



City of Chicago



O2017-3659

Office of the City Clerk

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Meeting Date: 4/19/2017

Sponsor(s): Dept./Agency
Smith (43)

Type: Ordinance

Title: Amendment of Municipal Code Chapter 9-114 by further
regulating charter/sightseeing vehicles

Committee(s) Assignment: Committee on License and Consumer Protection

Chicago, April 19, 2017

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by the Department of Business Affairs and Consumer Protection and Alderman Smith (which was a direct introduction), to amend the Municipal Code of Chicago regarding charter / sightseeing vehicles, begs leave to recommend that Your Honorable Body ***p a s s*** the ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on April 13, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION



DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION
CITY OF CHICAGO

April 19, 2017

TO THE HONORABLE, THE CHAIRMAN AND
MEMBERS OF THE CITY COUNCIL COMMITTEE ON
LICENSE AND CONSUMER PROTECTION

Ladies and Gentlemen:

I transmit herewith, together with Alderman Smith, an ordinance regulating charter/sightseeing vehicles and related Municipal Code amendments.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

4/19/17
7:00

ORDINANCE

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

SECTION 1. Sections 9-114-010, 9-114-020, 9-114-025, 9-114-030, 9-114-315, 9-114-320 and 9-114-410 of the Municipal Code are hereby amended by adding the underscored text and deleting the struck-through text, and new Sections 9-114-215 and 9-114-325 are added, as follows:

9-114-010 Definitions.

The following definitions shall apply for purposes of this chapter:

"Charter/sightseeing vehicle" means a public passenger vehicle for hire principally on charter trips or sightseeing tours or both. Provided, however, in Sections 9-114-315 and 9-114-320, the term "charter/sightseeing vehicle" shall refer to a vehicle for hire principally on charter trips or sightseeing tours or both, with a passenger capacity of fifteen or more, regardless of whether it is licensed as a public passenger vehicle or regulated as to licensure or registration by another jurisdiction.

(omitted text is unaffected by this ordinance)

"Public passenger vehicle" means a motor vehicle, as defined in the motor vehicle law of the State of Illinois, which is used for the transportation of passengers for hire, excepting those (1) devoted exclusively for funeral use; (2) in operation of a metropolitan transit authority; (3) interstate carriers licensed for the transportation of passengers by the Interstate Commerce Commission solely to the extent that specific regulation of such vehicles by the city is preempted by federal law; (4) interstate carriers operating pursuant to and in conformity with a certificate of authority issued by the Illinois Commerce Commission solely to the extent that specific regulation of such vehicles by the city is prohibited by federal or state law; (5) taxicabs regulated pursuant to Chapter 9-112 of this Code; and (6) vehicles used to provide a transportation network service pursuant to Chapter 9-115. Public passenger vehicles included in the provisions of this chapter include, but are not limited to, livery vehicles, charter/sightseeing vehicles, neighborhood electric vehicles, jitney car services, and medical carrier vehicles.

(omitted text is unaffected by this ordinance)

9-114-020 License required.

(a) It is unlawful for any person to operate a motor vehicle, or for the registered owner thereof to permit it to be operated, for the transportation of passengers for hire within the city unless it is licensed by the city as a public passenger vehicle pursuant to this chapter, or as a taxicab pursuant to Chapter 9-112, or used to provide a transportation network service pursuant to Chapter 9-115.

(b) Subject to the conditions and limitations of this chapter, the city grants exclusive permission and authority to the licensees hereunder to operate public passenger vehicles licensed hereunder unless rescinded, terminated, or revoked as hereinafter provided.

(c) It shall be unlawful for any taxicab or public passenger vehicle not licensed or required to be licensed as such by the City to solicit or accept business within the corporate boundaries of the city, ~~except where the passengers have as their destination the community in~~

which such vehicle is licensed and then only when such transportation has been arranged in advance, except where such vehicle is licensed in the community that the passengers have as their destination, and then only when such transportation has been arranged in advance and no intermediate stops are made within the city.

