DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF SECOND EMERGENCY RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), pursuant to the authority set forth in Sections 8(c) (1),(2),(3), (4) (7), (10), (11), (14), (16), (18), (19) and (20), 14, 15, and 20j of the District of Columbia Taxicab Commission Establishment Act of 1985 ("Establishment Act"), effective March 25, 1986, as amended by the Vehicle-for-Hire Innovation Amendment Act of 2014 ("Vehicle-for-Hire Act"), effective March 10, 2015 (D.C. Law 6-97; D.C. Official Code §§ 50-307(c)(1),(2),(3), (4) (7), (10), (11), (14), (16), (18), (19) and (20), 50-313, 50-314, and 50-329 (2012 Repl. & 2014 Supp.), hereby gives notice of its intent to adopt amendments to Chapter 16 (Dispatch Services and District of Columbia Taxicab Industry Co-op) and Chapter 99 (Definitions) of Title 31 (Taxicabs and Public Vehicles-for-hire) of the District of Columbia Municipal Regulations (DCMR).

This second emergency rulemaking would amend Chapter 16 to modify the requirements for the D.C. Universal Taxicab App ("DC TaxiApp") and the D.C. Taxicab Industry Co-op ("Co-op"). This second emergency rulemaking is necessary because there is an immediate need to preserve and promote the safety and welfare of the District's taxicab industry by: (1) expediting formation of the Co-op to prevent further delays in the formation of the Co-op by clarifying the obligations of industry stakeholders; (2) making the Co-op available for testing and licensing of the DC TaxiApp, necessary prerequisites to the deployment of the app; (3) clarifying the process for developing and approving the Co-op's draft bylaws; (4) clarifying and expanding the requirements for the Co-op's bylaws, to ensure that the Co-op will be owned and operated for the mutual benefit of all of its members, and that the Co-op will not be owned or operated in manner which violates its bylaws, or District or Federal laws; (5) establishing procedures to allow app developers to conduct live field testing of apps for taxicab service in the District without registering a digital dispatch service with the Office; and (6) accomplishing other lawful and appropriate purposes justifying the immediate effectiveness of these rules in advance of final rulemaking.

The Commission previously approved emergency rulemaking on May 29, 2015, which took effect immediately, and would have remained in effect for one hundred and twenty (120) days after the date of adoption (expiring September 25, 2015), unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurred first. This second emergency rulemaking was adopted by the Commission on October 14, 2015, and took effect immediately. These emergency rules shall replace the emergency rules adopted May 29, 2015, and shall remain in effect for one hundred and twenty (120) days after the date of adoption (expiring February 11, 2016), unless earlier superseded by an amendment or repeal by the Commission, or the publication of final rulemaking, whichever occurs first. The changes in this second emergency rulemaking from the first emergency rulemaking adopted on May 29, 2015 consist of: (1) allowing the implementation date in § 1612.1 to be set by the Office in an administrative issuance, and deleting the dates in § § 1613.4 and 1613.10 for actions which have been taken as of the date of this rulemaking; (2) clarifying § 1613.2 to ensure that meaningful opportunities to participate in the management of the Co-op are giving to all persons eligible for membership in the Co-op; (3) clarifying § 1613.8 (a) by defining "preferential

treatment" by the Co-op as denying persons eligible for membership meaningful opportunities to participate in the management or ownership of the Co-op; (4) modifying § 1613.8 (j) (2) to delete persons holding DCTC transferable taxicab vehicle licenses, as there are no such licensees; and (5) adding § 1613.16 to allow the Co-op to use a name or trade name other than the "District of Columbia Taxicab Industry Co-Op" and a name or trade name for the DC TaxiApp other than the "District of Columbia Universal Taxicab App".

