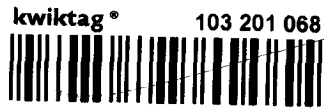


ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 8-224

"Regulation of the Horse-Drawn Carriage Trade Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-204 on first and second readings, December 4, 1990, and December 18, 1990, respectively. Following the signature of the Mayor on December 27, 1990, this legislation was assigned Act No. 8-307, published in the January 11, 1991, edition of the D.C. Register, (Vol. 38 page 207) and transmitted to Congress on January 14, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-224, effective March 7, 1991.


JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 14,15,16,17,18,22,23,24,25,28,29,30,31

February 1,4,5,6,7,19,20,21,22,25,26,27,28

March 1,4,5,6

AN ACT

D.C. ACT 8-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 27, 1990

To establish standards for the regulation of the horse-drawn carriage trade and to ensure the proper treatment, care, and use of horses involved in the horse-drawn carriage trade in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Regulation of the Horse-Drawn Carriage Trade Act of 1990".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Animal control officer" means any employee or legally authorized agent of the District of Columbia ("District") Animal Control Agency as provided in the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Code, sec. 6-1002).

(2) "Carriage" means a device by which a person is transported or in which a person rides, for hire, and that is designed to be pulled or drawn by a horse in the horse-drawn carriage trade. The term "carriage" includes a wagon, cart, vehicle, or similar transportation device.

(3) "Custodian" means a person who has the immediate possession, bailment, custody, use, or control of a horse. For the purposes of this act, the term "custodian" includes a driver.

(4) "Drive" means the process of operating, transporting, driving, pulling, or hauling a horse-drawn carriage.

(5) "Driver" means a person licensed to drive, steer, transport, or operate a carriage or horse used in the horse-drawn carriage trade.

(6) "Driver's license" means a valid document issued by the Mayor to operate a motor vehicle.

(7) "Horse" means a large solid-hoofed herbivorous domesticated mammal or similar animal that belongs to the Equus caballus family and weighs at least

New,
Section
6-1031

1,100 pounds, and that is used for the purpose of driving, pulling, or hauling a carriage, or for the purposes of a performance. For the purposes of this act, the term "horse" shall not include any animal owned by the District government or the United States government that is used solely for law enforcement purposes, or any animal in the custody of the National Zoological Park.

(8) "Horse-drawn carriage trade" means a person or business that operates an enterprise, for hire, or as a contractual service, for the purpose of conveying persons or goods through the use of a horse to pull or haul a wagon, cart, carriage, vehicle, or similar device along the streets and byways in the District. The term "horse-drawn carriage trade" shall not include the use of a horse in a parade or in a funeral for which a permit is issued.

(9) "Identification card" means a document devised, supplied, and certified by the Mayor of the District, and signed and dated by a licensed veterinarian which shall include:

(A) The date of the last physical examination of the horse;

(B) A description of the horse, including sex, age, height, color, markings, and any other information that may facilitate identification of the horse;

(C) The stamina and physical condition of the horse;

(D) Any condition that might restrict or affect the use or movement of the horse;

(E) A photograph of the horse;

(F) An identification number;

(G) The name, address, and telephone number of the establishment where the horse is stabled; and

(H) The name, address, and telephone number of the owner of the horse.

(10) "License" means a valid permit or other document issued by the Mayor to a person or business for the purpose of operating a horse-drawn carriage trade enterprise.

(11) "Licensed veterinarian" means a person who is licensed to practice veterinary medicine.

(12) "Operator" means the proprietor or the agent of a proprietor of a horse-drawn carriage trade enterprise or a stable.

(13) "Owner" means a person who is vested with the ownership, control, or title of a horse-drawn carriage trade, horse, or stable.

(14) "Person" means an individual, firm, partnership, association, or group or combination acting in concert, whether as a principal, employer, employee, agent,

servant, trustee, fiduciary, receiver, or any other type of legal or personal representative.

(15) "Police officer" means a sworn member of the Metropolitan Police Department.

(16) "Stable" means a barn, establishment, or similar appropriate facility where a horse is permanently or temporarily boarded, housed, or maintained.

Sec. 3. Horse-drawn carriage trade regulation.

(a) It shall be unlawful to operate a horse-drawn carriage trade in the District without a license and an identification card issued by the Mayor.