(d) A public passenger vehicle licensed by another jurisdiction may come into the city to discharge passengers whose trip originated from outside of the city or to transport passengers through the city without stopping. While the vehicle is in the city no roof light or other special light shall be used to indicate that the vehicle is vacant or subject to hire, and a white card printed in black letters, or a digital sign, bearing the words "Not For Hire" with text size not less than two inches in height shall be displayed at the windshield of the vehicle, and the vehicle may make no stops other than the destination.

(e) Any person who solicits or transports passengers for hire, and the registered owner of any motor vehicle who permits such solicitation and transportation, in violation of this chapter, including, without limitation, Sections 9-114-315 and 9-114-320, are subject to fines, vehicle impoundment, and other applicable penalties.

9-114-025 Temporary permits – Fees.

The commissioner may issue temporary permits for the operation within the city of a public passenger vehicle not licensed by the city, or any charter/sightseeing vehicle regardless of where it is licensed or registered, where the use within the city is for a special event or for a specific purpose. The daily fee for a temporary permit under this section shall not exceed \$100.00 per vehicle. Such vehicles shall be subject to all applicable provisions of Chapters 9-104, 9-112, and 9-114, as applicable, of the Chicago Municipal Code as well as all rules and regulations promulgated pursuant to Chapters 9-104, 9-112, and 9-114 9-114.

9-114-030 Application for license.

An applicant must apply for the issuance or renewal of a license using a print or electronic form prescribed by, and as directed by, the commissioner and accompanied by such documents as the commissioner may require. If the applicant is a corporation or partnership, then its duly authorized agent can apply on behalf of the applicant. An applicant for a license who intends to operate one or more charter/sightseeing vehicles shall include as part of the application, and update as necessary, the address(es) where all vehicles in the licensee's fleet are kept when not in use.

Any changes made to the information submitted on the application or any material changes made to the licensee's personal or business operations or to any information provided under this chapter must be reported, in writing, to the commissioner within four business days of the change.

9-114-215 License rescission.

The commissioner shall have the power to rescind any license erroneously or illegally issued, transferred or renewed pursuant to this chapter. In order for such a rescission to be effective, the commissioner must notify the licensee of the date the rescission will take effect. The notice shall take place by first class mail or in-person notification. The commissioner must indicate in such notice the basis for the rescission and must also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the commissioner, or his or her designee, to contest the proposed rescission. The licensee shall also be informed that he or she shall be entitled to present to the commissioner or his or her designee any document, including affidavits, relating to the proposed rescission. Following the appearance of

the licensee before the commissioner, the commissioner may affirm or reverse his or her rescission decision. The commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission is effective. A licensee may appeal the commissioner's decision to any court of competent jurisdiction.

9-114-315 Allowing unlawful acts.

(a) For purposes of this section, the following definitions apply:

"Allow" means: (1) to permit or approve, either in writing or orally; or (2) to fail to take corrective action.

"Authorized City Personnel" means those employees of the Departments of Aviation, Business Affairs and Consumer Protection, Emergency Management and Communications, Police and Transportation who have been authorized by their respective department heads to obtain information in the field to determine compliance with the Municipal Code.

"Security guard" means the accompanying individual required for certain trips pursuant to Section 9-114-320 in addition to the security camera specified therein. A security guard must be a private security contractor duly licensed pursuant to 225 ILCS 447, Article 25, or a registered employee of a private security agency with a valid permanent employee registration card pursuant to 225 ILCS 447-35-50.

"Corrective action" means to first make a prompt demand that a passenger either refrain from committing the acts set forth in subsection (b) and (c) of this section or depart from the charter/sightseeing vehicle. If the recipient of the demand does not comply with the demand, "corrective action" means to promptly terminate the charter/sightseeing service and return any passengers to their point of origin or final destination, or make a prompt report of the unlawful act(s) to the Chicago Police Department. If a passenger violates subparagraph (b)(4) or (b)(5) of this section, or if a passenger's violation of subsection (b) or (c) of this section causes bodily harm or property damage, "corrective action" shall also include the acts required in subsection (d).