Chapter 16, DISPATCH SERVICES AND DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP, of Title 31, TAXICABS AND PUBLIC VEHICLES FOR HIRE, of the DCMR is amended as follows:

Sections 1612 and 1613 are amended to read as follow:

1612 DISTRICT OF COLUMBIA UNIVERSAL TAXICAB APP

1612.1 Not later than September 1, 2015 or such later date as identified in an administrative issuance ("implementation date"), each DCTC taxicab operator shall provide service only when signed in to the District of Columbia Universal Taxicab App ("DC TaxiApp"). A violation of this subsection shall subject an operator to a civil fine of twenty five dollars ($25).

1612.2 Each taxicab owner shall ensure that all of its vehicles are equipped, if necessary, to allow its associated taxicab operators to comply with the provisions of § 1612.1. A violation of this subsection shall subject the owner to a civil fine of fifty dollars ($50) per vehicle.

1612.3 For purposes of this section and § 1613, the term "app" and "application" shall mean a piece of software designed to fulfill a particular purpose, which is downloadable by a user to a mobile device, such as a tablet or smartphone. Unless otherwise stated, an app's purpose is the digital dispatch, or the digital dispatch and digital payment, of trips by vehicles-for-hire.

1612.4 Nothing in this title shall be construed to prevent any person from using an app provided by a registered digital dispatch service other than the Co-op.

1612.5 The Commission shall enact no rule or regulation respecting the rates and charges, if any, for trips booked through the DC TaxiApp. Such rates and charges shall be established only by the Co-op, as provided in § 1613.

1612.6 Any person developing an app ("app developer") for taxicab service may engage in live field testing in the District provided the app developer meets the following requirements.

(a) Prior to commencing live field testing in the District:

(1) The app developer shall submit an application using a form made available by the Office, executed under oath, consisting of the following information and documentation:

(A) The app developer is licensed to do business in the District;

(B) The app developer maintains a registered agent in the District;

(C) The rates and charges to be used during the testing;

(D) The app developer is, or prior to commencing testing will be, in compliance with the provisions of paragraph (b) of this subsection;

(E) An initial inventory of all owners, operators, and vehicles that would participate in the testing;

(F) Such other information and documentation which the Office determines to be necessary and appropriate;

(G) A bond of fifty thousand dollars ($50,000) effective during the period of testing and twelve (12) months thereafter, to cover claims by the Office for documented violations of this section; and

(H) Be accompanied by an application fee of two thousand five hundred dollars ($2,500).

(2) The Office shall review the application within ten (10) days, and issue a decision in writing. If the decision grants the application, it may include terms and conditions for the live field testing relating to safety, consumer protection, the passenger surcharge, or any other provision of this title or other applicable law. The testing period shall not exceed one hundred twenty (120) days but may be extended by the Office pursuant to the same requirements for a new application under this subsection. The app developer shall not conduct live field testing if the Office does not grant the application.

(b) Following the Office's approval, the app developer shall:

(1) Use only:

(A) The DCTC-licensed vehicles listed on the inventory required by § 1612.6 (b) (7);

(B) The DCTC-licensed taxicab owners and operators listed on the inventory required by § 1612.6 (b) (7), who volunteer to participate; and

(C) Passengers who volunteer to participate in the testing, who are informed of the rates and charges used by the app, and are provided with an estimated fare;

(2) Not interfere with the collection or payment to the District of the passenger surcharge;

(3) Comply with §§ 1604.3, 1604.5, 1604.6, 1604.8, 1604.11, 1604.12, 1604.14, and 1605.9 (as promulgated on an emergency basis in the Notice of Emergency and Proposed Rulemaking approved on March 11, 2015, or in the corresponding provisions of any final rulemaking), to the same extent as if the app developer were a digital dispatch service;

(4) Provide passengers with contact information for the Office and for the app developer;

(5) Promptly inform the Office of a security breach requiring a report under the Consumer Personal Information Security Breach Notification Act of 2006, effective March 8, 2007 (D.C. Law 16-237, D.C. Official Code §§ 28-3851, *et seq.*), or other applicable law;

