

COUNCIL OF THE DISTRICT OF COLUMBIA

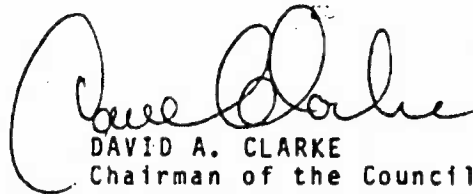
NOTICE

D.C. LAW 6-97

"District of Columbia Taxicab Commission  
Establishment Act of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-159 on first and second readings, December 17, 1985, and January 14, 1986, respectively. Following the signature of the Mayor on January 28, 1986, this legislation was assigned Act No. 6-125, published in the February 7, 1986, edition of the D.C. Register, (Vol. 33 page 703) and transmitted to Congress on February 3, 1986 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-97 effective March 25, 1986.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

February 3,4,5,6,7,18,19,20,21,24,25,26,27,28

March 3,4,5,6,7,10,11,12,13,14,17,18,19,20,21,24

D.C. LAW 6 - 97  
EFFECTIVE DATE MAR 25 1986

Enrolled Original

AN ACT

D.C. ACT 6 - 125

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 28 1986

To transfer Public Service Commission authority over taxicabs and other motor vehicles for hire to consolidate regulation and supervision of taxicabs, taxicab owners, operators, companies, and associations in a newly created District of Columbia Taxicab Commission; to reorganize regulation of taxicab insurance; to amend various statutes relating to taxicabs; and for other purposes.

Codification  
New Chapter 17  
of title 40

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "District of Columbia  
Taxicab Commission Establishment Act of 1985".

Sec. 2. Findings.

The Council of the District of Columbia ("Council")  
finds that:

New,  
D.C. Code,  
sec. 40-17  
(1986 supp

(a) Passenger transportation by taxicab is an integral  
and important component of public transit within the  
District.

(b) The business of transporting passengers and  
baggage for hire by taxicab is charged with an important  
public interest requiring governmental supervision,  
regulation, and control.

(c) Governmental regulation of the taxi industry in the District has been and is presently marked by a fragmented, decentralized, and uncoordinated system of regulation involving no less than 7 different administrative offices, in addition to the Public Service Commission, the Mayor, and the Council.

(d) Considering the importance of the taxi industry to public transportation within the District, there should be established a centralized regulatory mechanism for the furtherance of coherent, efficient, and enforceable regulation, and for the establishment of sound taxi transportation policy.

(e) Recommendations have been made over the course of several decades by various private and commissioned studies, task forces, public and private groups, individuals, and Congressional committees and subcommittees urging regulatory reform of the taxicab industry and the creation and consolidation of regulation into a single agency or bureau.

(f) Based upon the consistency of recommendations made over the years relating to regulatory reform of the system of taxi supervision, and based upon the Council's own evaluation of the present structure of governmental regulation, the Council finds that regulatory consolidation is in the public interest.

(g) The taxicab industry within the District, although impressed with certain characteristics of a public utility, is nonetheless wholly comprised of thousands of individual licensees conducting business on a self-employment basis.

(h) In view of the individual licensee nature of the structure and organization of the District of Columbia taxicab industry, the Council considers it inefficient and against the public interest to continue regulation of the industry under a statutory scheme, and by an agency of government more efficiently fitted to the regulation of franchised monopoly utilities, and, because of the Public Service Commission's ever increasing regulatory burden with respect to monopoly utilities, considers a transfer of its jurisdiction over taxicabs in the public interest.

Sec. 3. Purposes.

(a) In enacting this act, the Council of the District of Columbia supports the following statutory purposes:

New,  
D.C. Code,  
sec. 40-1702  
(1986 supp.)

(1) To promote the public interest in taxicab transportation by insuring that all rules, regulations, and laws specifically relating to taxicabs be vigorously and fairly enforced; that discrimination in taxicab passenger service be strictly proscribed and penalized; and that adequate and high quality taxi passenger service be provided to all quadrants and neighborhoods of the District;

(2) To promote and maintain a healthy and viable taxicab industry;

(3) To maintain a taxicab transportation system which provides owners and operators of taxicabs with reasonable and just compensation for their services, and which is reasonably priced and readily accessible in cost to a broad cross section of the public; and

(4) To promote and maintain policies which:

- (A) Encourage professionalism in the industry;
- (B) Assure the licensure of competent and knowledgeable operators;
- (C) Assure the licensure of companies and associations which render adequate and professional public service;
- (D) Permit, as a result of economic feasibility and incentive, the utilization of efficient, comfortable, and current transportation equipment and technology;
- (E) Utilize and promote efficient methods of taxicab passenger transportation;
- (F) Foster good will and a cooperative spirit among the taxicab industry, the government, and the public; and
- (G) Promote policies of energy conservation and the reduction of pollution and traffic congestion.

(b)(1) The District also determines it a matter of public policy to:

- (A) Promote and encourage the meaningful participation of minorities and District residents in the District's taxi industry;
- (B) Promote and encourage a healthy degree of competition within the taxi industry between taxicab companies and associations; and
- (C) Assure access to the ownership of taxicabs by taxicab operators.

(2) In keeping with the policies set forth in paragraph (1) of this subsection, the Commission shall:

(A) In exercising the authority vested in it by this act, and in its formulation of policy and programs, encourage and promote meaningful participation of District residents and minorities, as the term minority is defined in section 3(a) of the Minority Contracting Act of 1976, effective March 9, 1983 (D.C. Law 4-167; D.C. Code, sec. 1-1142(1)), in the ownership and operation of taxicabs, taxicab companies, and taxicab associations;

(B) Encourage a healthy degree of competition within the taxi industry between taxicab companies and associations, and shall discourage the monopolization of the taxicab industry; and

(C) Issue rules and establish policies which shall assure taxicab operators continued access to the ownership of taxicabs.

