



City of Chicago



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Office of the City Clerk

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Meeting Date: 5/25/2018

Sponsor(s): Burke (14)
Beale (9)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 9-112 and 9-115 concerning recordkeeping of violent incident reports from Transportation network providers

Committee(s) Assignment: Committee on Transportation and Public Way

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Chicago is charged with protecting the safety of its residents as they commute on Transportation Network Providers (TNPs) such as Uber and Lyft and taxicabs; and

WHEREAS, Uber and Lyft have promised the City and its users the highest level of safety; and

WHEREAS, in fact, Lyft's website states, "Safety is our top priority and it is our goal to make every ride safe, comfortable and reliable," and

WHEREAS, likewise, Uber's website states, "Safe rides, safer cities.... Safety is important to us – whether you're in the backseat or behind the wheel....we continue to develop technology that helps make millions of rides safer every day;" and

WHEREAS, a Chicago taxi company, City Service Taxi, has a mission statement that includes "providing safe and very clean vehicles... [with] well trained and courteous drivers;" and

WHEREAS, despite these claims, there have been crimes committed by TNP and taxicab-licensed drivers in the Chicago area; and

WHEREAS, for example, Angelo McCoy, who had been convicted for possession of a firearm and arrested for possession of cannabis and driving under influence of alcohol, was permitted to become a Lyft driver; and

WHEREAS, on July 7, 2017, McCoy picked up a passenger shortly after 11 p.m. and accosted her with a knife, zip-tied her hands, and brutally and sexually assaulted her; and

WHEREAS, in June of 2016, an Uber driver, Alexander Marrero, was charged with criminal sexual assault and the aggravated kidnapping of a highly intoxicated female passenger whom he picked up on Division Street; and

WHEREAS, on March 3, 2018, a Chicago taxi driver, Murasbek Elchiev, was arrested and charged with aggravated kidnapping, aggravated criminal sexual abuse and unlawful restraint involving a 24-year-old woman he picked up around 2:30 a.m. in the 300 block of West Ontario Street in the River North neighborhood; and

WHEREAS, on February 27, 2018, a Chicago taxi driver, Mustafa Dikbas, was arrested and charged with molesting his female passenger after she fell asleep on a ride from the River North neighborhood to the North Side; and

WHEREAS, according to a CNN investigation, there are at least 103 Uber drivers and 18 Lyft drivers in the United States who have been accused of sexually assaulting or abusing their passengers and at least 31 Uber drivers and 4 Lyft drivers who have been convicted for crimes ranging from forcible touching and false imprisonment to rape in the past four (4) years; and

WHEREAS, there is no publicly available official data for the number of sexual assaults by TNP and taxicab drivers and by reviewing police reports, federal court records and county court databases for 20 major United States cities, the CNN investigation found that there are dozens of criminal and civil cases currently pending; and

WHEREAS, when asked about these violent incidents, Uber's new Chief Executive Officer Dara Khosrowshahi said that cracking down on sexual assault is a "new priority for us," and its spokesperson said, "Sexual assault is a horrible crime that has no place anywhere. While Uber is not immune to this societal issue, we want to be part of the solution to end this violence forever;" and

WHEREAS, given that passenger safety is claimed as the most important priority for TNPs and the taxi industry, and as safety-oriented obligations such as fingerprinting are lifted from the industry, more accurate and transparent tracking and reporting of violent incidents is necessary to ensure safety through actions and not promises; and

WHEREAS, these government-licensed entities should remain accountable for the crimes – particularly violent ones – committed by its agents and not be allowed to shroud them from public view; and

WHEREAS, requiring them to keep records and report violent incidences to the Commissioner of Business Affairs and Consumer Protection would allow legislators and peace officers to reallocate resources and assess policies as needed to ensure the safety of Chicago residents; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 9-112 of the Municipal Code of Chicago is hereby amended by inserting the underscored language as follows:

9-112-010 Definitions.

For purposes of this chapter the following definitions shall apply:

(Omitted text is unaffected by this ordinance.)