(6) Be subject to the provisions of Chapter 7, and shall cooperate with the Office to promptly resolve an issue relating to the testing, such as interference with a person's ability to comply with a provision of this title or other applicable law, or a passenger's complaint about the app;

(7) Maintain with the Office a current and accurate inventory of all owners, operators, and vehicles participating in the testing;

(8) Maintain its business records for two (2) years following the conclusion of the testing, which shall be subject to inspection by the Office;

(9) Comply with all applicable provisions of this title for enforcement and compliance to the same extent as if the app developer were a taxicab company or association;

(10) File a public complaint with the Office against any person who engages in conduct which constitutes a clear threat to public safety or consumer protection, or which constitutes grounds for immediate suspension of a vehicle operator's license under § 706; and

(11) Promptly reimburse any participant in the testing for a documented loss resulting from the testing, such as a miscalculation of a fare.

1612.7 The Office, by written notice upon the app developer, may suspend or revoke its approval for live field testing where the testing:

(a) Is conducted in violation of § 1612.6 (including violation of any terms or conditions stated in the Office's approval under § 1612.6 (a) (2));

(b) Threatens safety, consumer protection, or the payment to the District of the passenger surcharge; or

(c) Interferes with the Office's ability to enforce any provision of this title or other applicable law.

1612.8 An app which is the subject of approved live field testing shall not be launched in the District unless and until it is provided by a digital dispatch service registered as required by this chapter and other applicable law.

1612.9 No person shall conduct or participate in live field testing of an app for the dispatch of taxicabs in the District except as provided in this section. An entity which conducts or participates in live field testing in violation of this section shall be subject to a civil fine not to exceed one thousand dollars ($1,000) per day based on the circumstances. An operator who knowingly participates in live field testing that violates this section shall be subject to a civil fine of twenty five dollars ($25) for each trip booked through the app.

1612.10 Each taxicab company required by D.C. Official Code § 50-329.02 to provide dispatch services shall participate in live field testing of the DC TaxiApp if required to do so in an administrative issuance.

1613 DISTRICT OF COLUMBIA TAXICAB INDUSTRY CO-OP

1613.1 The Co-op shall be a cooperative association or other business entity authorized by the Business Corporation Act of 2011, D.C. Official Code § 29-301.01, *et seq.*, which allows the Co-op and all of its members to meet all the requirements of this section, § 1612, and other applicable laws, provided however, that if the Co-op is not a cooperative association, it shall be organized to comply with all applicable provisions of this section, to the maximum extent feasible, as determined by the Office in connection with its review of the draft bylaws pursuant to §

1613.2 The Co-op shall be owned and operated for the mutual benefit of all of its members, for the purpose of promoting the use of available DCTC-licensed taxicabs, including wheelchair accessible vehicles, by the residents of and visitors to the District, and such other purposes as stated in this section and § 1612. Consistent with the foregoing, no category of persons identified in § 1613.8 (j) shall be excluded from meaningful opportunities to participate in the management of the Co-op through a representative on the board of directors or other common means, and no person shall be excluded from meaningful opportunities to participate in the ownership of the Co-op through stock ownership or other common means, provided however, that a member may be excluded for a bona fide business purpose such as the lack of a capital contribution or material non-compliance with applicable provisions of this title or other applicable law.

1613.3 Unless otherwise provided in a license agreement with the Office, the Co-op shall provide all necessary management, service, and support for the DC TaxiApp in the manner prescribed by this section and § 1612, and by the license agreement.

1613.4 Any two or more persons who are permitted or required by § 1613.8 (j) to be members of the Co-op shall incorporate the Co-op.

