



City of Chicago



O2020-2864

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	5/20/2020
Sponsor(s):	Villegas (36)
Type:	Ordinance
Title:	Amendment of Municipal Code Titles 9 and 2 regarding commercial towing
Committee(s) Assignment:	Committee on Finance

ORDINANCE

SECTION 1. Chapter 9-44 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

9-44-030 Commercial towing vehicle – Daily report required.

It shall be the duty of every person operating a commercial towing vehicle for hire in the city to prepare and deliver to the superintendent of police every day, before noon, a legible and correct report, on a form prescribed by the superintendent, of every motor vehicle picked up or towed by such operator from any public way in the city during the preceding twenty-four hours. The report shall contain the date upon which the towing service was performed, the locations from and to which the vehicle was towed, the name and address of the owner of the towed vehicle, the name and address of the person requesting the towing service, the name and license number of the chauffeur, if the vehicle was chauffeur-driven, and the make, type, state license plate number, and state registration number of the towed vehicle, the city wheel tax license emblem number of the towed vehicle and the city wheel tax license emblem number of the towing vehicle, engine number and serial or factory number of the towed vehicle, ~~the tow truck owner's Commercial Vehicle Relocator's License number if applicable, the state license plate number of the tow truck, the operator's Relocation Towing Employment Permit number if applicable, and, the operator's Driver's License number or Commercial Driver's License number, as applicable.~~ This section shall not apply to any person operating a towing vehicle exclusively for the purpose of towing vehicles owned by such person.

(Omitted text is unaffected by this ordinance)

9-44-070 Violation – Penalty.

Any person or any officer of any corporation, or any partner of any partnership who:

(a) knowingly submits a daily report required by Section 9-44-030 with incorrect or incomplete information or knowingly submits such report with false information shall be fined not less than \$50.00 nor more than \$500.00;

(b) relocates or authorizes the relocation of a disabled vehicle in violation of any provision of Section 9-44-030 or 9-44-050 shall be fined not less than \$50.00 nor more than \$500.00; or

(c) relocates or authorizes the relocation of a disabled vehicle in violation of any provision of Section 9-44-060 shall be fined not less than \$500.00 nor more than \$1,000.00.

SECTION 2. Chapter 9-84 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

9-84-010 Report – Definition – Procedure.

(a) Within 30 minutes after relocating any unauthorized vehicle, the relocator shall notify the Chicago Police Department by using the nonemergency police telephone number to report the year, make, model and state license plate number of the relocated vehicle and the location from which the vehicle was relocated. In addition to this notification, within 24 hours after relocating an unauthorized vehicle, the relocator shall submit a written report to the superintendent of police containing the following information:

- (1) Name, address and telephone number of the relocator and of the operator;
- (2) State license plate number of the vehicle relocated;
- (3) Vehicle identification number of the vehicle relocated;
- (4) Color, make and model of the ~~relocated~~ vehicle relocated;
- (5) Date and time of the relocation;
- (6) Address of place from which vehicle was relocated;
- (7) Names and addresses of any witnesses to the relocation;
- (8) Name of person with whom the relocation agreement was made;
- (9) Address of place where the vehicle is stored;-and
- (10) State license plate number of the tow truck which made the relocation;-
- (11) Wheel tax license emblem number of the vehicle relocated;
- (12) Wheel tax license emblem number of the relocator's vehicle;
- (13) Commercial Vehicle Relocator's License number of the relocator;
- (14) Driver's License number or Commercial Driver's License number of the operator, as applicable; and
- (15) Relocation Towing Employment Permit number of the operator.

(Omitted text is unaffected by this ordinance)

(c) Prior to relocating any unauthorized vehicle, the relocator or operator shall first obtain written consent from the owner of the private property or such owner's authorized agent to relocate the specific vehicle in question. The determination to relocate an unauthorized vehicle may be made only by the owner of the private property or such owner's authorized agent. The owner of the private property may not grant general authority to relocate all unauthorized vehicles from such owner's private property or delegate the determination to relocate any unauthorized vehicle from such owner's private property to any relocator or operator, unless the relocator has an agreement with the owner or agent to relocate all unauthorized vehicles from such owner's private property. Each year, ~~beginning on the effective date of this amendatory ordinance of 2016,~~ each relocator shall provide the Chicago police department with a list of all locations where the relocator has an active contract or other agreement in place with an owner

to remove unauthorized vehicles from such owner's private property. This list shall clearly indicate whether the contract or agreement authorizes the relocater or operator to patrol or remove vehicles from the owner's private property only upon request by the owner. The Chicago police department shall organize the lists required under this subsection by police district and shall provide a copy of the applicable list to each district commander annually.