"Owner" means an owner of a charter/sightseeing vehicle or charter/sightseeing service, including an individual, firm, partnership, joint venture, association, corporation, estate, trust, trustee, or any other group or combination acting as a bus company or other business entity.

(b) No owner, or driver of a charter/sightseeing vehicle, or security guard, shall allow any passenger:

1. who is under the age of 21 to possess or consume alcoholic liquor.
2. to engage in disorderly conduct.
3. to possess any drug paraphernalia.
4. to unlawfully possess a firearm.
5. to discharge a ~~weapon~~ firearm.
6. to hurl projectiles from the vehicle.
7. to commit indecent exposure.
8. to litter.
9. to unlawfully possess or use marijuana cannabis or any controlled substance.

(c) No owner, or driver of a charter/sightseeing vehicle, or security guard, shall allow any person who is visibly inebriated onto that vehicle unless the next stop is the point of origin or final destination.

~~(d) The driver of a charter/sightseeing vehicle shall keep an itinerary identifying the point of origin and each stop for the current trip and shall present that itinerary to a Police Officer upon request. If a passenger violates subparagraph (b)(4) or (b)(5) of this section, or if a passenger's violation of subsection (b) or (c) of this section causes bodily harm or property damage, the driver, or security guard if there is one, must, when it is reasonably safe to do so: (1) promptly report to the Police Department, via a telephone call to 9-1-1, any such violation reported to or observed by the driver or security guard; (2) answer fully and truthfully all questions asked by Authorized City Personnel regarding the violation; (3) cooperate with the City in any such inquiry or investigation by giving oral or written statements to the City at reasonable times and locations in the course of any investigation; and (4) sign a complaint against the passenger if the driver or security guard saw the violation take place.~~

(e) A driver's or security guard's violation of this section or Section 9-114-320 shall be attributable to, and deemed a violation by, the owner. A notice of violation of this section or Section 9-114-320 shall be deemed served upon the owner once it has been deposited in US mail with proper postage prepaid and properly addressed to the registered agent of the charter/sightseeing vehicle business entity or, alternatively, to the registered owner of the vehicle.

~~(f) Each person who violates this section shall be subject to a fine of not less than \$250 nor more than \$500 for the first offense, not less than \$500 nor more than \$1,000 for the second offense, and not less than \$1,000 nor more than \$1,500 for the third and succeeding offenses, during the same calendar year.~~

9-114-320 Sightseeing vehicles. Charter/sightseeing vehicles – requirements and restrictions.

(a) General.

Charter/sightseeing vehicles shall not be used for transportation of passengers except on sightseeing tours or charter trips.

No person shall solicit passengers for sightseeing tours upon any public way except at stands specially designated by the city council for sightseeing vehicles.

Each charter/sightseeing vehicle that is not subject to requirements to display identification or information pursuant to rules imposed by the Interstate Commerce Commission, Illinois Commerce Commission, or Federal or state law shall display the City of Chicago public vehicle (for purposes of this section, "COCPV") license number, preceded by the initials "COCPV," and the name of and a contact telephone number for the owner. For purposes of this section, a license plate is not "identification information." The markings required by this section must:

(1) Be painted or otherwise permanently affixed to, and appear on both sides of, the vehicle;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 feet while the vehicle is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by the preceding paragraph (3).

~~No charter/sightseeing vehicles may display advertising without first obtaining an advertising permit as set forth in Section 9-114-330.~~

The driver of a charter/sightseeing vehicle shall keep an itinerary identifying the point of origin and each stop for the current trip, in such form and format as the Commissioner specifies, and shall present that itinerary to Authorized City Personnel, as that term is defined in Section 9-114-315, upon request.

The owner of each charter/sightseeing vehicle subject to City licensure under this Chapter shall include their City license account (I.R.I.S.) number on all advertising and promotional materials for the charter/sightseeing service, on any web page promoting or describing the charter/sightseeing service, and on any trip contract used for the trip.