Sec. 4. Definitions.

For the purpose of this act, the term:

(1) "Capital City Plan" means the formal alphabetical and numerical pattern and layout of streets within the District's 4 quadrants, the formal pattern and layout of avenues and circles within the District, and the formal system and pattern of addresses within the District.

(2) "Chief" means the Chief of the Office of Taxicabs established by section 13.

(3) "Commission" means the District of Columbia Taxicab Commission established by section 5.

New,  
D.C. Code,  
sec. 40-1703  
(1986 supp.)

(4) "District" means the District of Columbia.

(5) "Office" means the Office of Taxicabs established by section 13.

(6) "Passenger vehicle for hire" means: (A) any motor vehicle for hire operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or vehicle used exclusively for contract livery services or for which the rate is fixed solely by the hour; (B) any motor vehicle for hire operated exclusively within the District between fixed termini or on a schedule, exclusive of vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities; or (C) any other private motor vehicle for hire not operated on a schedule or between fixed termini and operated exclusively in the District, exclusive of taxicabs.

(7) "Superintendent" means the Superintendent of Insurance, Department of Consumer and Regulatory Affairs.

(8) "Taxi or taxicab" means any passenger vehicle for hire having a seating capacity of 8 or less passengers, exclusive of the driver, and operated as a vehicle for passenger transportation for hire by taxicab.

(9) "Taxicab association" means a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, color scheme, or insignia.

(10) "Taxi or taxicab company" means any person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a

uniform color scheme.

(11) "Taxi or taxicab fleet" means a group of 20 or more taxicabs having a uniform color scheme and having unified control by ownership or by association.

(12) "Taxicab industry" means all taxicab companies, associations, owners, and operators, or any person who by virtue of employment or office is directly involved in the provision of taxicab services within the District.

(13) "Taxi or taxicab operator" means any person operating a taxicab for hire.

(14) "Taxi or taxicab owner" means any person, corporation, partnership, or association which holds the legal title to a taxicab the registration of which is required in the District of Columbia. If a taxicab 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 taxicab is entitled to possession, then the conditional vendee, lessee, or mortgagor shall be considered the owner for the purpose of this act.

(15) "Taxicab rate structure" means the rates, fares, charges, and methodologies used to determine the price of taxicab service.

(16) "Taxicab service" means passenger transportation service originating in the District in which the passenger directs the points between which the service



is to be provided, and which is provided at a time chosen by the passenger, and the charge for which bears some relation to distance travelled.

Sec. 5. Establishment of the District of Columbia Taxicab Commission.

New,  
D.C. Code,  
sec. 40-1704  
(1986 supp.)

There is established the District of Columbia Taxicab Commission as a subordinate agency within the executive branch of the District government with exclusive authority for intrastate regulation of the taxicab industry as provided herein.

Sec. 6. Commission membership, appointment, terms, chairperson.

New,  
D.C. Code,  
sec. 40-1705  
(1986 supp.)

(a) The Commission shall consist of 13 members. Eight of the members, who shall be public members, shall be appointed by the Mayor with the advice and consent of the Council, and shall be drawn from the public at large. Four of the members, who shall be industry members, shall be appointed by the Mayor with the advice and consent of the Council, and shall have experience in taxicab industry operations in the District. The remaining member of the Commission shall be appointed by the Mayor with the advice and consent of the Council and shall serve as chairperson of the Commission. The chairperson shall have experience in the field of transportation administration, adjudication, or regulation. A nominee for member or chairperson of the Commission shall be considered confirmed by the Council on the 90th day after the Mayor submits the nominee for Council consideration unless the Council confirms the nomination

earlier or unless, within that time, the Council disapproves, by resolution, the nomination. The Mayor shall designate a public member to serve as chairperson when the office of the chairperson is vacant and until a successor has been appointed.

(b) All members of the Commission, except for the chairperson who shall serve at the pleasure of the Mayor, shall be appointed for terms of 5 years. The members first appointed shall serve for terms as follows as determined by the Mayor:

(1) Two public members and 1 industry member shall serve for a term of 2 years;

(2) Three public members and 1 industry member shall serve for a term of 3 years;

(3) Three public members and 2 industry members shall serve for a term of 4 years;

(c) Each member shall serve until the appointment and qualification of a successor. No member shall serve more than 2 consecutive terms, which shall not include an appointment to fill a vacancy due to removal, resignation, or death of a member. The Mayor may remove any member for cause, except for the chairperson who shall serve at the pleasure of the Mayor. An appointment to fill a vacancy occurring during a term due to removal, resignation or death of a member shall be made in the same manner as other appointments and for the remainder of the unexpired term. Public and industry members shall be entitled to compensation pursuant to section 1108(b) of the District of

Columbia Government Comprehensive Merit Personnel Act of 1974, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-612.8(b)).

(d) Pursuant to section 406 and title IX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, secs. 1-604.6 & -610 et seq.), the chairperson of the Commission shall be its chief administrative officer and shall have charge of the organization of the Commission and its panels, and shall superintend the duties of the Chief of the Office in carrying out the purposes and provisions of this act. The chairperson shall be a public officer of the District who shall devote full time to the affairs of the Commission, and shall receive compensation commensurate with his or her duties and responsibilities established by this act. The salary of the chairperson shall be determined by the Mayor.

Sec. 7. Organization of the Commission.

New,  
D.C. Code,  
sec. 40-1706  
(1986 supp.)

(a) The Commission shall be organized into 2 panels, the members each of which shall be determined by the Mayor.

