

ENGROSSED ORIGINAL

A BILL

19-892

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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, to update the procedures for the Commission hotline, and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to create a public vehicle-for-hire license.

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”.

**Title I. Industry innovation**

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:

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

(A) Strike the word “dispatch” and insert the phrase “digital dispatch” in its place; and

(B) 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.

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

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

2 (i) Strike the phrase “fares,”; and

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

9 (B) Subsection (b) is amended to read as follows:

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

15 (C) Subsection (c) is amended to read as follows:

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

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

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1           “(d)(1) Each company with 20 or more sedan-class vehicles in its fleet as of January 1,  
2 2013, or anytime thereafter, shall dedicate a portion of its sedan-class vehicles as follows:

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

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

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

9           “(2) The Commission may withhold the renewal of licenses of companies with  
10 sedan-class vehicles that do not meet the requirements of this subsection.

11           (3) Section 201(b) (D.C. Official Code § 50-331) is amended as follows:

12                   (A) Subsection (b) is amended to read as follows:

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

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

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

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

11           “(4) The digital dispatch service and the operators it employs, contracts with, or  
12 affiliates with shall comply with all reciprocal agreements between governmental bodies in the  
13 Washington Metropolitan Area governing public vehicle-for-hire service, including 31 DCMR §  
14 828, so long as the Commission is actively accepting and processing applications for the  
15 licensure of public vehicle-for-hire operators and vehicles. The condition that the Commission is  
16 actively accepting and processing applications shall not apply if it issues rules establishing limits  
17 on the number of vehicles and licenses issued pursuant to section 47-2829(j) of the District of  
18 Columbia Official Code, which requires the Committee both to conclude that such limits are in  
19 the public interest and do not unduly and significantly harm the public vehicle-for-hire industry  
20 in the District and to submit the rules to the Council for approval;

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

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

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

11           “(8) The digital dispatch service shall not allow any public vehicle-for-hire  
12 operator it employs, contracts, or affiliates with ~~to rate, evaluate, or discriminate against~~  
13 ~~passengers in any way or to otherwise refuse to provide service to or from any area of the~~  
14 ~~District to discriminate against customers in any way or to otherwise refuse to provide service to~~  
15 or from any area of the District; provided, that a digital dispatch service may rate a customer so  
16 long as the customer’s rating may be viewed by the customer and may not be disclosed to a  
17 driver until after the driver accepts a ride request from that customer.;

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

20           “(10) The digital dispatch service shall submit proof to the Commission on an  
21 annual basis that it is licensed to do business in the District, maintains a registered agent in the  
22 District, and maintains a website, which shall contain information on its method of fare

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1 calculation, the rates and fees charged, and provides a customer service telephone number or  
2 email address.”

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

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

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

13 (4) Section 20m(1) (D.C. Official Code § 50-332(1)) is amended to read as  
14 follows:

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

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

20 “(4) The Commission shall create a single public vehicle-for-hire driver’s license  
21 that entitles the holder to operate any public vehicle-for-hire, including a taxicab, limousine,

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1 sedan-class vehicle, and other classes of public vehicles for hire. This license shall be granted by  
2 the Commission through a single course, examination, and licensure application process.

3           "(5)(a) The Commission shall seek to actively license public vehicle-for hire  
4 drivers and vehicles. On or before February 28, 2013, the Commission shall have taken all of the  
5 necessary steps to issue licenses for sedan-class operators and vehicles, including a qualifying  
6 course and examination, and shall issue such licenses to any qualified applicants. Until March 1,  
7 2013, the Commission shall stay enforcement against vehicles licensed to provide for-hire  
8 services in other jurisdictions also providing sedan-class service in the District.

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

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

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

14                   (3) Identify and Discuss the Commission's efforts to train, inspect, and license  
15 new drivers and vehicles."

16                                   **Title II. Technical and conforming amendments.**

17           Sec. 4. The District of Columbia Taxicab Commission Establishment Act of 1985,  
18 effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-301 *et seq.*), is amended as  
19 follows:

20                   (1) Section 8(c) (D.C. Official Code § 50-307) is amended by adding a new  
21 paragraph (20) to read as follows:

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1           “(20) Charge reasonable fees for services it is authorized to provide under this act,  
2 with funds to be deposited in the Public Vehicles-for-Hire Consumer Service Fund created by  
3 section 20a.”.

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

5                   (A) Paragraph (3) is amended by striking the word “and”;

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

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

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

10           (3) Section 20f (D.C. Official Code § 50-\_\_\_) is amended as follows:

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

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

16                   (C) Subsection (f) is amended by amended by striking the phrase  
17 “wheelchair-accessible taxicabs” and inserting the phrase “wheelchair-accessible public  
18 vehicles-for-hire” in its place.

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



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

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

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

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

17           “(c) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent  
18 acting for the keeper or proprietor of any hotel, restaurant, or theater in the District to solicit, or  
19 offer to solicit passengers on behalf of any public vehicle-for-hire operator, company, or  
20 association if the resulting trip would violate this act. This subsection shall not prohibit a hotel,  
21 restaurant, or theater from entering into a written contract to provide its customers with the  
22 services of public vehicles-for-hire on a pre-arranged basis, as long as these services are

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1 provided in a manner that complies with all laws, rules, and regulations applicable to public  
2 vehicles-for-hire in the District.”.

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

5 (6) A new section 20n is created to read as follows:

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

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

11 Sec. 5. Section 4(5) of the District of Columbia Smoking Restriction Act of 1979,  
12 effective September 28, 1979 (D.C. Law 3-22; D.C. Official Code § 7-1703(5)), is amended by  
13 striking the phrase “, except that smoking with the prior consent of all occupants of the vehicle  
14 shall be permitted when the vehicle is a limousine”.

15 Sec. 5a. The Commission shall work with its counterparts in surrounding jurisdictions in  
16 order to update its reciprocal agreements and shall submit a report to the Council on or before  
17 June 30, 2013, on its progress.

18 Sec. 5b. Applicability.

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

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1           Sec. 6. Fiscal impact statement.

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

5           Sec. 7. Effective date.

6           This act shall take effect following approval by the Mayor (or in the event of veto by the  
7 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
8 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
9 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
10 Columbia.