(b) Trips that include alcohol.

In addition to the requirements of subsection (a), the requirements and restrictions of this subsection (b) apply to each trip with fifteen or more passengers that includes the opportunity for passengers to consume alcoholic liquor either: (i) while on the vehicle, or (ii) during an interim stop on the trip (i.e. a stop other than the point of origin or final destination).

Each charter/sightseeing vehicle shall both: (i) contain a security guard to accompany the driver for the entire trip, and (ii) be equipped with one or more fully operational security cameras meeting specifications set by rule.

The owner, driver of a charter/sightseeing vehicle or security guard shall take affirmative measures to determine that no passenger is in violation of Section 9-114-315(b)(4).

Upon commencing a trip in the City of Chicago, or upon or prior to entering the City of Chicago, the driver of a charter/sightseeing vehicle or security guard shall present to each passenger the text of subsections 9-114-315(b) and (c). This text may be presented via an information sheet or placard, a spoken presentation to the passengers, or a video. The presentation shall be subject to discretionary audit by Authorized City Personnel, as that term is defined in Section 9-114-315.

No charter/sightseeing vehicle shall include a stop for purposes of visiting any public park during the hours the park is closed.

9-114-325 Plan of operation; vehicle violations cumulative.

Any owner who has been found liable for unlicensed operation, or who has otherwise been subjected to disciplinary action for violations of this Chapter, may be required to enter into

a plan of operation acceptable to the Commissioner as a condition of being allowed to engage in or resume licensed operation. Any such plan of operation shall be imposed at the Commissioner's direction and shall contain such requirements and restrictions that the Commissioner determines are necessary and appropriate to ensure safe operation, taking into account the nature and number of the pertinent violations.

A cease-and-desist order imposed for a violation committed in conjunction with any charter/sightseeing vehicle shall apply to all charter/sightseeing vehicles in that owner's fleet. A license suspension or revocation imposed for a violation committed in conjunction with any charter/sightseeing vehicle shall apply to all charter/sightseeing vehicles in that owner's fleet. The Commissioner shall consider the number and nature of violations that trigger license suspension or revocation on a fleet-wide basis as opposed to a vehicle-specific basis. For purposes of this paragraph, "fleet" shall mean all charter/sightseeing vehicles under common ownership.

9-114-410 Violation – Penalty.

~~Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$200.00 for the first offense, not less than \$200.00 nor more than \$300.00 for the second offense, and not less than \$300.00 nor more than \$750.00 for the third and succeeding offenses during the same calendar year. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition, when any one vehicle is involved in more than five violations of this chapter or the rules and regulations relating thereto within a 12-month period, the license for that vehicle shall be revoked.~~

(a) Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$10,000.00. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition to fines, penalties for any violations of this chapter may include license suspension or revocation.

(b) Any person who violates Section 9-114-150, 9-114-280, 9-114-315, or 9-114-320 shall be fined not less than \$250.00 nor more than \$10,000.00 for each offense.

(c) Any person who violates Section 9-114-020 or 9-114-170 shall be fined not less than \$1,000.00 nor more than \$10,000.00 for each offense. In addition to the fine provided by this subsection (c) for unlicensed operation, the commissioner is authorized to issue a cease-and-desist order directing immediate cessation of unlicensed operation until proper licensure is obtained. A second or subsequent incident of unlicensed operation, or operation in violation of a cease-and-desist order, shall subject the violator to a minimum fine of \$5,000.00.

SECTION 2. In light of the urgent need to ensure the proper regulation of charter/sightseeing vehicles and other commercial vehicles, pursuant to 65 ILCS 5/1-2-4, this ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council.

In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, this ordinance shall take effect ten days after passage and publication.

The Commissioner of Business Affairs and Consumer Protection is authorized to mandate the administrative requirements of this ordinance in a graduated manner, with full implementation to be achieved by June 1, 2017. The Commissioner shall notify interested persons of any such

graduated implementation, and the ordinance requirements included, by administrative notification.