(b) There shall be a Panel on Rates and Rules which shall consist of the chairperson, 3 public members, and 1 industry member.

(c) There shall be a Panel on Adjudication which shall consist of the chairperson, 5 public members, and 3 industry members.

(d) Each panel shall exercise, exclusive of the other, the power, authority, and duties vested in it pursuant to

section 8. All acts and orders of a panel shall be an act or order of the Commission.

Sec. 8. Duties of the Commission; jurisdiction, powers, and duties of Commission panels.

New,  
D.C. Code,  
sec. 40-1707  
(1986 supp.)

(a) The Commission is charged with the responsibility for the continuance, further development, and improvement of taxicab passenger service within the District, and the overall regulation of taxicabs, taxicab companies, and taxicab associations.

(b) The responsibility of the Commission specified in subsection (a) of this section shall be effected as follows:

(1) The Commission's Panel on Rates and Rules shall have the jurisdiction, power, and duty to:

(A) Establish reasonable rates for taxicab service for the transportation of passengers and their property within the District, including all charges incidental and directly related to the provision of taxicab services;

(B) Establish methodologies for the determination of reasonable fares for taxicab service, including, but not limited to, revision of the zone boundaries and zone construct currently employed to determine taxicab fares. The Commission's Panel on Rates and Rules shall neither impose any limitation on the number of taxicabs that may operate in the District, nor shall it authorize a metered system for determining taxicab fares without a 60-day period of Council review of the proposal;

(C) Establish criteria, standards, and

requirements for taxicab vehicle licensing;

(D) Establish criteria, standards, and requirements for the licensing of taxicab owners, operators, taxicab companies, associations, and fleets, including the setting of reasonable license fees;

(E) Establish standards, conditions, and requirements of taxicab service;

(F) Establish standards for driver and passenger safety;

(G) Establish standards and requirements relating to equipment and equipment design;

(H) In situations of public emergency or because of extraordinary circumstances affecting the taxi industry, regulate the rates charged for the lease of taxicabs by taxicab companies, associations, and fleets where considered necessary to protect the public interest;

(I) Establish reasonable civil fines and penalties for violations of rules issued by the Commission, or orders issued by the Commission, including penalties consisting of license suspension and revocation;

(J) Establish any rule relating to the regulation and supervision of the taxicab industry not specifically delineated in this act, so long as the rule is consistent with this act, is reasonable, is related to the furtherance and protection of the public interest in taxi transportation, and is not within the rulemaking authority vested in the Panel on Adjudication;

(K) Advise agencies and authorities of

government having jurisdiction over public transportation or public highways and space within the District regarding the routing of taxicabs and the location of taxicab stands within the District; and

(L) Advise the Mayor regarding the entering, modifying, and terminating of reciprocal agreements respecting taxicabs with governmental bodies in the Washington metropolitan area.

(2) The Commission's Panel on Adjudication shall have the jurisdiction, power, and duty to:

(A) Adjudicate all complaints lodged in the Office against taxicab operators, companies, associations, fleets, and taxi dispatch services by consumers and officials or employees of government involved in taxicab enforcement or administration;

(B) When the panel determines that it is necessary to protect the public interest, adjudicate intraindustry complaints and disputes occurring in the taxi industry, including, but not limited to, complaints and disputes between companies, associations, companies and associations, operators or owners, and operators or owners and companies or associations; and, on the basis of industry-wide problems coming to light by virtue of adjudication, issue reasonable rules after notice and comment for the governance of intraindustry relationships where considered necessary to protect the public interest. For purposes of this subsection, the power to issue rules for the governance of intraindustry relationships shall mean

the power to regulate the responsibilities of 1 component of the taxi industry to another, and does not comprehend the power to regulate the responsibility of any component of the industry to the public. The power to regulate the public responsibility of the taxi industry and its components is vested in the Panel on Rates and Rules pursuant to section 8(b)(1);

(C) Hear and decide appeals taken from license denials and proposed revocations or suspensions issued by the Office of Taxicabs established by section 13;

(D) Hear and decide upon complaints and appeals taken from any order, act, practice, or policy implemented by the Office relating to the taxicab industry;

(E) Review enforcement activity pertaining to the industry, and to formulate and issue enforcement policy directives to the Office;

(F) Undertake the investigation of any aspect of taxicab operations and practices, and to make a report and recommendation to the Panel on Rates and Rules or issue any reasonable rule if the subject of the investigation concerns a matter relevant to the rulemaking authority vested in the panel by subparagraph (B) of this paragraph; and

(G) Impose civil fines and penalties as may be provided for by rule or law, including suspension or revocation, in exercising the adjudicatory jurisdiction vested in the panel.

(c) Each panel of the Commission is empowered to issue

orders which shall have binding effect in exercising any authority conferred by this section.

Sec. 9. Panel on Rates and Rules; quorum; rule and ratemaking requirements.

New,  
D.C. Code,  
sec. 40-1708  
(1986 supp.)

(a) A majority of the qualified members of the Panel on Rates and Rules shall constitute a quorum for the transaction of business, but public hearings may be conducted without the presence of a quorum. The chairperson shall preside over all proceedings of the panel, but may appoint a member to preside over public hearings.

(b) In exercising the rulemaking and ratemaking authority vested in the Panel on Rates and Rules by section 8, the Panel on Rates and Rules shall adhere to and be subject to the requirements of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), which provisions shall apply to the Panel on Rates and Rules as an agency of government. The Panel on Rates and Rules shall, in giving notice of intended action under section 105 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code, sec. 1-1506), afford interested persons an opportunity to submit views and data orally during a public hearing, for which adequate notice has been given as required by rules of the panel.

