

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****NOTICE OF FINAL RULEMAKING**

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in D.C. Official Code §§ 47-2836, 47-2851.03a(o), and 47-2851.20, hereby gives notice of the adoption of amendments to Chapter 12 (to be re-titled “Sightseeing Tour Companies and Guides”) of Title 19 of the District of Columbia Municipal Regulations (DCMR). This rulemaking amends sightseeing tour guide licensing rules and administrative procedures in order to reflect changes in the law and the profession.

These rules were previously published as proposed rulemaking in the *D.C. Register* on May 21, 2010 (57 DCR 4434). One comment was received in response to that notice and the following clarifications were made: section 1201.2 was edited to clarify that licensed sightseeing tour guides shall not engage in business with an unlicensed company, unless that company is required by law to be licensed in the District; section 1205.2 was edited to clarify that a licensee is not responsible for taking a customer to another point of interest on the tour if the customer either fails to meet the licensee at the predetermined time and location or if the customer makes alternative travel arrangements with the licensee; and section 1205.4 was edited to clarify that unless a customer specifically requests additional services from the licensee, the licensee cannot charge additional costs to the customer.

These final rules will be effective upon publication of this notice in the *D.C. Register*.

19 DCMR Chapter 12 is amended to read as follows:

**CHAPTER 12 SIGHTSEEING TOUR COMPANIES AND GUIDES**

Secs.	
1200	General Definitions
1201	General Licensure Requirements
1202	Application for Sightseeing Tour Company License; Applicable Regulations
1203	Application for Sightseeing Tour Guide License
1204	Requirements for Sightseeing Tour Companies
1205	Requirements for Sightseeing Tour Guides
1206	Complaint and Contact Information
1207	Prohibition on Vending
1208	Denial, Suspension, or Revocation of Licenses
1209	Penalties

**1200 GENERAL DEFINITIONS**

1200.1 Whenever used in this chapter, the term “tour guide” or “sightseeing tour guide” shall mean any person who engages in the business of guiding or directing people to any place or point of interest in the District, or who, in connection with any sightseeing

trip or tour, describes, explains, or lectures concerning any place or point of interest in the District to any person.

- 1200.2 Whenever used in this chapter, the term “sightseeing tour company” shall mean a business that employs a sightseeing tour guide.

## **1201 GENERAL LICENSURE REQUIREMENTS**

- 1201.1 No person shall offer to act as a sightseeing tour guide on the roads, sidewalks, public spaces, or waterways of the District of Columbia unless the person holds a valid sightseeing tour guide license issued by the Department of Consumer and Regulatory Affairs (Department).
- 1201.2 No sightseeing tour guide shall engage in business or do business with a company or individual not properly licensed by the Department as a sightseeing tour company, if required by District law.
- 1201.3 No business or entity shall offer, for a fee, to conduct walking tours or tours where customers operate self-balancing personal transport vehicles, mopeds, or bicycles unless the business or entity is licensed by the Department as a sightseeing tour company.
- 1201.4 No person other than a licensed sightseeing tour guide shall, by the use of a uniform or part of a uniform, or by the use of insignia, device, word or words, or sign, indicate that he or she is engaged in the business of furnishing a sightseeing tour guide service, either on his or her own behalf or on behalf of another.
- 1201.5 No person, other than a licensed sightseeing tour company or sightseeing tour guide may use the words “sightseeing,” “tours,” “guide,” or any combination of these words, to advertise the availability of sightseeing tour services. This prohibition shall not apply to the use of these words as part of the identifying lettering on vehicles coming into the District or to a tour that is not conducted for profit or compensation.

## **1202 APPLICATION FOR SIGHTSEEING TOUR COMPANY LICENSE; APPLICABLE REGULATIONS**

- 1202.1 An application for a license to engage in business as a sightseeing tour company shall be made to the Director of the Department of Consumer and Regulatory Affairs (Director) on a form prescribed by the Director.
- 1202.2 A sightseeing tour company shall apply for a General Business basic business license and shall be subject to the regulations in section 1203 of this chapter and the regulations in chapter 38 of Title 17 of the District of Columbia Municipal Regulations.

## **1203 APPLICATION FOR SIGHTSEEING TOUR GUIDE LICENSE**

- 1203.1 A person applying for a sightseeing tour guide license shall:
- (a) Be at least eighteen (18) years of age;
  - (b) Be proficient in the English language; and
  - (c) Not have been convicted or have served all or part of a sentence within the past five (5) years for a felony, or an attempt to commit a felony, of the following types:
    - (1) A felony involving violence, the threat of violence, reckless driving, or any other action impacting the safety of others, if the Director determines that the record of such a felony indicates that licensure of the applicant as a sightseeing tour guide may pose a reasonable threat to the safety of others; or
    - (2) A felony involving a breach of trust or dishonesty, unless the Director determines that the applicant is a person of sufficient honesty and integrity to act as a sightseeing tour guide.
- 1203.2 An applicant for a sightseeing tour guide license shall make a sworn statement as to the veracity of the statements contained in his or her application and pay all required fees related to licensure.
- 1203.3 An applicant for a sightseeing tour guide license must pass an examination under the supervision of the Director, or the Director's designated agent, covering the applicant's knowledge of buildings and points of historical and general interest in the District.