1613.5 Following incorporation of the Co-op, the incorporators shall:

(a) Promptly obtain a physical place of business for the Co-op within the District;

(b) Cooperate with the Office to conduct any necessary testing of the DC TaxiApp;

(c) Take or facilitate all actions required by this chapter and other applicable law to ensure that the Co-op is ready and able to begin full operations not later than the implementation date; and

(d) Schedule a meeting to be held within thirty (30) to sixty (60) days after the issuance of public notice to all prospective members of the Co-op, to:

(1) Elect a board of directors,

(2) Adopt the Co-op's bylaws following their approval by the Office; and

(3) Engage in such other business as necessary to begin full operation of the Co-op and to enable the use of the DC TaxiApp by all taxicab operators not later than the implementation date.

1613.6 The Co-op shall be governed by its bylaws, as approved by the Office pursuant to § 1613.12.

1613.7 Draft bylaws shall be prepared by a bylaw drafting advisory group whose members shall be:

(a) Representatives of each taxicab company with current operating authority required by D.C. Official Code § 50-329.02 to provide dispatch services as of May 29, 2015; and

(b) An equal number of individuals selected at random by the Office from among those who volunteer to participate, each of whom shall either:

(1) Be permitted but not required to be members of the Co-op pursuant to § 1613.8 (j) (2); or

(2) Represent a group of individuals each of whom is permitted but not required to be members of the Co-op pursuant to § 1613.8 (j) (2).

1613.8 The draft bylaws filed with the Office pursuant to § 1613.6 shall include terms and conditions providing that:

(a) The Co-op shall not give preferential treatment to any person or group of persons in the taxicab industry through its operations, through the marketing, availability, or functionality of the DC TaxiApp, through the rates and charges which the Co-op sets for trips booked through the DC TaxiApp, or through the revenue generated by the DC TaxiApp. Preferential treatment shall include but not be limited to denying a person listed in § 1613.8 (j) (2) meaningful opportunities to participate in the management or ownership of the Co-op, as otherwise required by this section or § 1612.

(b) The Co-op shall establish and maintain a digital dispatch service, registered and operated in compliance with this chapter, which at all times, maintains integration between the DC TaxiApp and each PSP in a manner consistent with § 408.16, to ensure that:

(1) Each passenger who books a ride through the DC TaxiApp may choose to make either an in-vehicle payment (cash or payment card) or a digital payment;

(2) The passenger surcharge is collected from the passenger and paid to the District for each trip; and

(3) The PSP is able to comply with all obligations under Chapters 4 and 6.

(c) The provisions of § 1613.8 (b) shall not apply if the DC TaxiApp does not provide the functionality needed for integration;

(d) The Co-op shall establish competitive, market-based rates and charges for trips booked through the DC TaxiApp;

(e) The Co-op shall execute any necessary license agreement with the District for the use of the DC TaxiApp, shall comply with all terms and conditions thereof, and shall not use, acquire, license, test, market, develop, or otherwise be associated with any other app without the written approval of the Office;

(f) The Co-op shall develop, distribute, and require the acceptance of terms of service for the use of the DC TaxiApp by taxicab operators and passengers;

(g) The Co-op shall ensure that operators receive the revenue they generate through the use of the DC TaxiApp within twenty four (24) hours or one (1) business day;

(h) The Co-op shall promote the availability of wheelchair accessible taxicab service, and may use incentives to owners and operators to support such availability;

(i) The Co-op shall carry such commercial insurance as necessary in connection with the use of the DC TaxiApp;

(j) The Co-op's membership shall be limited to:

(1) Persons required to be members: each taxicab company with current operating authority that is required by D.C. Official Code § 50-329.02 to provide dispatch services and who pays the required capital contribution; and

(2) Persons allowed but not required to be members:

(A) Each individual who holds a current DCTC taxicab operator's license (Face card);

(B) Each individual who holds a current DCTC taxicab vehicle license other than a DCTC transferable taxicab vehicle license;

(C)

Each taxicab company with current operating authority, other than a taxicab company required to be a member under § 1613.8 (j) (1); and

(D) Each taxicab association with current operating authority;

(k) Each Co-op member shall make a capital contribution as determined by the board of directors, which shall be consistent with the provisions of this section and other applicable laws;

