329.02) is amended as follows:

(1) Subsection (b) is amended to read as follows:

“(b) A digital dispatch service shall be exempt from regulation by the Commission, other than rules and regulations that are necessary for the safety of customers and drivers or consumer protection. Any rules and regulations shall protect personal privacy rights of customers and drivers, shall not result in the disclosure of confidential business information, and shall allow providers to limit the geographic location of trip data to individual census tracts; provided, that:

“(1) If the digital dispatch service connects a customer to a taxicab, the fare shall be calculated in accordance with the taxicab fare structure established by the Commission through an approved taxicab meter system;

“(2) If the digital dispatch service connects a customer to a public vehicle-for-hire other than a taxicab, before booking the vehicle, the dispatch service shall disclose to the customer the fare calculation method, which shall be in compliance with the method required for that class of vehicle, the applicable rates being charged, and the option for an estimated fare;

“(3) The public vehicles-for-hire using a digital dispatch service shall be licensed and shall provide service in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District;

“(4) The digital dispatch service and the operators it employs, contracts with, or affiliates with shall comply with all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service, including section 828 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 828), as long as the Commission is actively accepting and processing applications for the licensure of public vehicle-for-hire operators and vehicles. The condition that the Commission is actively accepting and processing applications shall not apply if it issues rules establishing limits on the number of vehicles and licenses issued pursuant to D.C. Official Code § 47-2829(j), which requires the Committee both to conclude that limits are in the public interest and do not unduly and significantly harm the public vehicle-for-hire industry in the District and to submit the rules to the Council for approval;

“(5) Upon completion of the trip, the customer shall receive a paper or electronic receipt that lists the origination and destination of the trip, the total distance and time of the trip, and a breakdown of the total fare paid, including fees and gratuity, if any;

“(6) The digital dispatch service shall provide customers with the ability to indicate an interest in receiving service from a wheelchair accessible vehicle for the purposes of determining market need and for a request for this service once these vehicles become available in this class;

“(7) The digital dispatch service shall not transmit any destination information about a customer, except for the jurisdiction of the customer's destination, to an operator of a public vehicle-for-hire until the customer has booked the trip;

“(8) The digital dispatch service shall not allow a public vehicle-for-hire operator it employs, contracts, or affiliates with to discriminate against customers in any way or to otherwise refuse to provide service to or from an area of the District; provided, that a digital

dispatch service may rate a customer as long as the customer's rating may be viewed by the customer, the digital dispatch service includes a non-discrimination policy in its contract terms with public vehicle-for-hire drivers, and the digital dispatch service provides a customer with the ability to report allegations of discrimination in public vehicle-for-hire service;

“(9) The digital dispatch service provides service throughout the entire District;
and

“(10) The digital dispatch service shall submit proof to the Commission annually that it is licensed to do business in the District, maintains a registered agent in the District, and maintains a website, which shall contain information on its method of fare calculation, the rates and fees charged, and provides a customer service telephone number or email address.”.

(2) New subsections (c) and (d) are added to read as follows:

“(c) The Commission shall provide contact information, including hyperlinks, if available, for each of the available public vehicle-for-hire dispatch services within the District. The Commission shall list this information or a link to this information on the front page of the Commission's website and shall include the company name and any other appropriate, information, including a hyperlink to the website or phone number listing of each company.

“(d) For the purposes of this section, the term “digital dispatch service” means a business that provides a service that connects a passenger to a public vehicle-for-hire through advanced reservation, including by computer, mobile phone application, text, email, or web-based reservations, or by other means as the Commission may define by rule.”.

(k) Section 20m(1) (D.C. Official Code § 50-329.03(1)) is amended to read as follows:

Amend
§ 50-329.03

“(1) Allow the public to file complaints electronically on its website and through a hotline. This hotline shall be available 24 hours a day, 365 days a year, and be listed on the main page of the Commission's website and in every taxicab.”.

(l) A new section 20n is added to read as follows:

New
§ 50-329.04

“Sec. 20n. Dome light and Taxicab Smart Meter System installation businesses.

“No person or business shall violate or aid and abet a violation of public vehicle-for-hire laws, rules, and regulations applicable to the installation of a dome light or a Taxicab Smart-Meter System. The Commission shall have authority to determine, by rule, appropriate fines and penalties for violations of this section.”.

Sec. 3. Section 47-2829(j) of the District of Columbia Official Code is amended by adding new paragraphs (4) and (5) to read as follows:

Amend
§ 47-2829

“(4) The Commission shall create a single public vehicle-for-hire driver's license that entitles the holder to operate any public vehicle-for-hire, including a taxicab, limousine, sedan-class vehicle, and other classes of public vehicles for hire. This license shall be granted by the Commission through a single course, examination, and licensure application process.

“(5)(A) The Commission shall seek to actively license public vehicle-for hire drivers and vehicles. On or before February 28, 2013, the Commission shall have taken all necessary steps to issue licenses for sedan-class operators and vehicles, including administering a qualifying course and examination, and shall issue these licenses to qualified applicants. Until

March 1, 2013, the Commission shall stay enforcement against vehicles licensed to provide for-hire services in other jurisdictions that also provide sedan-class service in the District.

"(B) On or before July 15, 2013, the Commission shall submit a report to the Council:

“(i) Stating the number of public vehicle-for-hire companies, associations, licensed drivers, and vehicles, by class, as of December 31, 2012, and June 30, 2013;

“(ii) Estimating the number of public vehicle-for-hire companies, associations, licensed drivers, and vehicles, by class, projected for December 31, 2013, and June 30, 2014; and

“(iii) Identifying and discussing the Commission’s efforts to train, inspect, and license new drivers and vehicles.”.

Sec. 4. Section 4(5) of 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)), is amended by striking the phrase “, except that smoking with the prior consent of all occupants of the vehicle shall be permitted when the vehicle is a limousine”.

**Amend
§ 7-1703**

Sec. 5. Applicability.

This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

**Delayed
Applicability**

Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.