

COUNCIL OF THE DISTRICT OF COLUMBIA

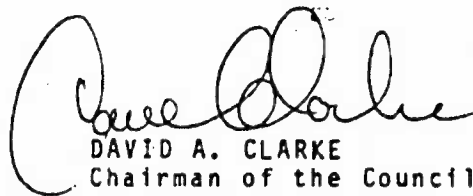
NOTICE

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