



City of Chicago



O2016-1729

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 3/16/2016

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Type: Ordinance

Title: Amendment of Municipal Code Title 9 concerning public chauffeur licenses and transportation network services

Committee(s) Assignment: Joint Committee: License and Consumer Protection;
Transportation and Public Way

ORDINANCE

James D. Thompson
License

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

SECTION 1. Chapter 9-104 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

CHAPTER 9-104 PUBLIC CHAUFFEURS

9-104-010 Definitions.

(Omitted text is not affected by this ordinance.)

"Restricted chauffeur license" means a public chauffeur license issued under this chapter that restricts or limits the licensee to operating only public passenger vehicles licensed pursuant to Chapter 9-114, or transportation network vehicles affiliated with a Class A or B transportation network provider. Restricted chauffeur licensees shall not operate taxicabs licensed pursuant to Chapter 9-112.

"Taxi chauffeur license" means a license issued under this chapter that permits the licensee to operate taxicabs licensed pursuant to Chapter 9-112, public passenger vehicles licensed pursuant Chapter 9-114, or transportation network vehicles affiliated with a Class A or B transportation network provider.

9-104-020 License - Required.

(Omitted text is not affected by this ordinance.)

(b) Except as otherwise provided in subsection (c), any person operating a public passenger vehicle or transportation network vehicle affiliated with a Class A or B transportation network provider for compensation for the transportation of passengers within the corporate limits of the City of Chicago must hold a valid restricted chauffeur license or taxi chauffeur license. Any person who violates this subsection shall be fined no less than \$500.00 nor more than \$1,000.00 for each offense.

9-104-070 License - Investigation, Issuance, and Denial.

(Omitted text is not affected by this ordinance.)

(b) Every applicant shall be required to submit to fingerprinting and shall provide photos of the applicant as required by the commissioner. Applicants shall be responsible for the costs of fingerprinting and photos. Fingerprinting may be performed by any vendor approved by the commissioner or the Chicago Police Department.

SECTION 2. Chapter 9-112 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-112-480 Number of available licenses – Distribution

The commissioner shall promulgate regulations to set forth procedures by which all available taxicab licenses shall be distributed periodically (by sale, lease, or otherwise) pursuant to open and competitive bidding procedures. The procedures shall be designed to produce the maximum amount of revenues to the city consistent with serving the public interest, and to ensure that only applicants that are qualified under this chapter are awarded licenses. Medallions in the city's possession may also be awarded to licensed public chauffeurs who operate Neighborhood Cabs as defined in Rule CH6.02 of the Public Chauffeurs Rules and Regulations promulgated by the City of Chicago.

SECTION 2. Chapter 9-115 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored and adding a new section 9-115-145, as follows:

9-115-100 Transportation network vehicles – Ownership and standards.

(Omitted text is not affected by this ordinance.)

(b) In addition to all other applicable legal requirements, including the vehicle registration requirement in 625 ILCS 5/3-801, and, if applicable, Chapter 3-56 of this Code, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:

- (1) has a manufacturer's rated seating capacity of less than ten persons, including the transportation network driver;
- (2) has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;
- (3) is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible;
- (4) has not been issued the title class of "salvage," "rebuilt," "junk," "total loss," or any equivalent classification in any jurisdiction; and
- (5) has a vehicle age of six years or less if the licensee dispatching the vehicle is a Class A or B transportation network licensee. The commissioner is authorized to permit dispatching of vehicles older than the vehicle age limit provided in this subparagraph (5), as provided by rule, for a period not more than 2 years if such vehicle is inspected by the city and has passed such inspection.

9-115-110 Transportation network vehicles – Inspections.

