



City of Chicago



O2022-1766

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	5/25/2022
Sponsor(s):	Reilly (42)
Type:	Ordinance
Title:	Amendment of Municipal Code Sections 9-12-090 and 9-12-100 regarding impoundment of vehicles involved in drag racing or drifting
Committee(s) Assignment:	Committee on Pedestrian and Traffic Safety

ORDINANCE

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

SECTION 1. Sections 9-12-090 and 9-12-100 of the Municipal Code of the City of Chicago are hereby amended by deleting the language struck-through and inserting the language underscored, as follows:

9-12-090 Drag racing.

(a) No person who operates a motor vehicle shall engage in drag racing, as defined in Section 9-4-010, on any street, highway or other public way within the City. In addition to any other penalty provided by law, any person who violates this section shall be subject to a fine of not less than \$5,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) The owner of record of the motor vehicle used in the violation of this section shall be subject an administrative penalty of \$500 plus any towing and storage fees applicable under Section 9-92-080. Any such motor vehicle shall be subject to seizure and impoundment pursuant to this section.

(c) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(d) A police officer may seize and impound a vehicle after the violation of this section when the operator or owner of the vehicle is not present, provided that the requirements of this subsection (d) are met. Before any seizure or impoundment under this subsection, the Department of Police shall send to the owner of record of the vehicle to be seized and impounded, either by first class mail or by messenger to the address of the owner of record as indicated in state registration records, a notice of intent to seize and impound the vehicle that includes: (i) a statement that the Department has evidence sufficient to establish probable cause that an operator of the vehicle violated this section and the nature of such evidence; (ii) a copy of the police report that contains the source of the evidence for the violation (iii) a copy of this section of the Chicago Municipal Code; (iv) the date, approximate time and approximate location of the alleged violation; (v) a description of the vehicle, including the vehicle make and color, and the issuing state and number of the license plate of a vehicle; and (vi) notice of the owner's opportunity to contest eligibility for impoundment. A copy of the notice shall be forwarded to the department of administrative hearings. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.

An owner of record who receives a notice pursuant to subsection (d) of this section may contest eligibility for impoundment by written request delivered to the department of administrative hearings, postmarked within 14 days after the delivery of the notice. The department of administrative hearings shall set a date for a hearing on the eligibility of the vehicle for impoundment, and shall notify the owner of the date, time, and place of the hearing.

The hearing date must be no more than 30 days after a request for a hearing has been filed. At the hearing the Department's evidence of probable cause shall be considered prima facie correct. In order to disprove the vehicle's eligibility for impoundment, the owner of record must prove that: (i) at the time and date of the alleged violation as described in the notice, the described vehicle was not operated within the City of Chicago; (ii) at the time and date of the alleged violation, the vehicle had been reported stolen; or (iii) the license information described in the report does not match the listed make of the described vehicle. If the owner of record prevails, the notice of intent to impound the owner's vehicle shall be withdrawn and the vehicle shall not be eligible for impoundment under this subsection (d).

If a vehicle owner receives a notice pursuant to this subsection (d) and (i) fails to contest eligibility or (ii) does not prevail in the contest of eligibility, the vehicle described in the notice shall be eligible for impoundment if found on the public way within 12 months following the conclusion of the contest, if a contest was requested, or following the last date to request a contest, if none was requested. Provided, however, if the owner of the vehicle that is eligible for impoundment under this subsection pays the both the fine under subsection (a) and an administrative penalty of \$2,000 any time before such vehicle is impounded, the vehicle shall not be eligible for impoundment.

(e) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

9-12-100 Drifting.

(a) No person who operates a motor vehicle shall engage in drifting, as defined in Section 9-4-010, on any street, highway or other public way within the City. In addition to any other penalty provided by law, any person who violates this section shall be subject to a fine of not less than \$5,000.00 nor more than \$10,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(b) The owner of record of the motor vehicle used in a violation of this section shall be subject to an administrative penalty of \$500 plus any towing and storage fees applicable under Section 9-92-080. Any such motor vehicle shall be subject to seizure and impoundment pursuant to this section.

(c) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying themselves as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(d) A police officer may seize and impound a vehicle after the violation of this section when the operator or owner of the vehicle is not present, provided that the requirements of this subsection (d) are met. Before any seizure or impoundment under this subsection, the Department of Police shall send to the owner of record of the vehicle to be seized and impounded, either by first class mail or by messenger to the address of the owner of record as indicated in state registration records, a notice of intent to seize and impound the vehicle that includes: (i) a statement that the Department has evidence sufficient to establish probable

cause that an operator of the vehicle violated this section and the nature of such evidence; (ii) a copy of the police report that contains the source of the evidence for the violation (iii) a copy of this section of the Chicago Municipal Code; (iv) the date, approximate time and approximate location of the alleged violation; (v) a description of the vehicle, including the vehicle make and color, and the issuing state and number of the license plate of a vehicle; and (vi) notice of the owner's opportunity to contest eligibility for impoundment. A copy of the notice shall be forwarded to the department of administrative hearings. A notice is presumed delivered upon being deposited with the United States Postal Service with proper postage affixed.

An owner of record who receives a notice pursuant to subsection (d) of this section may contest eligibility for impoundment by written request delivered to the department of administrative hearings, postmarked within 14 days after the delivery of the notice. The department of administrative hearings shall set a date for a hearing on the eligibility of the vehicle for impoundment, and shall notify the owner of the date, time, and place of the hearing. The hearing date must be no more than 30 days after a request for a hearing has been filed. At the hearing the Department's evidence of probable cause shall be considered prima facie correct. In order to disprove the vehicle's eligibility for impoundment, the owner of record must prove that: (i) at the time and date of the alleged violation as described in the notice, the described vehicle was not operated within the City of Chicago; (ii) at the time and date of the alleged violation, the vehicle had been reported stolen; or (iii) the license information described in the report does not match the listed make of the described vehicle. If the owner of record prevails, the notice of intent to impound the owner's vehicle shall be withdrawn and the vehicle shall not be eligible for impoundment under this subsection (d).

If a vehicle owner receives a notice pursuant to this subsection (d) and (i) fails to contest eligibility or (ii) does not prevail in the contest of eligibility, the vehicle described in the notice shall be eligible for impoundment if found on the public way within 12 months following the conclusion of the contest, if a contest was requested, or following the last date to request a contest, if none was requested. Provided, however, if the owner of the vehicle that is eligible for impoundment under this subsection pays the both the fine under subsection (a) and an administrative penalty of \$2,000 any time before such vehicle is impounded, the vehicle shall not be eligible for impoundment.

(e) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 2. This ordinance shall take effect after passage and publication.


BRENDAN REILLY
Alderman, 42nd Ward