(c) No rule or rate shall be effective unless a majority of the qualified members of the panel has voted affirmatively for the adoption of the rule or rate, and no proxy by a member shall be allowed.



Sec. 10. Panel on Adjudication; quorum; adjudication and rulemaking requirements.

New,  
D.C. Code,  
sec. 40-1709  
(1986 supp.)

(a) Except as provided in this section, a majority of the qualified members of the Panel on Adjudication shall constitute a quorum for the transaction of business. The chairperson shall preside over all proceedings of the panel.

(b) The panel shall act in 3-member components in exercising the adjudicatory functions vested in it by section 8. The membership of an adjudicatory component of the panel shall consist of 2 public representatives and 1 industry representative as determined by the chairperson. The chairperson shall regularly rotate the service of panel members on the components pursuant to an established schedule. The chairperson or his or her designee shall preside over the proceedings of the components, but shall not vote on the case or matter under adjudication. Decisions in adjudicatory cases shall be made by a majority of the component, exclusive of the presiding officer, and shall be the decision of the panel upon issuance and order.

(c) The panel, in exercising the adjudicatory and rulemaking authority vested in it by section 8, shall adhere to the requirements of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), the provisions of which shall apply to the panel as an agency of government.

(d) No rule issued pursuant to section 8(b)(2)(B) shall be effective unless a majority of the qualified

members of the Panel on Adjudication has voted affirmatively for the adoption of the rule, and no proxy by a member shall be allowed.

Sec. 11. Internal and procedural rules.

Each panel of the Commission shall establish respectively rules for the conduct of its organizational affairs and shall establish rules of procedure of general applicability consistent with the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.). The Panel on Adjudication shall include in its rules of procedure specific guidelines to implement section 8(b)(2)(B).

New,  
D.C. Code,  
sec. 40-1710  
(1986 supp.)

Sec. 12. Full Commission meetings; annual report.

(a) The chairperson shall be responsible for, and shall assure coordination and communication between, both panels of the Commission, and shall have authority to resolve disputes and issues of jurisdiction arising between panels. All members of the Commission shall be kept apprised of the business of the full Commission.

New,  
D.C. Code,  
sec. 40-1711  
(1986 supp.)

(b) The chairperson shall call a meeting of the full Commission periodically, but no less than once every 2 months, to discuss general affairs of the Commission and matters pertaining to the taxicab industry, to establish and set general policies of the full Commission, and to outline goals and future directions of the Commission. Meetings of the full Commission shall include the participation of other governmental agencies involved in taxicab administration, such as the Metropolitan Police Department, the Office of

Taxicabs, and the Washington Metropolitan Area Transit Commission.

(c) The full Commission shall make an annual report to the Mayor and the Council on or before the second Monday of January of each year. The report shall contain, but not be limited to, information and statistics relating to licensing, enforcement, the status of taxicab equipment, estimated industry revenues, and passenger carriage, and shall outline briefly the activities and goals of the Commission.

(d) The full Commission shall periodically evaluate program development and implementation at the hacker's license training course and may issue policy directives pertaining to program content and program direction.

Sec. 13. Office of Taxicabs established.

(a) There is established an Office of Taxicabs which shall be headed by a Chief who shall be a career service employee, and who shall be hired by and who shall be under the direction of the chairperson as relates to taxi regulation.

New,  
D.C. Code,  
sec. 40-1712  
(1986 supp.)  
  
Note,  
D.C. Code,  
sec. 47-2829  
(1986 supp.)

(b) The Office shall provide administrative support to the Commission.

(c) The Office shall be responsible for the execution, administration, and enforcement of this act, and all rules, standards, rates, charges, and orders issued by the Commission.

(d) The Commission's Panel on Adjudication shall carry out the present functions of the Hacker's License Appeal

Original

Board as currently established. All new duties concerning the Commission's Panel on Adjudication set forth in this act shall be consistent with the present operation of the Hacker's License Appeal Board.

(e) The Office shall:

(1) Administer the issuance of licenses, and propose suspensions and revocation of the licenses, of all owners of taxicabs, including companies, associations, and fleets;

(2) Administer all license examinations applicable to the taxicab industry;

(3) Maintain a system of public records relating to licensed owners and operators of taxicabs and taxicab companies, associations, and fleets;

(4) Issue citations prescribed by the Commission for infractions of this act and any rule, standard, rate, or order issued by the Commission;

(5) Receive complaints lodged against the owners and operators of taxicabs, taxicab companies, associations, fleets, and dispatch services for the violation of any rule, regulation, order, rate, or law applicable specifically to the taxicab industry;

(6) Enforce all rules and regulations relating to the insurance of taxicabs;

(7) Administer and enforce all rules, rates, and orders issued under the authority of the Commission applicable to taxicab companies, associations, fleets, taxicab facilities, taxi dispatch services, and the owners

and operators of taxicabs;

(8) Develop, maintain, and keep current under the direction of the Commission a body of information for public and Commission use relating to taxi industry operations within the District, regionally, and nationwide, which information shall include, but not be limited to, statistics, analyses, studies, and projections relating to matters such as revenue, operational costs, passenger carriage, profits, practices, and technologies characterizing the taxi industry; and

(9) Perform any other administrative functions necessary to carry out the purposes of this act which are assigned to the Office by the Commission.

(f) There shall be no less than 12 hack inspectors to be employed in enforcing the present rules and regulations pertaining to taxicabs and any future rules and regulations established. A primary function of the hack inspectors shall be to ensure the proper provision of service and to support safety.

(g) Nothing in this section shall abrogate the authority of officers of the Metropolitan Police Force to enforce and issue citations relating to taxicab requirements.

