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Legislation Details (With Text)

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Title: Amendment of Municipal Code Section 9-100-101 regarding installment payment plans for traffic violations
Sponsors: Ervin, Jason C., Graham, Deborah L.
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Date	Ver.	Action By	Action	Result
5/20/2015	1	City Council	Failed to Pass	
5/23/2014	1	Committee on Finance	Held in Committee	Pass
4/30/2014	1	City Council	Referred	

ORDINANCE

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

SECTION 1. Section 9-100-101 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

9-100-101 Installment payment plans.

(a) The traffic compliance administrator may establish a program allowing the payment of parking, compliance, or automated speed enforcement system or automated traffic law enforcement system penalties, administrative fees, and related collection costs or attorney's fees pursuant to Section 1-19-020 or 1-19-030, in installments under the following conditions: (1) For the purposes of this section:

"Active military duty" means the period beginning on the date of entering active military duty and ending 180 days after the date of discharge from active duty.

"Administrative fee" means the expenses and time incurred by the city or its agents to administer or monitor a vehicle owner's installment plan; provided that "administrative fee" shall not include any collection cost, as that term is defined in Section 1-19-010, or attorney's fees.

"Financial circumstances" means wages, savings, credit, monthly expenditures, likelihood to default, and any other factors that the traffic compliance administrator finds relevant to a person's ability to pay parking and compliance fines and penalties.

"Notice of foreclosure" has the same meaning ascribed to that term in section 15-1211 of the Illinois Code of Civil Procedure, 735 ILCS 5/15-1211.

"Qualifying hardship participant" means a person who is: (1) a participant in one of the following programs: the Illinois Low-Income Home Energy Assistance Program (L.I.H.E.A.P.); the Housing Subsidy Program For Renters, administered by the United States Department of Housing and Urban Development under the Federal Housing Act of 1937, as amended (Section 8 Program); the Supplemental Security Income Program

administered by the United States Social Security Administration (S.S.I.); the Medicaid Program administered by the Illinois Department of Public Aid; the Nutrition Assistance Program administered by the United States Department of Agriculture, Food and Nutrition Service (food stamps); the Temporary Assistance for Needy Families (TANF) program administered by the United States Department of Health and Human Services, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and any federal or state unemployment compensation system, including, but not limited to, the system of unemployment compensation established under the Illinois Unemployment Insurance Act, as amended; or (2) a high school, college, vocational school or trade school student with a valid school identification card; a person 65 years of age or older; a person who has claimed the Earned Income Tax Credit on his state or federal individual income tax return for the most recent tax year; a person receiving worker's compensation income benefits; an active military duty service member, a Reservist or a member of the National Guard while on active duty; a person whose liability for fines and penalties remains after obtaining a bankruptcy discharge; or a person who has received a notice of foreclosure, entered into a consent foreclosure, gave a deed in lieu of foreclosure, or had a judgment of foreclosure entered, on his primary residence within three years prior to the date of the application for an installment plan pursuant to this section.

"Primary residence" means a residential dwelling unit which is owner-occupied.

"Students" means (i) enrolled attendees of a high school, college, vocational school or trade school and (ii) persons who have graduated from a high school, college, vocational school or trade school no more than 180 days prior to applying for an installment plan.

(2) (A) Except as provided in paragraph (B) of this subsection, an installment plan may not have a scheduled duration of more than 6 months, and shall require one payment due per month on a day specified in the executed plan.

(B) (I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a)(2) (B), the duration may exceed 6 months but may not exceed 12 months for installment plans negotiated and executed for: (i) vehicle owners whose maximum amount of combined liability for parking, compliance, administrative fees, and any related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030 exceeds \$500.00; or (ii) vehicle owners who are qualifying hardship participants.