(l) The Co-op may allow a fair return to members who choose to make additional capital contributions to fund the establishment and/or operations of the Co-op, and to investors;

(m) The Co-op shall maintain a fair, reasonable, and non-discriminatory system which allows the passenger to rate the operator based on the quality of service received;

(n) The Co-op shall establish standards for its operations, including standards for the safe and prompt provision of service through the DC TaxiApp;

(o) The Co-op may suspend an operator from using the DC TaxiApp for not more than two (2) hours total during any seven (7) calendar day period based on material violations of the standards established by the Co-op, provided the Co-op promptly notifies the operator of the basis of the suspension and allows the operator to respond in writing;

(p) The Co-op may suspend an operator from using the DC TaxiApp for more two (2) hours total during any seven (7) calendar day period based on violations of the standards established by the Co-op, provided the Co-op maintains a system of discipline which gives operators the following minimum procedural protections:

(1) Written notice of a suspension accompanied by relevant documentation, which shall be provided in advance of the suspension except in the event of a clear threat to safety or consumer protection;

(2) Representation by an attorney or other individual, at the operator's expense;

(3) An opportunity to respond to the notice;

(4) One (1) level of review of the Co-op's decision;

(5) No suspension shall exceed thirty (30) calendar days; and

(6) An operator's suspension shall not be considered for purposes of determining the appropriate length of a subsequent suspension more than three (3) years thereafter.

(q) The Co-op may file a public complaint with the Office against any person in connection with a violation of this section or § 1612. The Co-op shall file a public complaint with the Office against any person who engages in conduct which constitutes a clear threat to public safety or consumer protection, or which constitutes grounds for immediate suspension of a vehicle operator's license under § 706;

(r) Each member of the board of directors shall possess the qualifications required for an industry member of the Commission under D.C. Official Code § 50-305;

(s) The Co-op shall annually publish a report which containing:

(1) A summary of the Co-op's major activities for the prior twelve (12) months;

(2) The names of the Co-op's members and their taxicab company or taxicab association affiliations, if any;

(3) The names of the Co-op's principal officers and members of the board of directors;;

(4) The name and address of each entity in which the Co-op has a legal or equitable interest, or with which it conducts a business activity in a partnership or joint venture;

(5) The name and address of each entity with which the Co-op transacts business in excess of ten thousand dollars ($10,000) per calendar year; and

(6) Such other information as the Co-op deems appropriate;

(t) No person or associated group of persons shall:

(1) Control more than forty percent (40%) of the membership of the board of directors;

(2) Hold legal or equitable title to more than forty percent (40%) of the par value of the Co-op's total debt obligations, if any; or

(3) Hold legal or equitable title to more than forty percent (40%) of the par value of any single class of the Co-op's stock, if any, or the par value of all combined classes of the Co-op's stock, if any;

(u) Each of the following individuals ("filers") shall be required to file a confidential disclosure statement with the Co-op annually, and at the time of the filer's association with the Co-op or at the time of the filer's association with an entity in which the Co-op has a legal or equitable interest:

(1) Each member of the board of directors and each principal officer of the Co-op;

(2) Each member of the board of directors and each principal officer of an entity in which the Co-op has a substantial legal or equitable interest; and

(3) Each person with which the Co-op transacts or proposes to transact business in excess of twenty five thousand dollars ($25,000) in any calendar year;

(v) Each form which the Co-op intends to be use as a confidential disclosure statement form shall be reviewed by the Office prior to its use. The form shall be substantially similar in substance to the confidential disclosure statement required by the D.C. Board of Ethics and Government Accountability for employees, excluding matters not relevant to the Co-op. The form shall require the filer to disclose under oath each the following matters, and to provide a written explanation and documentation where necessary, as the Co-op deems appropriate:

(1) The filer, and the filer's spouse, domestic partner, and dependent children, have filed and paid all income and property taxes owed to the Federal government and each jurisdiction where the filer is required to pay such taxes;

