



Office of the Chicago City
Clerk



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Office of the City Clerk

City Council Document Tracking Sheet

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Sponsor(s):	Harris, Michelle A. (8)
Type:	Ordinance
Title:	Amendment of various chapters of Municipal Code regarding wheel tax and associated penalties
Committee(s) Assignment:	Committee on License and Consumer Protection

ORDINANCE

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

SECTION I. Chapter 3-56 of the Municipal Code of Chicago is hereby amended by adding a new Section 3-56-125, by deleting the language struck through and by inserting the language underscored, as follows:

3-56-125 Commercial Motor Vehicles – Payment of wheel tax.

(a) Notwithstanding any other provision of this chapter, the owner of a commercial motor vehicle fleet used in the city shall purchase wheel tax licenses in accordance with the procedures of this section. No later than July 15 of each year, the owner of a commercial motor vehicle fleet shall file a return (for purposes of this section, “annual return”) with the city clerk, in a form approved by the city clerk. The annual return shall contain the following:

- (i) the number of commercial motor vehicles in the owner’s fleet and the category of each commercial motor vehicle as listed in Section 3-56-050 of this chapter as of March 31;
- (ii) for each category of commercial motor vehicle listed in Section 3-56-050 of this chapter, the net commercial motor vehicles added to the owner’s fleet (the number of commercial motor vehicles added to the owner’s fleet for any purpose less those disposed of and replaced) during the most recently completed 12-month period from April 1 to March 31;
- (iii) the number of commercial motor vehicles in the owner’s fleet disposed of and replaced during the most recently completed 12-month period from April 1 to March 31; and
- (iv) payment of wheel tax licenses for each category of commercial motor vehicle in the owner’s fleet as listed in Section 3-56-050 of this Code, calculated as follows:

Step 1: The number of commercial motor vehicles in each category times the license fee set forth in Section 3-56-050 of this chapter for such category;

Step 2: The number of commercial motor vehicles in each category added to the fleet since the last annual return times the license fee set forth in Section 3-56-050 of this chapter for such category;

Step 3: The number of commercial motor vehicles replaced in the fleet since the last annual return times the transfer fee described in Section 3-56-100;

Step 4: The sum of the results of Steps 1, 2 and 3 is the annual commercial motor vehicle fleet wheel tax license fee.

The above calculation shall be made separately for each category of commercial

motor vehicle in the owner's fleet as listed in Section 3-56-050 of this Code.

The city clerk shall issue the appropriate number of wheel tax licenses, based on combining Steps 1 and 2.

(b) All commercial motor vehicle fleet size figures included in the annual return shall be certified by an independent auditor. If a commercial motor vehicle fleet owner fails or refuses to provide audited commercial motor vehicle fleet size figures for any annual return period, the owner shall purchase a wheel tax license for each commercial motor vehicle in the owner's fleet that is used in the City of Chicago, at the rate set forth in Section 3-56-050 of this chapter.

(c) Nothing provided in this section shall prevent the director of revenue and the city clerk from disputing any figure provided by a commercial motor vehicle fleet owner.

(d) Notwithstanding any other provision of this Code, no owner of a commercial motor vehicle shall be required to display a wheel tax license emblem in or on a commercial motor vehicle. The owner of a commercial motor vehicle fleet may show payment of a wheel tax license for a commercial motor vehicle by presenting a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's commercial motor vehicles in accordance with the provisions of this section. Nothing provided in this section shall relieve a commercial motor vehicle fleet owner from purchasing and displaying wheel tax license emblems for the owner's vehicles which are not commercial motor vehicles, as provided in the provisions of this Code.

(e) Whenever not inconsistent with the provisions of this section, or when this section is silent, the provisions of the Uniform Revenue Procedures Ordinance, Chapter 3-4 of this Code, shall apply to and supplement this section.

3-56-010 Interpretation of chapter.

For the purpose of this chapter:

(Omitted text is unaffected by this ordinance)

"Chicago rental revenues" means all revenues derived from rental or leasing of vehicles in a rental fleet as computed for purposes of the Chicago Personal Property Lease Transaction Tax under chapter 3-32 of this code.

"Commercial motor vehicle" means a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle

(i) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

(ii) is designed to transport more than 10 passengers including the driver; or

- (iii) is used in transporting material found by the United States Secretary of Transportation to be hazardous under Section 5103 of Title 49 of the United States Code and transported in a quantity requiring placarding under regulations prescribed by the Secretary under Section 5103 of Title 49 of the United States Code.

The term "commercial motor vehicle" does not include commercial vehicles, as defined in Section 1-111.8 of the Illinois Vehicle Code, codified as 625 ILCS 5/1-111.8, as amended, which are registered pursuant to the International Registration Plan.

