

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Taxicab Commission Establishment Act of 1985 to define a private vehicle-for-hire company and operator, to clarify the authority of vehicle inspection officers to make stops, to clarify the complaint authority of the District of Columbia Taxicab Commission, to create registration provisions for operators, to require background checks for operators, to prohibit street hails by operators, to require a private vehicle-for-hire company to conduct background checks, inspect vehicles, establish zero tolerance policies against discrimination and drug and alcohol use by operators, to require transmission of 1% of all gross receipts to the Office of the Chief Financial Officer, to require insurance for operators, to create provisions for charging for services, to provide for enforcement against private vehicles-for-hire, to deregulate fares for taxicabs arranged through digital dispatch, to clarify data and surcharge transmission requirements, and to require that a notice be posted in all taxicabs regarding acceptance of credit cards; to amend section 47-2829 of the District of Columbia Official Code to exempt private vehicles-for-hire from the license requirement and to clarify eligibility for a for-hire license; and to amend Title 18 of the District of Columbia Municipal Regulations to reduce the inspection requirement for taxicabs from semiannually to annually.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Vehicle-for-Hire Innovation Amendment Act of 2014”.

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

(1) New paragraphs (8A) and (8B) are added to read as follows:

“(8A) “Digital dispatch” means the hardware and software applications and networks, including mobile phone applications, which passengers and operators use to provide public and private vehicle-for-hire service.

“(8B) “Dispatch” means the traditional methods of pre-arranging vehicle-for-hire service, including through telephone or radio.”

(2) New paragraphs (16A), (16B), and (16C) are added to read as follows:

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“(16A) “Private vehicle-for-hire” means a class of transportation service by which a network of private vehicle-for-hire operators in the District provides transportation to passengers to whom the private vehicle-for-hire operators are connected by digital dispatch.

“(16B) “Private vehicle-for-hire company” means an organization, including a corporation, partnership, or sole proprietorship, operating in the District that uses digital dispatch to connect passengers to a network of private vehicle-for-hire operators.

“(16C) “Private vehicle-for-hire operator” means an individual who operates a personal motor vehicle to provide private vehicle-for-hire service in contract with a private vehicle-for-hire company.”.

(3) Paragraph (17) is amended to read as follows:

“(17) “Public vehicle-for-hire” means a class of transportation service by motor vehicle for hire in the District, including a taxicab, limousine, or sedan-class vehicle, that provides for-hire service exclusively using drivers and vehicles licensed pursuant to this act and D.C. Official Code § 47-2829.”.

(4) Paragraphs (18) and (19) are repealed.

(5) Paragraph (21) is amended to read as follows:

“(21) “Taxicab” means a class of public vehicle-for-hire that may be hired by dispatch, digital dispatch, or hailed on the street, and for which the fare charged is calculated by a Commission-approved meter with uniform rates determined by the Commission; provided, that a taxicab hired by a passenger through digital dispatch may use rates set by the company that operates the digital dispatch pursuant to the requirements of this act.

(6) Paragraph (28) is amended by striking the phrase “taxicab service” and inserting the phrase “taxicab street-hail service” in its place.

(7) Paragraph (29) is amended by striking the phrase “and the fare” and inserting the phrase “and, when hailed on the street, the fare” in its place.

(8) New paragraphs (30A) and (30B) are added to read as follows:

“(30A) “Vehicle-for-hire industry” means all public and private vehicles-for-hire, including companies, associations, owners, operators, or any person who, by virtue of employment or office, is directly involved in providing public or private vehicle-for-hire services within the District.

“(30B) “Vehicle inspection officer” means a District employee trained in the laws, rules, and regulations governing public and private vehicle-for-hire service to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public and private vehicles-for-hire, pursuant to protocol prescribed under this act and by regulation.”.

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

(1) Paragraph (4)(B) is amended by striking the phrase “public vehicle inspection officers” and inserting the phrase “vehicle inspection officers” in its place.

(2) Paragraph (11) is amended as follows:

(A) Strike the phrase “public vehicle inspection officers” and insert the phrase “vehicle inspection officers” in its place.

(B) Strike the phrase “public vehicles-for-hire” and inserting the phrase “public and private vehicles-for-hire” in its place.

(3) Paragraph (14) is amended by striking the phrase “against taxicab operators, companies, associations, fleets, and taxi dispatch services” and inserting the phrase “against the vehicle-for-hire industry, including taxicab operators, companies, associations, fleets, and taxi dispatch services,” in its place.

(c) Section 8b (D.C. Official Code § 50-307.02) is amended to read as follows:

“Sec. 8b. Reciprocal agreements.

“The Mayor shall work with surrounding jurisdictions to update reciprocal agreements and shall submit a report to the Council on or before June 30, 2015, on his or her progress.”.