(2) The filer, and the filer's spouse, domestic partner, and dependent children, have not received anything of value, such as a credit, offset, gift, favor, service, loan, gratuity, discount, meals, hospitality, contribution, employment, or a promise of the receipt of anything of value in the future, exceeding a total of one hundred dollars ($100) from all sources, based on any understanding that the filer's official actions or judgment or vote while associated with the Co-op would be influenced;

(3) The filer, and the filer's spouse or domestic partner, have not been arrested for, charged with, or convicted of any of the following criminal offenses: bribery, tax evasion, insurance fraud, a violation of or a predicate offense under a Racketeer Influenced and Corrupt Organizations Act (Federal or state), any criminal offense which involves dishonesty or violence, or any criminal offense punishable by incarceration of one (1) year or more or a fine of ten thousand dollar ($10,000) or more;

(4) The filer, and the filer's spouse or domestic partner, have not been sued for, had a judgment entered against him or her for, entered into a settlement admitting liability for, or paid a civil fine for any of the following civil violations and causes of action: tax evasion, insurance fraud, a violation of or a predicate offense under a Racketeer Influenced and Corrupt Organizations Act (Federal or state), any civil violation or cause of action which involves dishonesty or violence, or any civil violation which is punishable by a civil fine payable to a government agency of ten thousand dollars ($10,000) or more;

(5) The filer, the filer's spouse or domestic partner, and dependent children, and the persons with whom the filer has a legal relationship such employment, independent contractor, and partnership, are not involved in a scheme or conspiracy to violate the Co-op's bylaws, or to violate any Federal, District or state law concerning or related to the Co-op or its activities, any entity in which the Co-op has a legal or equitable interest, or any member of the Co-op's board of directors or its principal officers; and

(6) The filer, or the filer's spouse or domestic partner, has not had a business or professional license suspended or revoked by a government agency.

(w) Matters subject to disclosure under § 1613.8 (v) (1)-(6), whether or not disclosed in a confidential disclosure statement, shall be treated as the Co-op deems appropriate, provided however that no individual shall serve as a member of the board of directors or a principal officer of the Co-op, own shares of the Co-op's stock, own debt issued by the Co-op, if any, or directly or indirectly control any interest in the Co-op other than as a member pursuant to § 1613.8 (j) if:

(1) The individual willfully provides false, misleading, or materially incomplete information in a confidential disclosure statement or to the Office, or in connection with a civil or criminal investigation concerning or related to the Co-op or its activities by any government agency;

(2) The individual, the individual's spouse or domestic partner, or the individual's children, have received items of value exceeding a total of one hundred dollars ($100) from all sources as enumerated in § 1613.8 (v) (2);

(3) The individual, or the individual's spouse or domestic partner, has been convicted of a crime enumerated in § 1613.8 (v) (3);

(4) The individual, or the individual's spouse or domestic partner, has had a judgment entered against him or her for, has entered into a settlement admitting liability for, or has paid a civil fine for a civil violation or cause of action enumerated in § 1613.8 (v) (4);

(5) The individual, the individual's spouse or domestic partner, the filer's dependent children, or a person with whom the filer has a legal relationship, are involved in a scheme or conspiracy as enumerated in § 1613.8 (v) (5); or

(6) The individual, or the individual's spouse or domestic partner, has had a business or professional license suspended or revoked by a government agency within the prior five (5) years.

(x) The Co-op shall not associate with, transact business with, or form a legal or equitable relationship with:

(1) An individual who is restricted by § 1613.8 (w); or

(2) An entity, where an individual who is restricted by § 1613.8 (w) serves as an owner, manager, partner, member of the board of directors, principal officer, stockholder, or lender.