(Omitted text is unaffected by this ordinance)

9-84-020 Removal of vehicle by owner or legal possessor of vehicle or owner's agent.

Except for unauthorized vehicles that require a commercial driver's license to operate, no ~~No~~ unauthorized vehicle may be relocated by any relocater or operator if: (i) the owner of the vehicle or the owner's agent is present or arrives on the scene before the vehicle is completely removed from the private property; (ii) such owner or agent can produce the ignition key or other ignition device for the vehicle; and (iii) such owner or agent is able to remove and immediately does remove the vehicle from the private property. If the vehicle requires a commercial driver's license to operate, no vehicle shall be relocated if the owner or operator of such vehicle: (i) is present or arrives on the scene before the vehicle is completely removed from the private property; (ii) such owner or operator can produce the ignition key to the vehicle; (iii) such owner or operator is able to and does immediately remove the vehicle from the private property; and (iv) such owner or operator pays a reasonable service fee of not more than one-half of the posted rate of the towing service. or other person entitled to possession of the vehicle is present and offers to remove such vehicle voluntarily prior to the time the relocater or operator attempts to relocate such vehicle from the premises; provided that the owner or other person so removes the vehicle immediately thereupon.

(Omitted text is unaffected by this ordinance)

Section 9-84-022 Disabled Parking-- Requirements.

No operator shall tow a vehicle bearing a valid state disability license plate or valid state disability parking placard within 30 minutes of the taking of the pre-tow photograph as required in Section 9-84-025. If such vehicle is relocated, the tow truck operator must provide in the written report required by Section 9-84-010(a) a photograph of the vehicle that includes the vehicle's license plate and the date and time the photograph was taken as evidence that the vehicle was towed at least 30 minutes after the taking of the pre-tow photograph.

(Omitted text is unaffected by this ordinance)

9-84-036 Towing Bill of Rights.

(Omitted text is unaffected by this ordinance)

10. No operator shall tow a vehicle bearing a valid state disability license plate or valid state disability parking placard within 30 minutes of the taking of the pre-tow photograph.

11. Formal complaints about the relocater can be made by contacting the Illinois Commerce Commission at (847) 294-4326 or can be filed online at www.icc.illinois.gov.

(Omitted text is unaffected by this ordinance)

9-84-040 Violation – Penalty.

(Omitted text is unaffected by this ordinance)

(c) relocating an unauthorized vehicle in violation of Section 9-84-022, 9-84-023, 9-84-025, 9-84-036 or any associated rule shall be fined not less than \$500.00 nor more than \$1,000.00 and be liable for payment of restitution to the owner or lessee of the relocated vehicle in the amount of the actual costs incurred by such owner or lessee; or

(d) knowingly submitting a report required by Section 9-84-010 with incorrect or incomplete information or knowingly submitting such report with false information shall be fined not less than \$50.00 nor more than \$500.00.

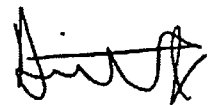
SECTION 3. Section 2-25-090 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows

2-25-090 Prohibited acts – Consumer fraud, unfair competition or deceptive practice – Duty to Enforce.

(Omitted text is unaffected by this ordinance)

(i) Each quarter, the Commissioner, in consultation with the Superintendent of Police, shall file a report with the Illinois Commerce Commission detailing notices of violation issued under Chapter 9-84 of this Code and enforcement actions pursued by the Commissioner to enforce violations of Section 2z of the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/2z) related to any violation of the Illinois Commercial Safety Towing Law (625 ILCS 5/18d et. seq.). Such report shall contain the following information related to each notice of violation or enforcement action: (i) the date of each violation occurred; (ii) the applicable Commercial Vehicle Relocator's License number; (ii) the state license plate number of the commercial vehicle relocator; (iii) the operator's Relocation Towing Employment Permit number; (iv) the number of previous violations committed by the violating commercial vehicle relocator's owner since prior quarterly report; and (vii) the address of where the violation occurred, if applicable. Upon filing such report with the Illinois Commerce Commission, the Department shall publish the report on the Department's websites.

SECTION 4. This ordinance shall take full force and effect upon its passage and publication.



Gilbert Villegas
Alderman, 36th Ward