(d) Section 10b(a) (D.C. Official Code § 50-309.02(a)) is amended as follows:

(1) Strike the word “against” and insert the phrase “against public and private vehicles-for-hire, including” in its place.

(2) Strike the phrase “public vehicle inspection officers” and insert the phrase “vehicle inspection officers” in its place.

(e) Section 12 (D.C. Official Code § 50-311) is amended as follows:

(1) Subsection (b) is amended by striking the phrase “taxicab industry” and inserting the phrase “vehicle-for-hire industry” in its place.

(2) Subsection (b-1) is repealed.

(f) Section 13 (D.C. Official Code § 50-312) is amended as follows:

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

(A) Paragraph (5) is amended as follows:

(i) Strike the phrase “owners and operators of taxicabs, taxicab companies, associations, fleets, and dispatch services” and insert the phrase “owners and operators of public and private vehicles-for-hire, including taxicabs, taxicab companies, associations, fleets, and dispatch services,” in its place.

(ii) Strike the phrase “taxicab industry” and insert the phrase “vehicle for-hire industry” in its place.

(B) Paragraph (11) is amended by striking the phrase “public vehicle inspection officers” and inserting the phrase “vehicle inspection officers” in its place.

(2) Subsection (f) is amended as follows:

(A) Strike the phrase “public vehicles-for-hire” wherever it appears and insert the phrase “public and private vehicles-for-hire” in its place.

(B) Strike the phrase “public vehicle inspection officers” wherever it appears and insert the phrase “vehicle inspection officers” in its place.

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

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

(A) Paragraph (4) is amended by striking the word “and” at the end.

(B) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (6) is added to read as follows:

“(6) All funds collected pursuant to section 20l(b)(11).”.

(2) Subsection (b)(1)(A) is amended by striking the word “public vehicles-for-hire” and inserting the phrase “vehicle-for-hire” in its place.

(h) New sections 20f-1 and 20f-2 are added to read as follows:

“Sec. 20f-1. Accessibility of digital dispatch for individuals with disabilities.

“(a) By January 1, 2016, a company that provides digital dispatch shall:

“(1) Ensure that the company’s websites and mobile applications are accessible to the blind and visually impaired and the deaf and hard of hearing; and

“(2) Provide a report to the Council’s Committee on Transportation and the Environment, or its successor committee with oversight of for-hire vehicles, on how the company intends to increase access to wheelchair-accessible public or private vehicle-for-hire service to individuals with disabilities.

“(b) A company that provides digital dispatch shall not:

“(1) Impose additional or special charges on an individual with a disability for providing services to accommodate the individual; or

“(2) Require an individual with a disability to be accompanied by an attendant.

“(c) If an operator accepts a ride request through digital dispatch from a passenger with a disability who uses a mobility device, upon picking up the passenger, the operator shall stow the passenger’s mobility equipment in the vehicle if the vehicle is capable of stowing the equipment. If a passenger or operator determines that the vehicle is not capable of stowing the equipment, the company that provides digital dispatch shall not charge a trip cancellation fee or, if such fee is charged, shall provide the passenger with a refund in a timely manner.

“Sec. 20f-2. Training of employees and operators.

“(a)(1) A company that uses digital dispatch shall train associated operators in how to properly and safely handle mobility devices and equipment and to treat an individual with disabilities in a respectful and courteous manner.

“(2) Completion of a public vehicle-for-hire driver’s training course approved by the Commission shall satisfy the operator training requirement of this subsection.”.

(i) Section 20g (D.C. Official Code § 50-326) is amended by adding a new subsection (c) to read as follows:

“(c)(1) The Commission shall create a notice to be posted in a conspicuous location in all taxicabs in clear view of passengers. The notice shall be at least 5 inches by 7 inches in size, and shall include the following:

“(A) A statement that a taxicab must accept credit cards through the approved taximeter system;

“(B) A statement that a taxicab shall not operate without a functioning taximeter system;

“(C) A statement that failure to accept a credit card is a violation of the law and is punishable by fine; and

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“(D) The information required for passengers to submit an alleged violation, including a telephone number and website address to the agency responsible for handling the complaint.

“(2) To obtain a copy of the notice required to be posted under this subsection, the owner or operator of a taxicab required to post the notice shall:

“(A) Print the notice from the Commission website; or

“(B) Request that the notice be mailed and submit payment to the Commission for the cost of printing and first-class postage.

“(3) The Commission shall post a notice on its website indicating that compliance with this subsection is mandatory as well as the penalties for failure to comply.

“(4) A violation of this subsection shall be punishable by a civil fine or other penalty provided by regulation.”.