(h)(1) A proposed suspension or revocation by the Office of a license issued under the authority of this act shall not take effect until a final decision is rendered by the Commission upon a timely appeal taken by a licensee or, if no appeal is taken, upon the lapse of the period

specified, by rule, for appeal.

(2) The Office may immediately suspend a license issued under the authority of this act where the Office has determined that an imminent danger is posed to the public. Within 3 days of the issuance by the Office of an immediate suspension, a hearing shall be held before an examiner in the Bureau of Traffic Adjudication. Appeals from immediate suspensions shall be taken to the Commission in the same manner as provided for in cases of appeals of proposed suspensions or revocations.

Sec. 14. Regulation of passenger vehicles for hire.

(a) The Mayor may issue any reasonable rule relating to the supervision of passenger vehicles for hire he or she considers necessary for the protection of the public.

(b) The Mayor may establish standards, criteria, and requirements for the licensing of the different classes of passenger vehicles for hire and the owner and operators thereof, and may establish appropriate classes of license fees for the ownership and operation of passenger vehicles for hire subject to the requirements of this section, provided that no license requirement for operating authority shall be mandated by the Mayor which is duplicative of the jurisdiction of the Washington Metropolitan Area Transit Commission.

(c) No person, corporation, partnership, or association shall operate a passenger vehicle for hire in the District without first having procured all applicable licenses and meeting all requirements as mandated by the

New,  
D.C. Code,  
sec. 40-1713  
(1986 supp.)

Mayor. Any violation of this subsection shall subject a violator to a civil fine not to exceed \$500.

(d) The Mayor may establish reasonable civil fines for violation of any rule issued pursuant to the authority of this section.

(e) All rules and regulations applicable to passenger vehicles for hire in effect on the effective date of this act, shall remain effective until amended or repealed by the Mayor.

Sec. 15. Insurance.

(a) Each owner of a taxicab operated in the District shall maintain a bond or policy of liability insurance covering accident risks for payment of judgments and legal claims arising out of the ownership, maintenance, or operation of a taxicab consistent with the provisions of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 Amendments Act of 1985, signed by the Mayor on November 22, 1985 (Act 6-104; 32 DCR 7245).

New,  
D.C. Code,  
sec. 40-1714  
(1986 supp.)

(b) The bond or policy of liability insurance required by this section shall provide minimum coverage by a surety or insurer on any 1 judgment of \$10,000 for bodily injuries or death, and \$5,000 for damage to property, and \$20,000 for bodily injury or death, and \$5,000 for damage to property for all judgments arising out of the same subject of action, to be apportioned ratably among creditors according to the amount of their respective rights, until these requirements are superseded by the Compulsory/No Fault Motor Vehicle Insurance Act of 1982 Amendments Act of 1985, signed by the

Mayor on November 22, 1985 (Act 6-104; 32 DCR 7245).

(c) The liability of a surety or insurer on an indemnity or policy of liability issued under this section shall be absolute for damages adjudged against an insured.

(d) Each owner of a taxicab operated in the District shall file with the Office evidence that a bond or policy of liability insurance meeting the requirements of this section is in force for the owner's taxicab. The Office shall maintain accurate and current information on all insured taxicabs and shall maintain accurate and current records on all taxicabs for which insurance or a bond has been cancelled.

(e) Policies of liability insurance shall be issued only by companies authorized by the Superintendent to do business in the District, and all sureties bonding taxicabs operated in the District shall be approved by the Superintendent. No insurer or surety shall engage in the business of insuring or bonding taxicabs unless a certificate of approval is issued by the Superintendent to engage in such a business, which approval shall be given upon a finding by the Superintendent that the company is qualified and its management capable of conducting such a business in the public interest.

(f) The Superintendent shall issue reasonable rules in furtherance of the protection of the public governing:

(1) The business and practices of insurers and sureties indemnifying accident risks of taxicabs operated in the District, including the expenses of management,



administration, and acquisition of business;

(2) The writing of insurance and the making of bonds for the coverage of accident risks of taxicabs; and

(3) The rate and rate structure of insurance for coverage of the accident risks of taxicabs operated in the District.

(g) The Superintendent may, after a hearing, withdraw the certificate of approval of any insurer or surety violating a provision of this section or any rule issued by the Superintendent pursuant to the authority of this act.

(h) No bond or policy of insurance required by this act may be cancelled unless not less than 20 days notice of cancellation or termination has been provided to the insured in writing, and notice of intent to cancel has been filed with the Superintendent and Office not less than 20 days prior to the date of cancellation or termination, except that cancellation for nonpayment of premium shall require not less than 5 days written notice to the insured, and the filing of notice of intent to cancel with the Superintendent and Office not less than 5 days prior to the date of cancellation.

Sec. 16. Sinking funds; blanket policies.

(a) Any owner of a taxicab required to file a bond or policy of liability insurance under section 15 may instead:

(1) File with the Superintendent a blanket bond or blanket policy of liability insurance in an amount considered sufficient by the Superintendent to cover accident risks for the payment of judgments or claims

New,  
D.C. Code,  
sec. 40-1715  
(1986 supp.)

arising out of the ownership, maintenance, or operation of the taxicabs to which the blanket bond or blanket policy shall relate, and covering all vehicles lawfully displaying the trade name or identifying design of any individual, association, company, or corporation. The Superintendent shall periodically review all blanket bonds or blanket policies filed under this subsection to assure that the amount of the bond or policy is adequate to protect the public and may after a hearing order the adjustment of the required amount of the bond or policy as is reasonable and necessary to protect the public; or