(b) Upon application on a form devised by the Mayor and the payment of a fee not to exceed \$100, a person may be issued a license to operate a horse-drawn carriage trade in the District.

(c) Upon application on a form devised by the Mayor and the payment of a fee not to exceed \$30, an owner, operator, or custodian may be issued an identification card for each horse used in the operation of a horse-drawn carriage trade in the District.

(d) No person shall drive or otherwise operate a carriage engaged in the horse-drawn carriage trade unless he or she:

(1) Is 18 years of age;

(2) Has received at least 35 hours of training in the operation of a horse-drawn carriage as provided and certified in writing by the owner or operator of a horse-drawn carriage trade, 15 hours of which shall include an apprenticeship under the supervision of a licensed horse-drawn carriage driver;

(3) Presents a statement from a licensed physician that certifies that he or she is in good physical condition and is free of defective vision not corrected by eyeglasses or contact lenses, epilepsy, vertigo, or other medical disabilities which may substantially impair his or her ability to operate a horse-drawn carriage or to control a horse; and

(4) Has completed a written examination devised by the Mayor which shall include, but shall not be limited to:

(A) Knowledge of the traffic laws and regulations, including passage of the written portion of the driver's license test;

(B) Proper equine grooming, care, equipment, nutrition, and first aid; and

(C) Operation of a horse-drawn carriage.

(e) No person shall drive or operate a horse-drawn carriage on any public street or byway in the District:

New,
Section
6-1032

- (1) Between the hours of 5:00 a.m. and 10:00 a.m., on Monday through Friday, excluding legal holidays;
 - (2) Between the hours of 4:00 p.m. and 6:30 p.m., on Monday through Friday, excluding legal holidays, provided however, that this restriction shall not apply to the area bounded by 15th Street, N.W., on the West, Jefferson Drive, N.W. on the South, 1st Street, N.W. on the East, and Madison Drive, N.W. on the North;
 - (3) Between the hours of 1:30 a.m. and 5:00 a.m. on any day; and
 - (4) On any day or at any time that the Chief of the Metropolitan Police Department makes a specific determination that the horse-drawn carriage trade would be inconsistent with other special events or public safety requirements.
- (f) The driver of a horse-drawn carriage shall:
- (1) Possess and display at all times his or her license to operate a horse-drawn carriage in the front and passenger compartments of the carriage;
 - (2) Possess a valid identification card issued by the Mayor;
 - (3) Obey and observe all traffic laws;
 - (4) Not smoke, eat, drink, or wear headphones while the carriage is in motion;
 - (5) Not drive the carriage at a speed that exceeds a walk, except as necessary to cross a traffic intersection or to refrain from impeding traffic;
 - (6) Leave the horse carriage unattended at any time;
 - (7) Not drive the carriage at any time when a passenger is standing in the carriage or not seated securely inside of the carriage;
 - (8) Maintain both hands on the reins and be seated at all times the carriage is in motion; and
 - (9) Provide humane care and treatment of the horse under his or her direct supervision and control at all times.

Sec. 4. Examination of horses.

- (a) The owner, operator, or custodian of each horse engaged in the horse-drawn carriage trade shall have the horse examined by a licensed veterinarian at intervals of not more than 12 months.
- (b) The examination shall include, but not be limited to the following:
 - (1) The general physical condition of the horse;
 - (2) An inspection of the eyes, teeth, legs, hooves, shoes, and cardiovascular system of the horse;
 - (3) The stamina and physical ability of the horse to engage in the horse-drawn carriage trade;

New,
Section
6-1033

(4) An inspection for a recurrence of prior injuries; and

(5) An inspection for disease or other deficiencies.

(c) The examination shall include a certification from the licensed veterinarian that the horse is physically fit to engage in the horse-drawn carriage trade and is free of any disease or internal parasites. The certification shall be entered on the identification card provided for in section 4.

Sec. 5. Identification card.

(a) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall have available for immediate inspection by the Mayor or his or her designee, a police officer, or an animal control officer at all times when a horse is on any street or public byway in the District, an identification card as defined in section 2(9).

(b) In an instance where the owner rents, hires, or places the horse in the care or custody of another person, he or she shall provide that person with the identification card required by subsection (a) of this section.