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

(1) A new subsection (a-1) is added to read as follows:

“(a-1) The Commission shall not require a company that provides digital dispatch to sedan-class vehicles to produce to the Commission a list or inventory of vehicles or operators affiliated with the service.”.

(2) Subsection (b) is amended by striking the phrase “a digital dispatch service” and inserting the phrase “digital dispatch” in its place.

(3) A new subsection (b-1) is added to read as follows:

“(b-1) A vehicle shall be permitted to operate as a sedan-class vehicle if:

“(1) It has a manufacturer’s rated seating capacity of fewer than 10 persons;

“(2) It is not a salvaged vehicle or a vehicle rented from an entity whose predominant business is that of renting motor vehicles on a time basis; and

“(3) It is no more than 10 model years of age at entry into service and no more than 12 model years of age while in service.”.

(k) New sections 20j-1, 20j-2, 20j-3, 20j-4, 20j-5, 20j-6, and 20j-7 are added to read as follows:

“Sec. 20j-1. General requirements for private vehicles-for-hire.

“A private vehicle-for-hire company shall:

“(1) Create an application process for a person to apply to register as a private vehicle-for-hire operator;

“(2) Maintain an up-to-date registry of the operators and vehicles associated with the private vehicle-for-hire company;

“(3) Provide the following information on its website:

“(A) The private vehicle-for-hire company’s customer service telephone number or electronic mail address;

“(B) The private vehicle-for-hire company’s zero tolerance policy established pursuant to paragraphs (9) and (10) of this section;

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“(C) The procedure for reporting a complaint about an operator who a passenger reasonably suspects violated the zero tolerance policy under paragraphs (9) and (10) of this section; and

“(D) A telephone number or electronic mail address for the Commission;

“(4) Verify that an initial safety inspection of a motor vehicle used as a private vehicle-for-hire was conducted within 90 days of beginning service and that the vehicle passed the inspection and was determined safe by a licensed mechanic in the District pursuant to D.C. Official Code § 47-2851.03(a)(9) or an inspection station authorized by the State of Maryland or the Commonwealth of Virginia to perform vehicle safety inspections; provided, that an initial safety inspection need not be conducted if the motor vehicle used for service is compliant with an annual state-required safety inspection. A safety inspection conducted pursuant to this paragraph shall check the following motor vehicle equipment to ensure that such equipment is safe and in proper operating condition:

“(A) Brakes and parking brake;

“(B) All exterior lights, including headlights, parking lights, brake lights, and license plate illumination lights;

“(C) Turn signal devices;

“(D) Steering and suspension;

“(E) Tires, wheels, and rims;

“(F) Mirrors;

“(G) Horn;

“(H) Windshield and other glass, including wipers and windshield defroster;

“(I) Exhaust system;

“(J) Hood and area under the hood, including engine fluid levels and belts;

“(K) Interior of vehicle, including driver’s seat, seat belts, and air bags;

“(L) Doors;

“(M) Fuel system; and

“(N) Floor pan.

“(5) Verify the safety inspection status of a vehicle as described in paragraph (4) of this section on an annual basis after the initial verification is conducted;

“(6) Perform the background checks required by section 20j-2(b) on each applicant before private vehicle-for-hire service is provided and update those checks every 3 years thereafter;

“(7) Establish a trade dress as required by section 20j-4;

“(8) Transmit the required amount pursuant to section 20l(b)(11);

“(9)(A) Establish a policy of zero tolerance for the use of alcohol or illegal drugs or being impaired by the use of alcohol or drugs while a private vehicle-for-hire operator is logged into a private vehicle-for-hire company’s digital dispatch;

“(B) Immediately suspend, for the duration of the investigation conducted pursuant to subparagraph (C) of this paragraph, a private vehicle-for-hire operator upon

receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy established by subparagraph (A) of this paragraph; and

“(C) Conduct an investigation when a passenger alleges that a private vehicle-for-hire operator violated the zero tolerance policy established by paragraph (A) of this subparagraph;

“(10)(A) Establish a policy of zero tolerance for discrimination or discriminatory conduct on the basis of a protected characteristic under section 231 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.31), while a private vehicle-for-hire operator is logged into a private vehicle-for-hire company’s digital dispatch. Discriminatory conduct may include:

“(i) Refusal of service on the basis of a protected characteristic, including refusal of service to an individual with a service animal unless the operator has a documented serious medical allergy to animals on file with the private vehicle-for-hire company;

“(ii) Using derogatory or harassing language on the basis of a protected characteristic;

“(iii) Refusal of service based on the pickup or drop-off location of the passenger; or

“(iv) Rating a passenger on the basis of a protected characteristic;