(Omitted text is unaffected by this ordinance)

"Recreational vehicle" means every motor vehicle originally designed or permanently converted and used for living quarters or for human habitation and not used as a commercial motor vehicle, as defined in Section 1-111.8 of the Illinois Vehicle Code, codified as 625 ILCS 5/1-111.8, as amended.

(Omitted text is unaffected by this ordinance)

3-56-070 Wheel tax license emblems.

Except as otherwise provided in Section 3-56-125(d) of this Code, The the city clerk or his designee shall deliver to the holder of any wheel tax license for any motor vehicle or other vehicle, a wheel tax license emblem, which shall bear the word "Chicago", and the numerals designating the year for which such license is issued, the names of the mayor and the city clerk, the name of the class to which such vehicle belongs, and a number identical with the number of such license. Such wheel tax license emblem may bear information indicating residential permit parking, if applicable. In addition, wheel tax license emblems issued either to disabled veterans or to former prisoners of war, pursuant to Section 3-56-050, shall bear the word "Veteran".

Except as otherwise provided in Section 3-56-125(d) of this Code, Such such wheel tax license emblem shall be affixed, in accordance with the instructions printed thereon which are made a part hereof, and without the use of supplemental adhesives, at the lower right-hand corner on the inside of the glass portion of the windshield of such motor vehicle.

The city clerk shall change annually the background colors of such wheel tax license emblems.

The city clerk shall have the authority to issue temporary wheel tax license emblems to the holder of any license provided by this chapter for any motor vehicle or other vehicle. Except as otherwise provided in Section 3-56-125(d) of this Code, Such such temporary wheel tax license emblem shall be affixed, in accordance with the instructions printed thereon which are made a part thereof, at the lower right-hand corner on the inside of the glass portion of the windshield of such motor vehicle. Such temporary wheel tax license emblem shall cease to be valid 30 days after its issuance.

3-56-150 Penalty.

Any person who shall take, destroy, remove or obliterate any wheel tax license emblem provided for in this chapter, without the consent of the owner of the vehicle,

shall be fined not less than \$25.00 nor more than \$200.00 for each offense. Every such wrongful destruction, obliteration or removal of such wheel tax license emblem from any vehicle shall be considered a separate offense. Any person who fails to pay the wheel tax license fee imposed by this chapter or to display the wheel tax license emblem as required by this chapter shall be fined \$120.00 for each offense.

(Omitted text is not affected by this ordinance)

SECTION II. Sections 2-14-132, 9-64-125, 9-76-170, 9-92-080, and 9-100-120 of the Municipal Code of Chicago are hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-14-132 Impoundment.

(Omitted text is unaffected by this ordinance)

(11) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Section 3-56-121(a) Chapter 3-56 of this Code.

9-64-125 Display of wheel tax license emblem.

Except as otherwise provided in Section 3-56-125(d) of this Code. No no person shall park or stand on any portion of the public way, on any city-owned property, in a public parking garage as defined in Chapter 4-232, or any parking lot open to pedestrian traffic any vehicle requiring a license pursuant to Chapter 3-56 of this code, unless the wheel tax license emblem is displayed as required by Section 9-76-170 of this code. Pursuant to Section 3-56-021, any person alleged to have violated this section may raise as an affirmative defense that (1) such person resided in the city for less than 30 days at the time he or she was cited for the violation, or (2) the cited vehicle was purchased less than 30 days prior to the issuance of the violation.

9-76-170 City wheel tax license emblem.

Except as otherwise provided in Section 3-56-125(d) of this Code. The the city wheel tax license emblem., for any vehicle requiring a license pursuant to Chapter 3-56 of this code, shall be displayed, and placed and positioned to be clearly visible and maintained in a clearly legible condition and shall be placed on the front windshield in the lower right-hand corner farthest removed from the driver's position. Any person who violates this section shall be fined \$120.00.

9-92-080 Release procedure for impounded vehicles.

(Omitted text is unaffected by this ordinance)

(f) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Section 3-56-124(a) Chapter 3-56 of this Code.


9-100-120 Immobilization program.

(Omitted text is unaffected by this ordinance)

(i) Notwithstanding any other provision of this section, no impounded vehicle shall be released and operated on the public ways of the city without a current state registration plate registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Section 3-56-124(a) Chapter 3-56 of this Code.

(j) This section shall be subject to the City of Chicago Parking and Compliance Fines and Penalties Amnesty Ordinance of 2008.

SECTION III. This ordinance shall become effective upon its passage and approval.



Michelle A. Harris
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