(c) The Mayor shall certify the identification card following an examination of the horse by a licensed veterinarian.

New,
Section
6-1034

Sec. 6. Care and use of horses in horse-drawn carriage trade.

(a) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall:

(1) Not use, work, drive, ride, or require labor from a horse for more than 8 hours in any 24-hour period;

(2) Provide for adequate rest periods for a horse during the 8 hours of use;

(3) Provide the horse with food and drinking water from a clean container of sufficient size and in good condition during regular intervals during the 8 hours of use;

(4) Drape the body of the horse from forelegs to hind legs with a warm covering during times of cold or inclement weather;

(5) Park the horse in an area of shade whenever practicable during rest periods;

(6) Not overdrive or overload a horse as evidenced by physical stress, strain, or exhaustion of the horse; and

(7) Not beat or prod a horse to maintain a fast gait in any way that will cause pain or injury to the horse.

New,
Section
6-1035

(b) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall not use a horse to draw a carriage unless:

- (1) The horse is in good health in accordance with standards established by the Mayor by rule;
- (2) The horse weighs at least 1,100 pounds; and
- (3) The hooves of the horse are properly shod and trimmed utilizing rubber compound shoes on the front 2 hooves and either rubber open steel borium cork tip shoes on the 2 rear hooves.

Sec. 7. Carriage and equipment.

(a) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall:

- (1) Provide that the carriage used is in good operating condition, the axles are well-greased, and that all operating mechanisms are in good working order;
- (2) Provide that the carriage is equipped with hydraulic brakes in good working condition and set in a locked position when the carriage is not in motion;
- (3) Provide that the saddle, harness, shoes, bridle, and any other equipment for the horse fits properly, is in good working condition, and shall not cause injury or pain to the horse;
- (4) Not use curb bits, twisted wire, twisted wire snaffles, spurs, bucking straps, flank straps, or similar devices;
- (5) Inspect daily, all horses and all equipment at the time of departure from and return to the stable; and
- (6) Provide that all horses are equipped with a diaper that is constructed of a sturdy material and is properly fitted to the horse to ensure comfort.

(b) No carriage engaged in the horse-drawn carriage trade shall be driven or operated on a public street or byway of the District unless the owner or operator of the carriage has obtained a valid registration and metal license plate issued by the Mayor pursuant to a procedure and fees established by the Mayor by rule.

(c) A carriage used in the horse-drawn carriage trade shall:

- (1) Have conspicuously displayed on the rear of the carriage at all times a valid license plate provided for in subsection (b) of this section;
- (2) Be equipped with a slow-moving vehicle emblem to be attached to the rear of the carriage;
- (3) Be maintained in a safe and sanitary condition;
- (4) Not drive or transport more than 6 passengers at 1 time, excluding the driver or operator of the carriage;

New,
Section
6-1036

(5) Not drive or transport any person when a person other than a licensed-driver or an apprenticed-driver is seated in the driver's seat of the carriage; and

(6) Not have any legend, slogan, logo, or other exterior sign on the carriage, other than its legal license plates and the name and telephone number of the horse-drawn carriage in letters not to exceed 3 inches in height.

(d) The Mayor may, by rule, establish additional inspection requirements for a carriage and other equipment used in the horse-drawn carriage trade.

Sec. 8. Weather conditions.

(a) An owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall not drive, use, or work a horse on a public street or byway in the District:

(1) During periods when the temperature exceeds 89 degrees Fahrenheit, as determined and announced by the National Weather Service;

(2) During periods when the temperature is below 25 degrees Fahrenheit, as determined and announced by the National Weather Service;

(3) During periods when it is snowing; or

(4) During other periods determined by the Mayor by rule as being dangerous or unsuitable.

(b) A horse in use at the time described in subsection (a)(1), (a)(2), or (a)(3) of this section, shall be immediately returned by its owner, operator, or custodian by the most direct route to a stable.

Sec. 9. Stables.

(a) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall house, quarter, or maintain a horse in a lighted, clean, dry, and properly ventilated stable in which the horse shall be able to turn around easily in a stall.

(b) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall clean the stall in which a horse is housed, quartered, or maintained daily and shall provide sufficient bedding of straw, shavings, or other suitable hygienic material that shall be changed as often as necessary to maintain it in a clean and dry condition.