“(B) It shall not constitute discrimination under this paragraph for a private vehicle-for-hire operator to refuse to provide service to an individual with disabilities due to violent, seriously disruptive, or illegal conduct by the individual. A private vehicle-for-hire operator shall not, however, refuse to provide service to an individual with a disability solely because the individual’s disability results in appearance or involuntary behavior that may offend, annoy, or inconvenience the operator or another person;

“(C) Immediately suspend, for the duration of the investigation conducted pursuant to subparagraph (D) of this paragraph, a private vehicle-for-hire operator upon receiving a written complaint from a passenger submitted through regular mail or electronic means containing a reasonable allegation that the operator violated the zero tolerance policy established by subparagraph (A) of this paragraph; and

“(D) Conduct an investigation when a passenger makes a reasonable allegation that an operator violated the zero tolerance policy established by subparagraph (A) of this paragraph;

“(11) Maintain records relevant to the requirements of this section for the purposes of enforcement; and

“(12) Submit to the Commission for the purposes of registration:

“(A) Proof that the private vehicle-for-hire company is licensed to do business in the District;

“(B) Proof that the private vehicle-for-hire company maintains a registered agent in the District;

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“(C) Proof that the private vehicle-for-hire company maintains a website that includes the information required by paragraph (3) of this section;

“(D) Proof that the private vehicle-for-hire company has established a trade dress required by section 20j-4, including an illustration or photograph of the trade dress;

“(E) A written description of how the private vehicle-for-hire company’s digital dispatch operates;

“(F) Proof that the private vehicle-for-hire company has secured the insurance policies required by section 20j-3; and

“(G) The certification required by section 20j-7; provided, that the Commission shall not impose a registration, licensure, certification, or other similar requirement for a private vehicle-for-hire company to operate in the District that exceeds the requirements set forth in this act.

“Sec. 20j-2. Registration of private vehicle-for-hire operators.

“(a) To become a private vehicle-for-hire operator, an individual shall submit an application to register with a private vehicle-for-hire company.

“(b) Before approving a registration application submitted under subsection (a) of this section, a private vehicle-for-hire company shall have a third party that is accredited by the National Association of Professional Background Screeners or a successor accreditation entity conduct the following examinations:

“(1) A local and national criminal background check;

“(2) The national sex offender database background check; and

“(3) A full driving record check.

“(c) A private vehicle-for-hire company shall reject an application submitted under subsection (a) of this section and shall permanently disqualify an applicant who:

“(1) As shown in the local or national criminal background check conducted in accordance with subsection (b)(1) of this section, has been convicted within the past 7 years of:

“(A) An offense defined as a crime of violence under D.C. Official Code § 23-1331(4);

“(B) An offense under Title II of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002 *et seq.*);

“(C) An offense under section 3 of the District of Columbia Protection Against Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102);

“(D) Burglary, robbery, or an attempt to commit robbery under An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code §§ 22-801, 22-2801 and 22-2802);

“(E) Theft in the first degree under section 112 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3212);

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“(F) Felony fraud or identity theft under sections 121 or 127b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §§ 22-3221, 22-3227.02); or

“(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraphs (A), (B), (C), (D), (E), and (F) of this paragraph if committed in the District;

“(2) Is a match in the national sex offender registry database;

“(3) As shown in the national background check or driving record check conducted in accordance with subsections (b)(1) and (b)(3) of this section, has been convicted within the past 7 years of:

“(A) Aggravated reckless driving under section 9(b-1) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04(b-1));

“(B) Fleeing from a law enforcement officer in a motor vehicle under section 10b of the District of Columbia Traffic Act, 1925, effective March 16, 2005 (D.C. Law 15-239; D.C. Official Code § 50-2201.05b);

“(C) Leaving after colliding under section 10c of the District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2201.05c);

“(D) Negligent homicide under section 802(a) of An Act To amend an Act of Congress entitled “An Act to establish a Code of Law for the District of Columbia”, approved March 3, 1901, as amended, by adding three new sections to be numbered 802(a), 802(b), and 802(c), respectively, approved June 17, 1935 (49 Stat. 385; D.C. Official Code § 50-2203.01);

“(E) Driving under the influence of alcohol or a drug, driving a commercial vehicle under the influence of alcohol or a drug, or operating a vehicle while impaired under sections 3b, 3c, or 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code §§ 50-2206.11, 50-2206.12, and 50-2206.14);

“(F) Unauthorized use of a motor vehicle under section 115 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3215); and

“(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraphs (A), (B), (C), (D), (E), and (F) of this paragraph if committed in the District; or

“(4) Has been convicted within the past 3 years of driving with a suspended or revoked license under section 13(e) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-1403.01(e)), according to the driving record check conducted in accordance with subsection (b)(3) of this section.