(y) The Co-op shall maintain its business records for five (5) years, provided however that each executed confidential disclosure statement shall be maintained throughout its filer's association with the Co-op and for ten (10) years thereafter;

(z) The Co-op shall allow the Office to inspect and copy its business records, but the Office shall not copy an executed confidential disclosure statement. This provision shall not apply to the Attorney General of the District of Columbia;

(aa) A designee of the Office shall be permitted to attend, and be provided with the minutes of, each Co-op event, including a meeting of the board of directors, except at such times when an event is closed in order to consider a confidential matter such as a litigation or personnel issue. At such

events, the designee may observe, ask questions, and provide information, and shall receive copies of the documents made available to other attendees, but shall have no vote on any Co-op business;

(bb) The Co-op shall enact no change to its bylaws which conflicts with a material provision of this title or other applicable law, without a prior amendment to this chapter authorizing such change, and shall promptly correct any errors or omissions in its bylaws;

(cc) The Co-op shall comply with all applicable District and federal laws and regulations, and shall engage only in fair and lawful competition;

(dd) The District may enforce the requirements of this section and § 1612 through an appropriate action at law or in equity, including an action by the Attorney General of the District of Columbia in *parens patriae*;

1613.9 The draft bylaws filed with the Office pursuant to § 1613.7 may:

(a) Allow the Co-op to apply for and accept any necessary grants made available by the Office, and shall comply with all terms and conditions thereof; and

(b) Allow the Co-op to engage in any activity which his authorized by law, not inconsistent with the required terms and conditions for its bylaws set forth in § 1613.8, and in the interest of its members, including:

(1) Offering insurance, such as life, health, dental, disability, and vehicle;

(2) Providing retirement and savings plans, and other benefits;

(3) Offering discounts on goods and services of interest to members; and

(4) Operating a subsidiary which engages only in activities related to the authorized activities of the Co-op; and

(c) Contain such additional terms and conditions as are necessary and appropriate to establish, support, and maintain the Co-op, which are not inconsistent with the required terms and conditions for its bylaws set forth in this subsection or with other applicable laws.

1613.10 The bylaw drafting advisory group shall file the draft bylaws with the Office for its approval.

1613.11 The draft bylaws shall include the names of the bylaw drafting advisory group members who agree to the draft, and alternative text and comments, if any, from any member of the bylaw drafting advisory group who does not concur with the text agreed to by the other members.

1613.12 The Office shall review the draft bylaws to determine whether they comply with this section and § 1612, and shall issue a written decision within ten (10) days of receiving draft bylaws which appear to comply with this section and § 1612. If the Office does not approve the draft bylaws, it shall state the basis of its decision in writing. Thereafter, the bylaw drafting advisory group shall revise the draft bylaws to address the issues identified in the Office's decision and shall re-file the draft bylaws within ten (10) days.

1613.13 During the first twenty four (24) months after the effective date of this section, the Office may make one or more grants to the Co-op in an amount not to exceed twenty five thousand dollars ($25,000), to defray the documented expenses to establish or operate the Co-op pursuant to the provisions of this section, § 1612, and other applicable laws, upon such terms and conditions as may be contained in the grant. Each grant shall be made pursuant to all applicable laws, regulations, and guidelines, and any administrative issuance of the Office.

1613.14 The Office shall develop and test the DC TaxiApp, which is and shall remain the intellectual property of the District Government. The Office shall grant to the Co-op an exclusive right to use the DC TaxiApp for taxicab service in the District. The District Government shall retain all other rights to the DC TaxiApp, including the right to license the DC TaxiApp for any other purpose, including for use outside the District.

1613.15 The Co-op's decision to suspend an operator's use of the DC TaxiApp shall not be admissible to establish that a provision of this title or other applicable law was violated by the operator.

1613.16 The Co-op may use a name or trade name other than the "District of Columbia Taxicab Industry Co-Op", provided the name or trade name is not misleading or confusing to the public. The Co-op may use a name or trade name for the DC TaxiApp other than the "District of Columbia Universal Taxicab App", provided the name or trade name is not misleading or confusing to the public.