(2) Create and maintain a sinking fund in an amount the Superintendent considers reasonable and necessary to protect the public, and deposit the same, in trust, for the payment of any judgment recovered against the owner arising out of the ownership, maintenance, or operation of a covered taxicab, with the person, official, or corporation the Superintendent shall designate. A sinking fund shall not be created unless the Superintendent is satisfied that the owner is possessed and will continue to be possessed of the financial ability to pay judgments obtained against the owner. If such a fund has been created, the Superintendent shall have authority and shall periodically require whatever evidence of the owner's financial status is necessary to satisfy the Superintendent of financial ability to pay judgments, and may, based upon findings after a hearing, impose any reasonable and necessary requirement as will assure the financial integrity of the fund. If upon the

evidence and after a hearing on the issue the Superintendent finds that a fund is not possessed and will likely not continue to be possessed of financial ability to pay judgments, the Superintendent shall require that the owner file a bond or policy of insurance required by section 15, and shall return to the owner the amount of the sinking fund when the Superintendent is satisfied that the maintenance thereof is not needed to assure the payment of any claim or judgment then outstanding. Failure to pay any judgment within 30 days after judgment becomes final shall constitute reasonable grounds for finding that the owner is not possessed of financial ability to pay judgments. O

(b) If any owner elects to comply with the provisions of this section, he or she shall file an admission of liability with the Superintendent, in conformity with the principles of respondeat superior, for the tortious acts of drivers of vehicles displaying the trade name or identifying design of the company, association, or the owner.

(c) Any cash or collateral deposit or sinking fund provided for in this section shall be exempt from attachment or levy for any obligation or liability of the depositor except as provided in this section.

(d) It shall be unlawful to operate any vehicle subject to the provisions of section 15 and section 16 unless the vehicle is insured as provided in this act, under threat of a civil fine not to exceed \$500 dollars. Any violation of any regulation or requirement issued or ordered pursuant to section 15 or section 16 of this act shall be

subject to a civil fine not to exceed \$500 dollars.

(e) For the purpose of this section a blanket bond or sinking fund may be established by the owner of a trade name or identifying design and may cover taxicabs bearing the trade name or identifying design of the owner, multiple fleets of taxicabs bearing different trade names or identifying designs of the owner, or owners of individual taxicabs bearing different trade names or identifying designs of the owner, irrespective of whether the owner of the trade name or identifying design owns the taxicab so long as the registered owner of the taxicab consents in writing to the sinking fund or blanket bond established by the owner of the trade names or identifying design. For the purpose of this subsection a member of a taxicab association shall be considered to have consented to a blanket bond or a sinking fund duly established by the association and no consent in writing shall be required.

Sec. 17. Reporting by Superintendent.

(a) Within 12 months of the effective date of this act the Superintendent shall make a report to the Mayor and the Council and shall recommend changes in the areas of taxicab insurance the Superintendent considers necessary for the protection of the public and the public interest in taxi transportation.

(b) The report shall contain the views of the Commission on recommendations made by the Superintendent.

(c) The report shall include recommendations relating to:

New,  
D.C. Code,  
sec. 40-1716  
(1986 supp.)

(1) The appropriate amounts of minimum insurance taxicabs should be required to carry, including an analysis of the economic impact on the taxi industry of a raise in minimum amounts;

(2) The appropriateness and feasibility of extending insurance coverage on taxicabs to include collision and other coverage, and an analysis of the economic impact of extending insurance coverage; and

(3) The current practices of the taxi industry in the area of insurance.

Sec. 18. Rate proceeding; standard for rate structure.

(a) Within 12 months of the effective date of this act and at least once every 24 months thereafter, the Commission's Panel on Rates and Rules shall undertake a review of the taxicab rate structure. The review required by this section shall be undertaken by holding at least 1 public hearing, upon notice with opportunity to comment. Within 120 days of holding the public hearings, the panel shall render a decision on whether a modification or adjustment in rate structure is warranted, and, if determined to be warranted, shall implement the modification or adjustment.

(b) The panel, in the establishment and supervision of the taxicab rate structure, shall balance equitably the interest of owners and operators of taxicabs, taxicab companies and associations, and dispatch services in procuring a maximum rate of return on investment and labor against the public interest in maintaining a taxicab system

New,  
D.C. Code,  
sec. 40-1717  
(1986 supp.)

affordable to a broad cross section of the public, and shall establish nondiscriminatory rates, charges, matrices, boundaries, and methodologies for the determination of taxicab fares which assure reasonable and adequate compensation and promote broad and nondiscriminatory public access to taxicab transportation facilities.

Sec. 19. Existing taxi regulations.

Except as modified by this act, or until changed by the Commission pursuant to this act, all regulations relating to taxicabs contained in the District of Columbia Municipal Regulations shall remain in effect. Within 9 months of the appointment and confirmation of the Commission and the appointment of the chairperson, the Commission shall cause a republication of all regulations relating to taxicabs, including applicable amendments to conform the regulations to this act, and revisions issued by the Commission.

New,  
D.C. Code,  
sec. 40-1718  
(1986 supp.)

Sec. 20. License requirement.

(a) No person, corporation, partnership, or association shall operate a taxicab, taxicab company, association, or fleet, or taxicab service within the District without first procuring all applicable licenses required by the Commission pursuant to the authority of this act or in the event of licensure by another jurisdiction pursuant to reciprocal agreement. Any violation of this section shall be punishable by a civil fine not to exceed \$500. For purposes of this subsection, the term "operate" includes the provision of taxicab service of any type which physically originates in the District.

New,  
D.C. Code,  
sec. 40-1719  
(1986 supp.)

(b) A license issued to a taxicab company, association, or fleet shall expire automatically 3 years from the date of its issuance. Applications for renewal shall be made in a manner prescribed by the Commission. No license fee imposed by the Commission pursuant to this act on taxicab companies, associations, or fleets for operating authority shall exceed \$100 per year.