II) If the monthly installments during, a 12-month period would exceed \$100 per month and the traffic compliance administrator or his designee determines that the registered owner's financial circumstances warrant extending the plan, the traffic compliance administrator may negotiate and execute plans up to 24 months;

III) If the monthly installments during a 12-month period would exceed \$200 per month and the traffic compliance administrator or his designee determines that the registered owner's financial circumstances warrant extending the plan, the traffic compliance administrator may negotiate and execute plans up to 36 months;

IV) An administrative fee equal to the costs incurred by the city to administer the installment plan shall be charged to the vehicle owner; provided that such administrative fee shall be waived if the vehicle owner: (i) is a qualifying hardship participant; or (ii) has been assessed collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030.

(3) The minimum initial payment under any installment plan shall be:

A) For a vehicle owner who is a qualifying hardship participant;

i) if the owner's vehicle is not impounded or immobilized at the time the owner enters into the

installment plan, no greater than 25 percent of the vehicle owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date; or

ii) if the owner's vehicle is impounded or immobilized at the time of entering into the installment plan, the lesser of \$250.00 or 25% of the owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

B) For all other vehicle owners prior to vehicle immobilization or impoundment, the greater of \$500.00 or 25 percent of the vehicle owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date; provided, however, that for vehicle owners whose maximum amount of combined liability for parking, compliance, and automated

camera fines and penalties does not exceed \$500.00, the minimum initial payment shall be 50 percent of the vehicle owner's combined liability for parking, compliance, and automated camera fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

(C) For all other vehicle owners after vehicle immobilization or impoundment, the greater of \$750.00 or 50 percent of the vehicle owner's combined liability for parking, compliance, and automated speed enforcement system or automated traffic law enforcement system fines and penalties, plus accrued penalties and fees under Section 9-100-120(h) and for immobilization, impoundment, towing and storage to date.

4) Required installment payments after the initial payment shall be substantially equal, unless the traffic compliance administrator determines, based on a review of the vehicle owner's finances, that installments in different amounts will be more effective in paying off the total indebtedness;

5) If the vehicle owner fails to make all required payments in a timely manner, the vehicle owner's motor vehicle shall be subject to immobilization or impoundment and the vehicle owner shall be liable for the outstanding balance plus an additional penalty of \$100.00.

6) Every installment plan shall be in a form prescribed by the traffic compliance administrator, and shall state the total indebtedness, the amount of the initial installment, the amount of each subsequent installment and the date each is due, the penalty for delinquency under the installment plan, and such other provisions as the traffic compliance administrator may determine. The installment plan shall also require the vehicle owner to pay every parking violation fine, every compliance fine, and automated camera fine that becomes final during the term of the installment plan. The initial installment shall be paid when the plan is executed. Upon execution of the agreement and payment of the initial installment, and as long as the vehicle owner is in compliance with the installment plan, the vehicle owner's vehicles shall not be subject to immobilization and impoundment for failure to pay the parking, compliance, and automated camera fines and penalties described in the installment.

b) The following vehicle owners are not eligible for an installment plan under subsection (a) of this section:

- 1) An owner whose vehicle is impounded by the city under any other chapter of this Code;
- 2) An owner who has negotiated an installment plan and has not performed every act required by him under the plan.

c) Nothing in this section shall be construed as prohibiting a vehicle owner from voluntarily making an initial minimum payment or monthly installment payment in an amount greater than provided in this section.

d) At the request of a vehicle owner, the traffic compliance administrator may approve amendments to an installment plan to include liabilities incurred by the vehicle owner since the date of executing the original installment plan. These subsequent liabilities may be already adjudicated, or the vehicle owner may sign a waiver of defenses, in a form approved by the corporation counsel, for the purpose of having the liabilities included in the installment plan. If the inclusion of the subsequent liabilities would raise the vehicle owner's monthly payment above the maximum amount provided in either subparagraph (a)(2)(B)(I) or subparagraph

(a)(2)(B)(U), the traffic compliance administrator may extend the term of the installment plan, but in no event to exceed 36 months from the plan's initial execution.

SECTION 2. This ordinance shall take effect 30 days after its passage and approval.