“(d) A motor vehicle used as a private vehicle-for-hire shall:

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“(1) Have a manufacturer’s rated seating capacity of 8 persons or fewer, including the private vehicle-for-hire operator;

“(2) Have at least 4 doors and meet applicable federal motor vehicle safety standards for vehicles of its size, type, and proposed use; and

“(3) Be no more than 10 model years of age at entry into service and no more than 12 model years of age while in service.

“(e) A person registered with a private vehicle-for-hire company as a private vehicle-for-hire operator under this section shall be deemed by the District to hold the necessary authorization to operate in the District as may be required by another jurisdiction or interstate authority.

“Sec. 20j-3. Insurance requirements for private vehicles-for-hire.

“(a) A private vehicle-for-hire company or operator shall maintain a primary automobile liability insurance policy that provides coverage of at least \$1 million per occurrence for accidents involving a private vehicle-for-hire operator at all times when the operator is engaged in a prearranged ride.

“(b) A private vehicle-for-hire operator or a private vehicle-for-hire company on the operator’s behalf shall maintain a primary automobile liability insurance policy that, for the time period when a private vehicle-for-hire operator is logged onto a private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers but is not engaged in a prearranged ride:

“(1) Recognizes that the operator is a private vehicle-for-hire operator and covers the operator’s provision of private vehicle-for-hire service while the operator is logged into the private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers;

“(2) Provides minimum coverage of at least \$50,000 per person per accident, with up to \$100,000 available to all persons per accident, and \$25,000 for property damage per accident; and

“(3) Either:

“(A) Offers full-time coverage similar to the coverage required by section 15 of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-314);

“(B) Contains an insurance rider to, or endorsement of, the operator’s personal automobile liability insurance policy required by section 7 of the Compulsory/No Fault Motor Vehicle Insurance Act of 1982, effective September 18, 1982 (D.C. Law 4-155; D.C. Official Code § 31-2406); or

“(C) Offers a liability insurance policy purchased by the private vehicle-for-hire company that provides primary coverage for the time period in which an operator is logged into the private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers.

“(c) If a private vehicle-for-hire company purchases an insurance policy under this section, it shall provide proof to the Commission that the private vehicle-for-hire company has secured the policy.

“(d) A private vehicle-for-hire company shall not allow a private vehicle-for-hire operator who has purchased his or her own policy to fulfill the requirements of this section to accept a trip request through the digital dispatch service used by the private vehicle-for-company until the private vehicle-for-hire company verifies that the operator maintains insurance as required under this section. If the insurance maintained by a private vehicle-for-hire operator to fulfill the insurance requirements of this section has lapsed or ceased to exist, the private vehicle-for-hire company shall provide the coverage required by this section beginning with the first dollar of a claim.

“(e) Nothing in this section shall require an operator to obtain a personal automobile insurance policy that provides coverage for the time period in which an operator is logged into a private vehicle-for-hire company’s digital dispatch.

“(f) If more than one insurance policy purchased by a private vehicle-for-hire company provides valid and collectable coverage for a loss arising out of an occurrence involving a motor vehicle operated by a private vehicle-for-hire operator, the responsibility for the claim shall be divided on an equal basis among all of the applicable policies; provided, that a claim may be divided in a different manner by written agreement of all of the insurers of the applicable policies and the policy owners.

“(g) In a claims coverage investigation, a private vehicle-for-hire company shall cooperate with any insurer that insures the private vehicle-for-hire operator’s motor vehicle, including providing relevant dates and times during which an accident occurred that involved the operator to determine whether the operator was logged into a private vehicle-for-hire company’s digital dispatch showing that the operator is available to pick up passengers.

“(h) The insurance requirements set forth in this section shall be disclosed on a private vehicle-for-hire company’s website, and the company’s terms of service shall not contradict or be used to evade the insurance requirements of this section.

“(i) Within 90 days of the effective date of the Vehicle-for-Hire Innovation Amendment Act of 2014, passed on 2nd reading on October 28, 2014 (Enrolled version of Bill 20-753)(“2014 Act”), a private vehicle-for-hire company that purchases insurance on an operator’s behalf under this section shall disclose in writing to the operator, as part of its agreement with the operator:

“(1) The insurance coverage and limits of liability that the private vehicle-for-hire company provides while the operator is logged into the company’s digital dispatch showing that the operator is available to pick up passengers; and

“(2) That the operator’s personal automobile insurance policy may not provide coverage, including collision physical damage coverage, comprehensive physical damage coverage, uninsured and underinsured motorist coverage, or medical payments coverage because the operator uses a vehicle in connection with a private vehicle-for-hire company.

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“(j) An insurance policy required by this section may be obtained from an insurance company authorized to do business in the District or with a surplus lines insurance company with an AM Best rating of at least A-.