~~(a) — No Class A transportation network provider licensee shall allow any vehicle to be used as a transportation network vehicle unless such vehicle is annually inspected according to standards approved by the commissioner, and has passed such inspection. A driver engaged by a Class A licensee shall maintain complete documentation of such inspection in the vehicle at all times while being used to provide transportation network services, and a written copy of such documentation shall be provided to the commissioner upon request.~~

(a)(b) Prior to using any transportation network vehicle, and annually thereafter, a Class A or B transportation network licensee or a driver engaged by such licensee shall have the vehicle inspected at a city-licensed motor vehicle repair shop or at a facility designated by the commissioner, and maintain complete documentation of such inspections in the vehicle at all times while being used to provide transportation network services, and a written copy of such documentation shall be provided to the commissioner upon request. To pass such inspection, a transportation network vehicle shall, at a minimum, be rust-free and shall pass the following inspections:

1. Foot brakes;
2. Emergency brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshleld wipers;
7. Headlights;
8. Tall lights;
9. Turn Indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors (open, close, lock);
13. Horn;
14. Speedometer;

15. Bumpers;
16. Muffler and exhaust system;
17. Condition of tires, including tread depth;
18. Interior and exterior rear view mirrors;
19. Safety belts for driver and passenger(s);
20. Drivetrain, including the transmission and universal joints;
21. Axles and wheels, including ball joints; and
22. If the vehicle is a wheelchair-accessible vehicle, it shall also be inspected for compliance with legally required safety standards.

9-115-140 Transportation network service – Accessibility and accessibility fund.

(Omitted text is not affected by this ordinance.)

(b) Such application or platform shall provide customers with an opportunity to indicate whether they require a wheelchair-accessible transportation network vehicle. Licensees shall provide service to customers who require a wheelchair-accessible transportation network vehicle either by: (1) connecting such customers with the licensee's drivers who operate wheelchair-accessible transportation network vehicles; or (2) ~~entering into a service agreement with other persons that dispatch wheelchair-accessible vehicles in order to dispatch such vehicles through the licensee's application or platform.~~ A minimum of 5% of the total transportation network vehicles available for hire through a licensee's digital platform must be wheelchair accessible vehicles. Customers requiring wheelchair accessible transportation network vehicles shall receive transportation network services equivalent to the services provided to customers without disabilities in terms of pricing and response time. Subsection (a) of Section 9-115-100 shall not be construed to prohibit licensees from entering into a service agreement with persons that dispatch wheelchair-accessible transportation vehicles as provided in this subsection. Such application or platform shall allow customers to designate whether or not they need a wheelchair-accessible transportation network vehicle in setting their customer's profile with the licensee. In addition, if such application or digital platform allows drivers to rate their passengers, licensees shall train their drivers not to discriminate against people with disabilities in their passenger ratings. It shall be a violation of this chapter for a driver to rate a passenger based upon a disability.

9-115-145 Disability Discrimination Complaint Procedure

(a) Each transportation network provider shall identify to the public an individual whose duties include receiving and responding to complaints related to

service for people with disabilities.

(b) Each transportation network provider shall adopt procedures that provide for the prompt and equitable resolution of complaints related to service for people with disabilities. The procedures shall, at a minimum, include the following:

- (1) A detailed description of the process for filing a complaint with and the methods for contacting the individual whose duties include receiving and responding to complaints,
- (2) A feature making the procedures accessible to and usable by individuals with disabilities,
- (3) A provision for prompt communication to the complainant regarding the outcome of the complaint.

(c) No individual shall be required to exhaust this complaint system prior to seeking relief in any other forum. This complaint system may run concurrent to any other system of relief available to the complainant.

9-115-150 Transportation network drivers – Requirements.

(a) No Class A or B transportation network provider licensee shall engage any person as a transportation network driver unless the person possesses a valid restricted public chauffeur license issued by the city pursuant to Chapter 9-104 of this Code and rules and regulations promulgated thereto.

~~(b) (1) No Class A transportation network provider licensee shall engage any person as a transportation network driver unless the licensee ascertains, in a process approved by the commissioner, that the person:~~

- ~~(i) Possesses and has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to applying to become a transportation network driver;~~
- ~~(ii) is at least 21 years of age;~~
- ~~(iii) has not been convicted of reckless driving, hit and run, or driving with a suspended or revoked license; and has not been convicted of or placed on supervision for two or more offenses involving traffic regulations governing the movement of vehicles, or whose Illinois driver's license has not been suspended or revoked pursuant to Section 6-206 of the Illinois Vehicle Code, codified at 625 ILCS 5/6-206, within the 12 months immediately prior to applying to become a transportation network driver;~~