Sec. 21. Amendments.

D.C. Code,  
sec. 47-2829  
(1986 supp.)

(a) Paragraph 31 of section 7 of An Act Making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, approved July 1, 1932 (47 Stat. 550; D.C. Code, sec. 47-2829), is amended as follows:

(1) Subparagraph (b) (D.C. Code, sec. 47-2829(b)) is amended as follows:

(A) By striking the term "Public Service Commission of the District of Columbia" wherever it appears and inserting the word "Mayor" in its place;

(B) By striking in the first sentence the following phrase: "except when such vehicle or vehicles are to be operated solely for sightseeing purposes,";

(C) By striking all of the language after the colon in the second proviso and by adding a phrase at the end of the first sentence to read as follows: " and Provided that the provisions of this subsection shall not apply to the Washington Metropolitan Area Transit Authority."; and

(D) By striking in the second sentence the

phrase ", and when approved, forward 1 copy thereof to the Mayor of the District of Columbia or his designated agents and return 1 copy to the applicant".

(2) Subparagraph (c) (D.C. Code, sec. 47-2829(c)) is amended by striking in the first sentence the phrase "8 passengers or more" and inserting the phrase "more than 12 passengers" in its place.

(3) Subparagraph (d) (D.C. Code, sec. 47-2829(d)) is amended to read as follows:

"(d) Owners of taxicabs shall pay an annual license tax of \$25 or an amount set by the District of Columbia Taxicab Commission, but in no event to exceed \$100, for each taxicab which is to be operated in the District. The District of Columbia Taxicab Commission is authorized to make all reasonable and usual regulations for the control of taxicabs, and the Mayor shall make and enforce all reasonable and usual regulations he or she may consider necessary for vehicles licensed under the preceding subparagraphs and paragraph 33 of this section. Licenses issued under this subsection shall date from April 1st of each year, but may be issued on or after March 1st of each year."

(4) Subparagraph (e) (D.C. Code, sec. 47-2829(e)) is amended as follows:

(A) Subparagraph (e) is amended as follows:

(i) By striking the phrase "subparagraphs (c) and (d)" wherever it appears and by inserting the phrase "subparagrah (c)" in its place;



(ii) By striking the period after the first sentence and inserting the phrase "or an amount set by the Mayor, but in no event to exceed \$100." in its place;

(iii) By striking the fourth sentence;  
and

(iv) By adding a new sentence at the end to read as follows:

"All operators of taxicabs shall first procure from the District of Columbia Taxicab Commission a license to operate a taxicab, which license shall be personal and nontransferable, upon payment of an annual license fee of \$35 or in an amount set by the District of Columbia Taxicab Commission, but in no event to exceed \$100.".

(B) Subparagraph (e)(1) is amended as follows:

(i) By striking the phrase "Mayor of the District of Columbia" in the second sentence and inserting the phrase "the Office of Taxicabs" in its place;

(ii) By amending the fourth sentence to read as follows:

"The chairperson of the District of Columbia Taxicab Commission, with the approval by majority vote of the full Commission, shall designate appropriate representatives of the Office of Taxicabs, the District of Columbia Taxicab Commission, and representatives of the taxicab industry to advise the University on problems and issues facing the taxicab industry and to assist in developing and

implementing the course, and the Mayor shall designate appropriate representatives of the Metropolitan Police Department to participate on the advisory board."; and

(iii) By striking in subparagraph (A) the phrase "Washington metropolitan area" and inserting the phrase "District of Columbia" in its place.

(C) Subparagraph (e)(2) is amended to read as follows:

"(2) Completion of an examination which shall consist of a minimum of 60 questions, the passing grade of which shall be 70% answered correctly, which shall test:

"(A) The applicant's fitness for licensure based upon knowledge of the location of addresses, significant government buildings, and tourist sites, and an understanding of the Capital City Plan;

"(B) The applicant's fitness for licensure based upon the areas covered in the hacker's license training course, exclusive of geography;

"(C) The applicant's knowledge of the District, through a minimum of 5 written questions, which shall require the applicant to state the route to arrive at a destination from a particular location; and

"(D) Selected areas, through a minimum of 5 oral questions, covered in the hacker's license training course, exclusive of geography, and the applicant's ability to communicate in English."

(D) Subparagraph (e)(3) is amended by striking in the second sentence the phrase "Mayor of the

District of Columbia" and inserting "Office of Taxicabs under the direction of District of Columbia Taxicab Commission" in its place.

(E) Subparagraph (e-1) is amended as follows:

(i) The first sentence is amended to read as follows: "The District of Columbia Taxicab Commission, through its Panel on Adjudication, shall develop a comprehensive point system to evaluate the record of a person licensed under the terms of subsection (e) of this section, and owners of taxicabs licensed under the terms of this act.";

(ii) By adding a new sentence immediately following the first sentence to read as follows: "The point system or revisions of it shall be approved by resolution of the Council.";

(iii) By amending the third sentence to read as follows:

"The record maintained by the Office of Taxicabs for each licensee shall be assigned the point value for the violation upon the final determination of liability by the District of Columbia Taxicab Commission's Panel on Adjudication, the Bureau of Traffic Adjudication, or any other governmental body charged with making a final determination of liability.";

(iv) By striking in the fourth sentence the phrase "Mayor of the District of Columbia" and inserting the phrase "Office of Taxicabs" in its place; and

(v) By inserting in the fifth and sixth sentences after the phrase "If the license" appearing at the beginning of each, the phrase "of a person licensed pursuant to subsection (e)".

(F) Subparagraph (e-3) is amended by striking the word "Mayor" and inserting the phrase "District of Columbia Taxicab Commission's Panel on Rates and Rules" in its place.