“Vehicle Age” means the age of a vehicle computed by totaling the number of the years in between and including both the calendar year and the model year. For example a vehicle with a model year of 2009 has a vehicle age of 4 years in the 2012 calendar year (2009 + 2010 + 2011 + 2012).

“Violent Incident” means any incident resulting in a report to a police department, government agency, or the licensee of a claim of one or more of the following: assault, battery, sexual assault, sexual harassment, false imprisonment, kidnapping, or murder.

“Accessibility fund” means a fund used to improve the services of taxicabs and transportation network vehicles (as defined in Section 9-115-010) for people with disabilities. Uses of this fund include, but are not limited to, reimbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network vehicle that is fully wheelchair accessible by ramp or lift, and costs to a licensee for the provision of wheelchair-accessible vehicle taxi rides to customers where the cost to provide the ride exceeds the cost charged to the customer. The maximum amount of reimbursement per taxicab vehicle from the fund, and the conditions of reimbursement and the maximum amount of reimbursement per a transportation network vehicle from the fund will be established by rules and regulations, in consultation with, among other individuals as the commissioner may determine, representatives from the Mayor's Office for People with Disabilities, the community of people with disabilities, the taxi industry, and the transportation network providers industry.

(Omitted text is unaffected by this ordinance.)

9-112-615 Recordkeeping – Violent Incident Reports.

Every person licensed under this chapter shall keep a record of a violent incident committed or allegedly committed by a licensee's driver for a minimum of three years from the claimed incident date or, in the case of a claim of an ongoing offense, from the most recent alleged date.

Such reports shall be submitted to the Commissioner on a quarterly basis in a format and manner prescribed by the Commissioner. The report shall contain information as to the name of the driver, date, time, and place of the incident; detailed description of the incident; police report and/or docket file number, disciplinary status or outcome, if any; and dates, legal status or disposition, if any.

The Commissioner shall post the report on the department's website within thirty (30) days from being submitted by the licensee.

This Section shall not be construed to require licensees to provide passenger identity information or the City to post driver or passenger identity information.

SECTION 2. Chapter 9-115 of the Municipal Code of Chicago is hereby amended by inserting the underscored language as follows:

9-115-010 Definitions.

For purposes of this chapter the following definitions shall apply:

(Omitted text is unaffected by this ordinance.)

“Vehicle age” means the age of a vehicle computed by totaling the number of the years from the model year to the calendar year, including both. For example, a vehicle with a model year of 2009 has a vehicle age of 4 years in the 2012 calendar year (2009 + 2010 + 2011 + 2012).

“Violent Incident” means any incident resulting in a report to a police department, government agency, or the licensee of a claim of one or more of the following: assault, battery, sexual assault, sexual harassment, false imprisonment, kidnapping, or murder.

“Wheelchair-accessible transportation network vehicle” means a transportation network vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A wheelchair-accessible transportation network vehicle shall safely secure and restrain the wheelchair, shall have only side entries for passengers, and shall comply with all applicable standards provided by law for wheelchair-accessible vehicles, including standards specified by applicable ordinances and regulations adopted by the city.

(Omitted text is unaffected by this ordinance.)

9-115-215 Recordkeeping – Violent Incident Reports.

Every person licensed under this chapter shall keep a record of a violent incident committed or allegedly committed by a licensee’s driver for a minimum of three years from the claimed incident date or, in the case of a claim of an ongoing offense, from the most recent alleged date.

Such reports shall be submitted to the Commissioner on a quarterly basis in a format and manner prescribed by the Commissioner. The report shall contain all available information regarding the name of the driver, date, time, and place of the incident; detailed description of the incident; police report and/or docket file number; disciplinary status or outcome, if any and dates of same; and legal status or disposition, if any.

The Commissioner shall post the report with on the department’s website within thirty (30) days from being submitted by the licensee.

This Section shall not be construed to require licensees to provide passenger identity information or the City to post driver or passenger identity information.

SECTION 3. This ordinance shall take effect upon its passage and publication.



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