(c) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall provide the stall in which the horse is housed, quartered, or maintained with clean, fresh water and with an adequate and substantial daily supply of hay and grain that is free from contamination and mold to meet the normal daily feeding

New,
Section
6-1037

New,
Section
6-1038

requirements for the condition, size, and work schedule of the horse.

(d) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade shall provide each stall with a clean block of salt at all times and with blankets for the horse during cold weather periods as necessary.

(e) The full name, current business address, and business and home telephone numbers of the owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade, and the owner or operator of the stable, shall be legibly stenciled and conspicuously displayed, in at least 2-inch lettering, on the exterior of the stable entrance for emergency purposes.

Sec. 10. Loading.

All horses shall be loaded or unloaded for transport in horse loading zones as designated by the Mayor.

New, Section
6-1039

Sec. 11. Sick or injured horses.

(a) The owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade that is in pain, sick, diseased, lame, or injured shall take action to obtain immediate veterinary treatment, care, and attention for the horse.

New, Section
6-1040

(b) An injured, sick, diseased, or lame horse shall not be sold or otherwise disposed of except in a humane manner.

(c) No person shall drive, use, or work an injured, sick, diseased, or lame horse in the horse-drawn carriage trade.

Sec. 12. Maintenance of records.

(a) The owner or operator of a horse-drawn carriage trade shall maintain or require his or her driver to maintain a daily record of travel for each carriage used, which shall include:

New, Section
Section
6-1041

- (1) The name of the driver;
- (2) The driver's license number;
- (3) The horse-drawn carriage trade license number;
- (4) The identification card number of the horse that hauls or pulls the carriage;
- (5) The date;
- (6) The hours of operation;
- (7) The specific location, time, and number of passengers for each ride in the carriage;
- (8) The rest, water, and feeding times for the horse; and

(9) A description of any and all traffic accidents.

(b) The owner or operator of a horse-drawn carriage trade shall maintain a complete log of all records at his or her place of business.

Sec. 13. Penalties.

(a) A person who violates any provision of this act shall be fined up to \$300 for the 1st offense and up to \$500 for each subsequent offense.

(b) Any owner, operator, or custodian of a horse engaged in the horse-drawn carriage trade who causes serious intentional injury to the horse by neglect or inhumane treatment shall be fined up to \$2,500.

(c) A violation of this act shall be a civil infraction for purposes of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Code, sect. 6-2701 et seq.) ("Civil Infractions Act"). Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or the rules issued under authority of this act, pursuant to Titles I-III of the Civil Infractions Act. Adjudication of any infraction shall be pursuant to Titles I-III of the Civil Infractions Act.

New,
Section
6-1042

Sec. 14. Rules.

(a) Within 120 days of the effective date of this act, the Mayor shall, pursuant to title I of the District of Columbia Administrative Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.), issue rules to implement the provisions of this act.

(b) The proposed rules shall establish travel routes for and boundaries of the operation of the horse-drawn carriage trade.

(c) The proposed rules shall establish an appropriate level of liability insurance coverage for the owner or operator of a horse-drawn carriage trade.

(d) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

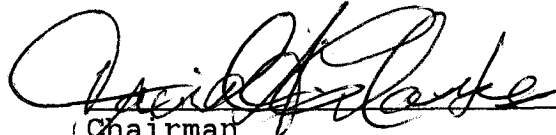
New,
Section
6-1043

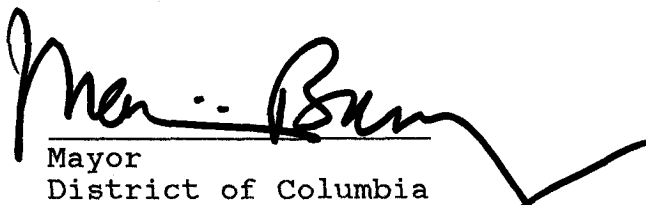
Sec. 15. Effective date.

(a) Except as provided in subsection (b) of this section, this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council of the District of Columbia to override the veto, as provided

in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1), and publication in the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) The provisions of this act shall apply and be enforced by the Mayor beginning on October 1, 1991.


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: December 27, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-204

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-04-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell G. Smith
 Secretary to the Council

21 December 1990
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-18-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Russell G. Smith
 Secretary to the Council

21 December 1990
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date