“(k) A private vehicle-for-hire company or operator shall have 120 days from the effective date of the 2014 Act to procure primary insurance coverage that complies with the requirements of subsection (b) of this section; provided, that until such time, a company shall maintain a contingent liability policy meeting at least the minimum limits of subsection (b) of this section that will cover a claim in the event that the operator’s personal insurance policy denies a claim.

“(l) Within one year of the effective date of the 2014 Act, the Mayor shall assess whether the insurance requirements of this section are appropriate to the risk of private vehicle-for-hire services and shall report its findings to the Council.

“(m) For the purposes of this section, the term “pre-arranged ride” shall mean a period of time that begins when a private vehicle-for-hire operator accepts a requested ride through digital dispatch, continues while the operator transports the passenger in the operator’s vehicle, and ends when the passenger departs from the vehicle.

“Sec. 20j-4. Trade dress requirements for private vehicles-for-hire.

“A private vehicle-for-hire shall display a consistent and distinctive trade dress consisting of a logo, insignia, or emblem at all times while the operator is logged into the private vehicle-for-hire company’s digital dispatch. The trade dress shall be:

“(1) Sufficiently large and color contrasted so as to be readable during daylight hours at a distance of at least 50 feet; and

“(2) Reflective, illuminated, or otherwise patently visible in darkness.

“Sec. 20j-5. Requirements for private vehicle-for-hire operators.

“(a) A private vehicle-for-hire operator shall:

“(1) Accept only rides booked through a private vehicle-for-hire company’s digital dispatch and shall not solicit or accept street hails;

“(2) Use the trade dress required by section 20j-4 at any time that the operator is logged into a private vehicle-for-hire company’s digital dispatch;

“(3) Possess a valid driver’s license issued by the District of Columbia, the State of Maryland, or the Commonwealth of Virginia;

“(4) Possess proof of personal motor vehicle insurance for the motor vehicle used as a private vehicle-for-hire; and

“(5) Be at least 21 years of age.

“(b) If an accident occurs involving a motor vehicle that is logged into the private vehicle-for-hire’s digital dispatch, the private vehicle-for-hire operator or company shall provide law enforcement officials and insurance representatives with proof of the insurance required by section 20j-3.”

“Sec. 20j-6. Charges for private vehicle-for-hire service.

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“A private vehicle-for-hire company may offer service at no charge, suggest a donation, or charge a fare; provided, that if a fare is charged the company shall comply with the fare transparency provisions pursuant to section 20l(b)(2).

“Sec. 20j-7. Certification, enforcement, and regulation of private vehicles-for-hire.

“(a) Every 24 months, a private vehicle-for-hire company shall certify on a form provided by the Commission that the private vehicle-for-hire company has complied with the requirements of this act.

“(b) The Commission is authorized to inspect and copy the relevant safety and consumer protection-related records of a private vehicle-for-hire company to ensure compliance with this act when it has a reasonable basis to suspect non-compliance; provided, that any records disclosed to the Commission under this act shall not be subject to disclosure to a third party by the Commission, including through a request submitted pursuant to the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*).

“(c) If the Mayor determines that a private vehicle-for-hire company knowingly certified an intentionally false or misleading statement on a form required by this act, the Mayor may impose a civil fine as determined by rulemaking. A civil fine prescribed by this section shall be applicable only after the private vehicle-for-hire company is afforded an opportunity for a hearing. These penalties shall be in addition to any other penalties available by law.

“(d) Failure by a private vehicle-for-hire company or operator to adhere to the requirements of this act may result in sanction by the Commission, including fines and other penalties, pursuant to the Commission’s authority in section 8(c)(7).

“(e) Notwithstanding any other provision of law, the Commission shall not require a private vehicle-for-hire company to provide the Commission with a list or inventory of private vehicle-for-hire operators or vehicles associated with a private vehicle-for-hire company.”.

(l) Section 20k (D.C. Official Code § 50-329.01) is amended to read as follows:

“Sec. 20k. Vehicle inspection officers.

“(a) Vehicle inspection officers shall undergo training on the rules and regulations governing private and public vehicles-for-hire and undergo yearly performance evaluations. Vehicle inspection officers shall be prohibited from making traffic stops of on-duty private or public vehicles-for-hire in the act of transporting a fare, unless there is reasonable suspicion of a violation, and shall act in accordance with all rules governing their duties, as established through rulemaking.

“(b) Upon reasonable suspicion of an illegal street hail, a public or private vehicle-for-hire operator shall provide a law enforcement official or vehicle inspection officer with access to a device containing an electronic record of trips sufficient to establish that the ride in question was prearranged through digital dispatch. Failure to have or provide access to a device containing such a record shall constitute a civil infraction punishable by fine or other penalty as established by the Mayor; provided, that an operator shall not be required to relinquish custody of a device containing evidence of a trip arranged through digital dispatch.”.