#### **1204 REQUIREMENTS FOR SIGHTSEEING TOUR COMPANIES**

- 1204.1 A sightseeing tour company licensee engaged in the operation of sightseeing tour vehicles in the District shall obtain the necessary approvals of the District Department of Transportation, the District Department of Motor Vehicles, and the Washington Metropolitan Area Transit Commission.
- 1204.2 The approval of sightseeing tour vehicles required by § 1204.1 shall be evidenced by the display on each vehicle of the applicable license(s) or certificate(s) issued by the relevant government agencies.
- 1204.3 A vehicle operated by a licensed sightseeing tour company shall have at least one (1) licensed sightseeing tour guide on board the vehicle during its sightseeing tours in the District. This requirement shall not apply to a vehicle that utilizes only audio recordings during the sightseeing tour; provided, that a driver of such a sightseeing

- tour vehicle who talks, lectures, or otherwise provides sightseeing information to passengers while the vehicle is in motion must be licensed as a sightseeing tour guide.
- 1204.4 Each sightseeing tour company shall ensure that its sightseeing tour vehicles comply with all District parking and traffic regulations.
- 1204.5 A sightseeing tour company licensee shall notify the Department within thirty (30) days after any change to the information provided on the application required by § 1202, including a change to the business address or telephone number of the licensee.
- 1204.6 The Director may, in connection with the consideration of a sightseeing tour company license application and from time to time during the license term, during regular business hours, require an applicant or licensee to make available to the Director, or the Director's agent, such information as the Director considers necessary to determine or verify whether the applicant or licensee has or retains the qualifications necessary for obtaining or retaining a license, or has violated or failed to comply with an applicable statute or regulation.
- 1204.7 Failure to make information available to the Director, failure to furnish to the Director information the Director is authorized to request by this chapter, or failure to furnish to the Director or to permit the Director to make copies of such records maintained by the applicant or licensee as the Director may specify, shall be grounds for denial, suspension, or revocation of a license.

## **1205 REQUIREMENTS FOR SIGHTSEEING TOUR GUIDES**

- 1205.1 A sightseeing tour guide, while engaged in performing services as a sightseeing tour guide, shall conspicuously wear a badge bearing the licensee's license.
- 1205.2 No sightseeing tour guide shall cause a customer to be taken to a point of interest without providing that the customer shall be taken from that location to the next point of interest to be visited in the course of the sightseeing tour. This provision shall not apply if:
- (a) The customer fails to meet the sightseeing guide or vehicle at the predetermined time and location for departure to the next point of interest; or
  - (b) The customer makes other travel arrangements with the sightseeing tour guide
- 1205.3 No licensed sightseeing tour guide shall conduct a sightseeing tour unless the fees for the sightseeing tour have been disclosed in writing prior to the start of the tour.
- 1205.4 No sightseeing tour guide shall charge or attempt to charge a sum greater than the original charge for the tour, whether in payment for unsolicited merchandise, meals, or services, or for any other reason. This provision shall not apply if the customer specifically authorizes additional services from the sightseeing tour guide.

1205.5 A sightseeing tour guide licensee shall notify the Department within thirty (30) days after any change to the information provided on the application required by § 1203, including a change to the business address or telephone number of the licensee.

## **1206 COMPLAINT AND CONTACT INFORMATION**

1206.1 All sightseeing tour companies or sightseeing tour guides shall furnish each person on a sightseeing tour with a card or ticket containing the following:

- (a) The name, address, and telephone number of a person or office authorized to receive complaints relative to the conduct or any part of a sightseeing tour; and
- (b) The name, address, and telephone number of the person, firm, or corporation responsible for the conduct and management of the tour.

1206.2 The authorized person or office specified under § 1206.1(a) shall be available to receive complaints during the regular business hours of each day that sightseeing tours are conducted by the sightseeing tour company.

## **1207 PROHIBITION ON VENDING**

1207.1 No vending of any articles of merchandise shall be allowed by any licensee.

## **1208 DENIAL, SUSPENSION, OR REVOCATION OF LICENSES**

1208.1 The Director may refuse to issue or renew, or may suspend or revoke, a sightseeing tour guide license or a sightseeing tour company license issued under this chapter for any reason set forth in this chapter or D.C. Official Code § 47-2844.

1208.2 The Director also may refuse to issue or renew, or may suspend or revoke, a sightseeing tour guide license or a sightseeing tour company license issued under this chapter on any of the following grounds:

- (a) Conviction of the licensee of a criminal offense involving fraudulent conduct;
- (b) Willful or fraudulent circumvention of a provision of District law or regulation relating to the conduct of the business;
- (c) Employment of a fraudulent or misleading device, method, or practice relating to the conduct of the business; or
- (d) The making of a false statement in the license application.

1208.3 All qualifications set forth in this chapter as a prerequisite to the issuance of a license shall be maintained for the entire license period. Failure to maintain a qualification during the license period shall be cause for suspension or revocation of the license.

**1209 PENALTIES**

- 1209.1 Each licensee shall be liable for all penalties provided for the violation of a provision of this chapter, whether the violation is committed by the licensee or the licensee's agent or employee.
- 1209.2 Pursuant to D.C. Official Code § 47-2846, a person violating any provision of this chapter shall, upon conviction, be fined not more than three hundred dollars (\$300) or imprisoned for not more than ninety (90) days, or both.
- 1209.3 A person whose license as a sightseeing tour company or sightseeing tour guide has been suspended or revoked, and who, after due notice in writing of the suspension or revocation, fails or refuses to surrender the license and badge as directed, or who violates any provision of this chapter, shall, upon conviction, be fined not more than two thousand dollars (\$2,000) or imprisoned for not more than ninety (90) days, or both.
- 1209.4 Civil fines, penalties, and fees may be imposed as alternative sanctions for an infraction of this chapter pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) ("Civil Infractions Act"). Adjudication of an infraction of this chapter shall be pursuant to titles I-III of the Civil Infractions Act.