(5) Subparagraph (f) (D.C. Code, sec. 47-2829(f)) is amended by inserting a period after the phrase "motor vehicle regulations of the District of Columbia" and striking all of the remaining language.

(6) The first sentence of subparagraph (h) (D.C. Code, sec. 47-2829(h)) is amended to read as follows:

"Except as otherwise provided in subparagraphs (c) and (d), owners of motor vehicles for hire used for any purpose, including, but not limited to, owners of ambulances for hire, and owners of passenger vehicles which, when used for hire, are used exclusively for funeral purposes, and owners of passenger vehicles used exclusively for contract livery services or for which the rate is fixed solely by the hour, and owners of passenger vehicles for hire used for sightseeing purposes shall pay a license tax of \$25 or an amount set by the Mayor, but not to exceed \$100, for each vehicle having a seating capacity of 12 or less passengers exclusive of the driver used in the conduct of their business."

(7) Subparagraph (i) (D.C. Code, sec. 47-2829(i))

is amended as follows:

(A) By striking in the first sentence the phrase "the Director of Motor vehicles, under the direction of";

(B) By striking the period after the first sentence and inserting the phrase "or an amount set by the Mayor, but in no event to exceed \$100." in its place;

(C) By striking in the third sentence the phrase "or his designated agent"; and

(D) By striking in the fourth sentence the phrase "Department of Transportation" and inserting the phrase "Office of Taxicabs" in its place.

(b) The second sentence of paragraph 1 of section 8 of An Act Making appropriations to provide for the expenses of the District of Columbia for fiscal year ending June thirtieth, nineteen hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 975; D.C. Code, sec. 43-211), is amended by inserting before the phrase "Steam railroads" the phrase "Taxicabs, and all other passenger vehicles for hire,".

Sec. 22. Repealers.

(a) An Act To provide that all cabs for hire in the District of Columbia be compelled to carry insurance for the protection of passengers, and for other purposes, approved June 29, 1938 (52 Stat. 1233; D.C. Code, sec. 44-301 et seq.), is repealed.

D.C. Code,  
sec. 44-301  
to 44-308  
repealed  
(1986 supp.)

(b) The ninth paragraph under the subheading Temporary Homes under the heading Charities and Corrections of An Act

D.C. Code,  
sec. 1-314  
(1986 supp.)  
repealed

~~Making~~ appropriations to provide for the expenses of government of the District of Columbia for fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes, approved March 3, 1909 (35 Stat. 724; D.C. Code, sec. 1-314), is repealed.

(c) The Joint Resolution Authorizing the Commissioners of the District of Columbia to locate a cab service, and for other purposes, approved June 7, 1898 (30 Stat. 747; D.C. Code, sec. 1-313), is repealed.

D.C. Code,  
sec. 1-313  
repealed  
(1986 supp)

Sec. 23. Transition.

(a) The Hacker's License Appeal Board ("Board") established by Commissioners' Order 68-59, effective August 15, 1968, is abolished.

(b) The Commission shall be the successor to the Board and any complaint, proceeding, or other matter pending before the Board on the effective date of this section shall become a complaint, proceeding, or matter of the Commission.

(c) Section 602(a) of the Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 467; D.C. Code, sec. 1-1462), is amended by striking the phrase "the Hacker's License Appeal Board, established by Commissioner's Order No. 68-59, dated August 15, 1968" and inserting in its place the phrase "the District of Columbia Taxicab Commission, established by the District of Columbia Taxicab Commission Establishment Act of 1985".

D.C. Code,  
sec. 1-1462  
(1986 supp.)

Sec. 24. Effective date.

(a) Except as provided in subsection (b), this act shall take effect after a 30-day period of Congressional

review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, and 23 shall take effect 1 year after the effective date of this act.

(c) Prior to the effective date specified in subsection (b), the Mayor is authorized to appoint the members and chairperson of the Commission. Upon confirmation, the chairperson is authorized to appoint the Chief and to approve the hiring of the staff of the Office. Following confirmation of a majority of their members, the Commission panels are authorized to issue internal operating procedures and otherwise organize the Commission in

Note,  
D.C. Code,  
sec. 1-313,  
1-314,  
40-1704 -  
40-1717,  
44-301 to  
44-308,  
40-1719, &  
47-2829  
(1986 supp.)







COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Six - Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO. B 6-159

Item on Consent Calendar

X ACTION & DATE: Adopted First Reading, 12-17-85
X VOICE VOTE: Unanimous
Recorded vote on request
Absent: Wilson

ROLL CALL VOTE - RESULT

Table with 5 columns for each of three council member groups: COUNCIL MEMBER, AYE, NAY, N.V., A.B. Lists members: CHMN CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Handwritten signature of the Secretary to the Council

1/19/86 Date

X Item on Consent Calendar

X ACTION & DATE: Adopted Final Reading, 1-14-86
X VOICE VOTE: Unanimous
Recorded vote on request
Absent: all present

ROLL CALL VOTE - RESULT

Table with 5 columns for each of three council member groups: COUNCIL MEMBER, AYE, NAY, N.V., A.B. Lists members: CHMN CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Handwritten signature of the Secretary to the Council

1/17/86 Date

Item on Consent Calendar

ACTION & DATE
VOICE VOTE
Recorded vote on request
Absent

ROLL CALL VOTE - RESULT

Table with 5 columns for each of three council member groups: COUNCIL MEMBER, AYE, NAY, N.V., A.B. Lists members: CHMN CLARKE, CRAWFORD, JARVIS, KANE, MASON, RAY, ROLARK, SCHWARTZ, SHACKLETON, SMITH, JR., SPAULDING, WILSON, WINTER.

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date