



City of Chicago



O2021-363

Office of the City Clerk

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Meeting Date: 1/27/2021

Sponsor(s): Dowell (3)

Type: Ordinance

Title: Amendment of Municipal Code Titles 2 and 9 by modifying various sections and adding new Section 9-12-120 regarding fines and penalties for unlawful use of non-highway vehicles

Committee(s) Assignment: Committee on Public Safety

ORDINANCE

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

SECTION 1. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

2-14-132 Impoundment.

(a) (1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 4-68-195, 9-80-220, 9-112-640 or 9-114-420 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-8-060, 8-20-070, 9-12-090, 9-12-100, 9-12-110, 9-48-080, 9-80-225, 9-80-240, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 9-4-010 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

(Omitted text is unaffected by this ordinance)

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle which is capable of attaining on level pavement a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500. "Neighborhood electric vehicle" does not include a vehicle modified after its original manufacture to meet the speed requirement or safety equipment requirements contained in Title 49 C.F.R. Part 571.500.

"Non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, and includes: (1) an all-terrain vehicle, as defined by Section 1-101.8 of the Illinois Vehicle Code; (2) a golf cart, as defined by Section 1-123.9 of the Illinois Vehicle Code; (3) an off-highway motorcycle, as defined by Section 1-153.1 of the Illinois Vehicle Code; and (4) a recreational off-highway vehicle, as defined by Section 1-168.8 of the Illinois Vehicle Code.

"One-way street or alley" means a public way upon the roadway of which traffic is permitted to travel in one direction only.

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 9-12-090 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

9-12-100 Drifting.

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. In addition to any other penalty under this Code, a third or subsequent offense of this section within a 12-month period shall be punishable by imprisonment of up to [30 days], up to 120 hours of community service, or both.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 9-12-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

9-12-100 Drifting.

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. In addition to any other penalty under this Code, a third or subsequent offense of this section within a 12-month period shall be punishable by imprisonment of up to [30 days], up to 120 hours of community service, or both.

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.

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.

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

SECTION 5. Chapter 9-12 of the Municipal Code of Chicago is hereby amended by inserting new Section 9-12-110, as follows:

9-12-110 Non-highway Vehicles.

It is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in 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 **[\$500]** nor more than **[\$1,000]** for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

The owner of record of the non-highway 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.

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.

Section 2-14-132 shall apply whenever a non-highway vehicle is seized and impounded pursuant to this section.

SECTION 6. Chapter 9-12 of the Municipal Code of Chicago is hereby amended by inserting new Section 9-12-120, as follows:

9-12-120 Enhanced penalties for offenses committed while drag racing, drifting, stunting, or driving a non-street legal vehicle.

Notwithstanding any provision of this Code to the contrary, the following enhanced penalties shall apply to violations of (i) Chapters 9-16, 9-24, 9-36, 9-40, 9-56, and (ii) Sections 8-4-059, 8-4-120, 9-8-010, 9-12-050, 9-12-060, 9-12-070, 9-12-75, 9-12-077, 9-12-110, 9-20-010, 9-28-010, 9-28-020, 9-32-040, 9-76-010, 9-76-020, 9-76-050, 9-76-060, 9-76-100, 9-76-110, 9-76-140, 9-76-145, 9-76-160, 9-76-180, 9-76-220, 9-80-035, 9-80-100, 9-80-160, 9-80-180, 9-80-240, 9-80-250, 10-8-030, 10-8-060, 10-8-070, 10-8-240, 10-8-360, or 10-36-010 of this code, that occur in connection with a violation of Sections 9-12-090, 9-12-100, or 9-48-080:

(1) the penalties for any of the enumerated offense in connection with the first violation of Sections 9-12-090, 9-12-100, or 9-48-080 in a 12-month period shall be as set forth in the applicable section of this Code;

(2) the penalties for any of the enumerated offense in connection with the second violation of Sections 9-12-090, 9-12-100, or 9-48-080 in a 12-month period shall be double the fine set forth in the applicable section of this Code; and

(3) the penalties for any of the enumerated offense in connection with the third or subsequent violation of Sections 9-12-090, 9-12-100, or 9-48-080 in a 12-month period shall be triple the fine set forth in the applicable section of this Code.

SECTION 7. Section 9-48-080 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

9-48-080 Riding on motorcycles or motor-driven cycles.

(a) A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person unless the cycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the cycle.