(m) Section 20l (D.C. Official Code § 50-329.02) is amended as follows:

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

(A) The lead-in language is amended to read as follows:

“(b) A company that provides digital dispatch shall be exempt from regulation by the Commission, other than the rules issued pursuant to this subsection and subsection (c-1) of this section. The Commission may establish rules only to the extent necessary to ensure compliance with the following service requirements; provided that, the rules shall protect the personal privacy rights of customers and operators, and shall not result in the disclosure of confidential business information:”.

(B) Paragraph (1) is amended as follows:

(i) Strike the phrase “the digital dispatch service” and insert the phrase “a company that uses digital dispatch” in its place.

(ii) Strike the word “system” and insert the phrase “system or through a time and distance charge set by the company” in its place.

(C) A new paragraph (1A) is added to read as follows:

“(1A) If a company that uses digital dispatch connects a customer to a private or public vehicle-for-hire other than a taxicab, the company shall calculate the fare in compliance with the method required for that class of service;”.

(D) Paragraph (2) is amended to read as follows:

“(2) If a company that uses digital dispatch charges a fare other than the metered taxicab rate, before booking a vehicle the company shall disclose to the customer the fare calculation method, the applicable rates being charged, and the option for an estimated fare. The company shall review any customer complaint about fares that exceed estimated fares by 20% or \$25, whichever is less;”.

(E) Paragraph (3) is amended by striking the phrase “using a digital dispatch service” and inserting the phrase “affiliated with a company using digital dispatch” in its place.

(F) Paragraph (4) is amended by striking the phrase “The digital dispatch service and the operators” and inserting the phrase “A company that uses digital dispatch and the public vehicle-for-hire operators” in its place.

(G) Paragraph (6) is amended by striking the phrase “The digital dispatch service” and inserting the phrase “A company that uses digital dispatch” in its place.

(H) Paragraph (7) is amended by striking the phrase “The digital dispatch service” and inserting the phrase “A company that uses digital dispatch” in its place.

(I) Paragraph (8) is amended as follows:

(i) Strike the word “public” wherever it appears and insert the phrase “private or public” in its place

(ii) Strike the phrase “The digital dispatch service” and insert the phrase “A company that uses digital dispatch” in its place.

(iii) Strike the phrase “a digital dispatch service” and insert the phrase “a company that uses digital dispatch” in its place

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(iv) Strike the phrase “the digital dispatch service includes” and insert the phrase “the company that uses digital dispatch includes” in its place.

(v) Strike the phrase “the digital dispatch service provides” and insert the phrase “the company that uses digital dispatch provides” in its place.

(J) Paragraph (9) is amended to read as follows:

“(9) A company that uses digital dispatch shall provide service throughout the entire District;”.

(K) Paragraph (10) is amended to read as follows:

“(10) A company that uses digital dispatch for public vehicles-for-hire service shall register with the Commission by submitting proof to the Commission that it is licensed to do business in the District, maintains a registered agent in the District, and maintains a website containing information on its method of fare calculation, the rates and fees charged, and a customer service telephone number or email address. A company that uses digital dispatch for private vehicles-for-hire shall comply with the registration requirements of section 20j-1(12);”.

(L) New paragraphs (11), (12), (13), (14), and (15) are added to read as follows:

“(11) Every 3 months, a company that uses digital dispatch for private or public vehicles-for-hire other than taxicabs shall transmit to the Office of the Chief Financial Officer 1% of all gross receipts for trips that physically originate in the District. The money collected shall be deposited in the Public Vehicles-for-Hire Consumer Service Fund established by section 20a. The company shall certify that the amount transmitted is consistent with the amount collected for such trips arranged through digital dispatch. The Office of the Chief Financial Officer may inspect records of the company to ensure compliance with the requirements of this paragraph; provided, that any records disclosed to the Office of the Chief Financial Officer shall not be subject to disclosure to a third party, including through a request submitted pursuant to the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*);

“(12) A company that uses digital dispatch for taxicabs or an approved payment service provider pursuant to the Commission’s regulations shall transmit the per trip passenger surcharge to the Office of the Chief Financial Officer to be deposited in the Public Vehicles-for-Hire Consumer Service Fund established by section 20a in a manner prescribed by the Commission pursuant to its authority in section 20a(g). The Office of the Chief Financial Officer may inspect records of the company to ensure compliance with the requirements of this paragraph; provided, that any records disclosed to the Office of the Chief Financial Officer shall not be subject to disclosure to a third party, including through a request submitted pursuant to the District of Columbia Freedom of Information Act of 1976, effective March 25, 1976 (D.C. Law 1-96; D.C. Official Code § 2-501 *et seq.*);