- ~~(iv) — has successfully completed a transportation network driver's training program approved by the commissioner and conducted by the licensee or other authorities approved by the commissioner. In addition to other applicable requirements, such training program must cover topics related to providing service to people with disabilities;~~
- ~~(v) — has not, within the five years immediately preceding his application to be a driver, been either found guilty by a court of any jurisdiction, in custody, on parole, or under any other non-custodial supervision resulting from a finding or determination of guilt by a court of any jurisdiction for (i) the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified as 720 ILCS 5/2-0.5 et. seq., (ii) any crime involving moral turpitude, (iii) the illegal sale or possession of any controlled substance, (iv) indecent solicitation of a child or any criminal sexual abuse or similar crime, or (v) operating a motor vehicle while under the influence of alcohol or narcotic drugs;~~
- ~~(vi) — has not had a public chauffeur license or restricted public chauffeur license suspended, revoked or non-renewed by the city within the five years immediately preceding his application to be a driver; and~~
- ~~(vii) — has not been listed as ineligible to be a transportation network driver by the commissioner pursuant to Section 9-115-250(b).~~

~~(2) — Any Class A transportation network provider licensee shall (1) perform a criminal background check on each transportation network driver applicant; (2) obtain each transportation network driver applicant's driving record; and (3) ascertain that all the requirements of subsection (b) are met before engaging a transportation network driver.~~

~~(3) — Any Class A transportation network provider licensee shall maintain and enforce a zero-tolerance policy for intoxicating substances, which policy shall be approved by the commissioner as condition of the license. Such policy shall promote zero tolerance using a combination of appropriate means that may include education, random testing, assistance programs and counseling, among other measure.~~

~~(4) — One year after engaging a driver, and annually thereafter, each Class A transportation network provider licensee shall ascertain that the driver is still eligible to be a transportation network driver by verifying that the driver meets all of the requirements specified in this section, including the criminal background check requirement specified in subsection (b)(2), and shall keep records of such verification for a period of three years and shall submit such records to the commissioner upon request.~~

~~_____ (c) _____ If any licensee engages an ineligible driver or if any Class A transportation network provider licensee fails to annually ascertain the eligibility of each driver such licensee engages, the licensee shall be liable for the violation of this section and shall also be jointly and severally liable with the ineligible driver for any violation of this chapter by the ineligible driver.~~

~~_____ (d) _____ Eligibility for engagement as a driver under this chapter shall be a continuing requirement for remaining so engaged.~~

SECTION 5. This ordinance shall take effect 120 days after its passage.

Chicago City Council Co-Sponsor Addition/Change

Document No.: 02011-1729

Subject: Amendment of Municipal Code Title 9
concerning public chauffeur licenses

Please Add Or Change The Co-Sponsor As Shown Below.

Alderman [Signature] (50 Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)

Please Remove Or Change The Co-Sponsor As Shown Below.

Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)

Date Filed 3/22/16

Signature [Signature]
Principal Sponsor

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- City Clerk

Chicago City Council Co-Sponsor Addition/Change

Document No.: 02016-1729

Subject: Amendment of Municipal Code
Title 9 Concerning Public Chauffeur Licenses

Please Add Or Change The Co-Sponsor As Shown Below.

Alderman Michelle A Harris (8th Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)

Please Remove Or Change The Co-Sponsor As Shown Below.

Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)
Alderman _____ (_____ Ward)

Date Filed 5/5/16

Signature Anthony Al Beale
Principal Sponsor

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Chicago City Council Co-Sponsor Addition/Change

Document No.: 02016-1729

Subject: Amendment of Municipal Code Title 9
Concerning Public Chauffeur Licenses

Please Add Or Change The Co-Sponsor As Shown Below.

Alderman Ostaman (48th Ward)
Alderman _____ (____ Ward)
Alderman _____ (____ Ward)
Alderman _____ (____ Ward)
Alderman _____ (____ Ward)

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Please Remove Or Change The Co-Sponsor As Shown Below.

Alderman _____ (____ Ward)
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Alderman _____ (____ Ward)
Alderman _____ (____ Ward)

Date Filed 5/5/16

Signature [Signature]
Principal Sponsor

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