(b) A person operating a motorcycle shall ride upon such motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) It is unlawful for any person to operate any motorcycle with handlebar grips higher than the height of the head of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(d) A person operating a motorcycle shall keep at least one hand on a handlebar grip at all times the motorcycle is in motion.

(e) In addition to any other penalty under this Code, a third or subsequent offense of this section within a 12-month period shall be punishable by imprisonment of up to [30 days], up to 120 hours of community service, or both.

(f) The owner of record of the motorcycle 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 motorcycle shall be subject to seizure and impoundment pursuant to this section.

Whenever a police officer has probable cause to believe that a motorcycle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the motorcycle to a facility controlled by the City or its agents. Before or at the time the motorcycle is towed, the police officer shall notify any person identifying themselves as the owner of the motorcycle at the time of the alleged violation or the person who is found to be in control of the motorcycle at the time of the alleged violation, if there is such person, of the fact of the seizure and of the motorcycle owner's right to request a motorcycle 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.

Section 2-14-132 shall apply whenever a motorcycle is seized and impounded pursuant to this section.

SECTION 8. Section 9-76-160 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, and by inserting the language underscored, as follows:

9-76-160 Registration plates.

(a) Every vehicle in the City subject to the registration plates requirements of the Illinois Vehicle Code shall bear registration plates in the manner required by that Code. It is illegal to park a vehicle on any roadway if the registration plate or other registration material fails to comply with this subsection. Any person who violates this subsection shall be fined the amount set forth in Section 9-100-020 for each offense. Specific requirements for covered vehicles are set forth below:

(1) Registration plates issued for a motor vehicle other than a motorcycle, trailer, semi-trailer or truck-tractor shall be attached to the front and rear of the vehicle.

(2) The registration plate issued for a motorcycle, trailer or semi-trailer shall be attached to the rear thereof.

(3) The registration plate issued for a truck- tractor shall be attached to the front thereof.

(4) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible. ~~No registration plate shall be covered by any tinted or colored screen.~~

(5) It is unlawful for any person to operate any motor vehicle that is equipped with registration plate or digital registration plate covers, as defined by Section 3-400 of the Illinois Vehicle Code, 625 ILCS 5/3-400, or any other cover, coating, wrapping, material, streaking, distorting, holographic, reflective, or other device that obstructs the visibility or electronic image recording of the registration plate or digital registration plate.

(6) It is unlawful for any person to physically alter any registration plate or digital registration plate with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of such registration plate or digital registration plate.

(7) It is unlawful for any person to modify the original manufacturer's mounting location of the rear registration plate or digital registration plate on any vehicle so as to conceal the registration or plate or to knowingly cause such plate to be obstructed in an effort to hinder a peace officer from obtaining the registration or plate number for the enforcement of a violation of the Illinois Vehicle Code or this Code. Modifications prohibited by this subsection include, but are not limited to, the use of an electronic device.

(Omitted text is unaffected by this ordinance)

(c) It is unlawful for any person to advertise for sale, keep for the purpose of sale, offer or expose for sale, or sell, including via the internet, any product advertised as having the capacity to obstruct the visibility or electronic image recording of a registration plate or digital registration plate, including registration plate or digital registration plate covers. Any person violating any of the provisions of this subsection (c) shall be fined not less than \$750 nor more than \$1,000 for each offense. Each violation of this subsection (c) shall be considered a separate and distinct offense and shall be regarded as being committed on each day on which such person shall

continue or permit any such violation. In addition to any fine or other penalty imposed by this Code, the corporation counsel may seek an injunction or other equitable relief in a court of competent jurisdiction to stop any violation of this subsection (c). In addition to injunctive or other equitable relief, such suit shall also seek a full accounting of the records of all sales to residents or other entities within the City.

SECTION 9. Section 9-100-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-100-020 Violation – Penalty.

(Omitted text is unaffected by this ordinance)

(b) The fines listed below shall be imposed for a violation of the following sections of the traffic code:

<i>Traffic Code Section</i>	<i>Fine</i>
<i>(Omitted text is unaffected by this ordinance)</i>	
9-76-160(a)(1) – (4)	\$60.00
9-76-160(a)(5) – (6)	\$1,000.00
9-76-160(a)(7)	\$750.00
9-76-160(b)	\$60.00

SECTION 10. This ordinance shall take full force and effect ten days after its passage and publication.

Pat Dowell

Alderman Pat Dowell
3rd Ward