“(13) During a state of emergency as declared by the Mayor, a company that provides digital dispatch that engages in surge pricing shall limit the multiplier by which its base fare is multiplied to the next highest multiple below the 3 highest multiples set on different days

in the 60 days preceding the declaration of a state of emergency for the same type of service in the Washington Metropolitan Area;

“(14) A private or public vehicle-for-hire operator may affiliate with more than one company for the purpose of using digital dispatch unless otherwise provided for by an agreement between the company and the operator; and

“(15) A trip manifest maintained in an electronic format by a private or public vehicle-for-hire operator who connects with a passenger through a digital dispatch service may include the phrase “as directed” or a similar phrase in lieu of including a passenger’s trip destination; provided, that the destination is included upon completion of the trip.”.

(2) A new subsection (c-1) is added to read as follows:

“(c-1) The Commission shall not require a company that provides or uses digital dispatch for private or public vehicles-for-hire to collect or transmit data or information about a customer or a customer’s trip; provided, that anonymous trip data collected by a taxicab meter system shall be collected and transmitted to the Commission for all trips.”.

(3) Subsection (d) is repealed.

(n) Section 20m (D.C. Official Code § 50-329.03) is amended as follows:

(1) Paragraph (3) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(2) Paragraph (4) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(3) Paragraph (6) is amended by striking the word “taxicab” and inserting the phrase “private or public vehicle-for-hire” in its place.

(o) Section 20o (D.C. Official Code § 50-329.05) is amended as follows:

(1) The heading is amended to read as follows:

“Sec. 20o. Fleeing from a vehicle inspection officer in a public or private vehicle-for-hire.”.

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

(A) Paragraph (1) is amended as follows:

(i) Strike the phrase “public vehicle-for-hire” wherever it appears and insert the phrase “public or private vehicle-for-hire” in its place.

(ii) Strike the phrase “public vehicle inspection officer” wherever it appears and insert the phrase “vehicle inspection officer” in its place.

(B) Paragraph (2) is amended by striking the phrase “public vehicle-for-hire” wherever it appears and inserting the phrase “public or private vehicle-for-hire” in its place.

(3) Subsection (b) is amended as follows:

(A) The lead-in text is amended by striking the phrase “public vehicle-for-hire” and inserting the phrase “public or private vehicle-for-hire” in its place.

(B) Paragraph (2) is amended by striking the phrase “public vehicle inspection officer” wherever it appears and inserting the phrase “vehicle inspection officer” in its place.

(C) Paragraph (3) is amended as follows:

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(i) Strike the phrase “public vehicle-for-hire” and insert the phrase “public or private vehicle-for-hire” in its place.

(ii) Strike the phrase “public vehicle inspection officer” and insert the phrase “vehicle inspection officer” in its place.

(4) Subsection (c) is amended by striking the phrase “public vehicle-for-hire” wherever it appears and insert the phrase “public or private vehicle-for-hire” in its place.

Sec. 3. Section 105(a) of the 2005 District of Columbia Omnibus Authorization Act, approved October 16, 2006 (120 Stat. 2023; D.C. Official Code § 50-381(a)), is amended by striking the phrase “system.” and inserting the phrase “system; provided that a company that uses digital dispatch for taxicabs may charge fares pursuant to section 201(b)(1) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code § 50-329.02(b)(1)).”.

Sec. 4. Section 47-2829 of the District of Columbia Official Code is amended by adding new subsections (k) and (l) to read as follows:

“(k) A person who resides in the District of Columbia, the State of Maryland, or the Commonwealth of Virginia shall be eligible to apply for an operator and vehicle license to operate a public vehicle-for-hire.

“(l) This section shall not apply to a private vehicle-for-hire operator affiliated with a private vehicle-for-hire company pursuant to 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.*)”.

Sec. 5. Subsection 601.4(e) of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 601.4(e)) is amended by striking the phrase “semi-annually” and inserting the word “annually” in its place.

Sec. 6. Title 31 of the District of Columbia Municipal Regulations is amended as follows:

(a) Section 1001.9 (31 DCMR § 1001.9) is amended by striking the phrase “Metropolitan Area” wherever it appears and inserting the phrase “District of Columbia, the State of Maryland, or the Commonwealth of Virginia” in its place.

(b) Section 1209.4 (31 DCMR § 1209.4) is amended by striking the phrase “Washington Metropolitan Area” wherever it appears and inserting the phrase “District of Columbia, the State of Maryland, or the Commonwealth of Virginia” in its place.

Sec. 7. Applicability.

Section 1, section 2, section 3, and section 4 of this act shall apply as of the effective of date of this act. Section 5 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.

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Sec. 8. 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. 9. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia