



Office of the City Clerk

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Legislation Details (With Text)

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File created: 7/24/2019 **In control:** City Council

Final action: 9/18/2019

Title: Amendment of Municipal Code Chapters 3-56, 9-64 and 9-100 regarding wheel tax license fees, violation fines and payment plans

Sponsors: Lightfoot, Lori E., Valencia, Anna M., Villegas, Gilbert, Scott, Jr. Michael, Dowell, Pat, Waguespack, Scott

Indexes: Ch. 56 Wheel Tax Licenses, Ch. 64 Parking Regulations, Ch. 100 Admin. Adjudication of Parking, Compliance, Automated Traffic Law Enforcement System or Automated Speed Enforcement System Violations

Attachments: 1. SO2019-5547.pdf, 2. SO2019-5547 (V1).pdf, 3. O2019-5547.pdf

Date	Ver.	Action By	Action	Result
9/20/2019	1	Office of the Mayor	Signed by Mayor	
9/18/2019	1	City Council	Passed as Substitute	Pass
9/16/2019	1	Committee on Finance	Substituted in Committee	
9/16/2019	1	Committee on Finance	Recommended to Pass	
7/24/2019	1	City Council	Referred	

SUBSTITUTE ORPINANCE

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

SECTION 1. Chapter 3-56 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, by inserting the language underscored, and by adding a new section 3-56-043, as follows:

3-56-040 Issuance.

a) Upon payment by the applicant of the wheel tax license fee hereinafter provided, the City Clerk shall issue, or cause to be issued, a wheel tax license. The period for a wheel tax license shall begin on the required purchase date and shall end on the last day of the month indicated on the face of such license. Provided, however, that if a wheel tax license is issued before the required purchase date, such license shall be valid upon its issuance. Provided further, that in the case of renewal of a valid and current wheel tax license only, the applicable period shall include the grace periods specified in Section 3-56-043. following requirements

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(44Th eapplicab leperiod for renewing a valid and current wh eeltax licens e, shall includ ea 30-day grac epe riod, during which th eapplicant may purch ase awheel tax-licens ewithout incurring any lat efees under Secti on 3-56-050. Provided, however, that nothi ngin this paragraph shal lb econstrued to authoriz eth ewaiver of pe nalties under Section 3-56- 150 ■fo rfailur eto obtain th ewheel tax license by th erequired purchas edate.

(24 Any grace period provided for under this section shall commence at 12:01 A.M. on the day after the required purchase date and shall end at midnight on the thirtieth day after the required purchase date.

b) The City Clerk shall make wheel tax licenses available for an annual period. Provided that in the case of renewal of an existing wheel tax license issued pursuant to the staggered system authorized under Section 3-56-015, the City Clerk may offer applicants for a wheel tax license the option, as provided for in duly promulgated rules, to purchase such license for a period of up to two years. If a wheel tax license is issued or renewed for more or less than an annual period, the fee for such license shall be prorated in accordance with Section 3-56-050(c).

3-56-041 Reduced-term wheel tax licenses pilot program.

In addition to annual terms, from August 1, 2019, until July 31, 2021, the City Clerk shall make wheel tax licenses available for terms of four months. The applicable period for renewing a valid and current wheel tax license shall include the grace periods specified in Section 3-56-043 a 30 day-grace period, during which the applicant may purchase a wheel tax license without incurring any late fees under Section 3-56-050. Outside of the grace period, any late fees shall be in addition to the wheel tax license fee purchased. Nothing in this paragraph shall be construed to authorize the waiver of penalties under Section 3-56-150 for failure to obtain the

license to obtain the

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3-56-043 Grace periods.

The applicable period for renewing a valid and current wheel tax license shall include:

a) a 30-day grace period, during which the applicant may purchase a wheel tax license without incurring any late fees under Section 3-56-050. Any grace period provided for under this subsection (a) shall commence at 12:01 A.M. on the day after the required purchase date and shall end at midnight on the thirtieth day after the required purchase date.

b) a 15-day grace period, during which the applicant may purchase a wheel tax license without incurring any penalties under Section 3-56-150(b) or Section 9-64-125 for failure to obtain or display the wheel tax license by the required purchase date. Any grace period provided for under this subsection (b) shall commence at 12:01 A.M. on the day after the required purchase date and shall end at midnight on the fifteenth day after the required purchase date.

3-56-050 Fees - Late fees.

(Omitted text is not affected by this ordinance)

(b) (1) Except as otherwise provided in subsection (b)(2) of this section, if the applicant for a wheel tax license fails to purchase such license by the required purchase date, a late fee of \$60.00 shall be assessed. Such late fee shall be in addition to the wheel tax license fee set forth in subsection (a) of this section.

2) The late fee for not more than one smaller or larger passenger automobile registered to any person 65 years of age or older, upon satisfactory proof of age and vehicle ownership, shall be reduced by an amount equal to one-half of the late fee provided in subsection (b)(1), if the wheel tax license for such vehicle is purchased after the required purchase date. Such late fee shall be in addition to the wheel tax license fee set forth in subsection (a) of this section.

3) No late fee shall be imposed under this subsection (b) if (i) the applicant obtains a wheel tax

license within 30 days of commencing residence in the City, as required under Section 3-56-021 (a); or (ii) the applicant obtains a wheel tax license within 30 days of purchasing or otherwise acquiring ownership of a vehicle, as required under Section 3-56-021(a); or (iii) in the case of a renewal of a wheel tax license, the applicant obtains a current wheel tax license within the grace period provided for under Section 3 56-040(a)(1) and Section 3 56 041, as applicable 3-56-043 (a).

4) No late fee shall be imposed under this subsection (b) for any vehicle registered to an applicant who, on the required purchase date, was serving in the United States Armed Forces and stationed outside the City, if a wheel tax license is purchased for the vehicle within 30 days of the applicant's discharge from the United States Armed Forces and the applicant did not cause or permit any person to use the vehicle in violation of Section 3-56-020(a) at any time after the required purchase date and before the applicant's discharge date.

5) Upon an applicant's showing of reasonable cause, accompanied by appropriate documentation, the City Clerk is authorized to waive any late fee that would otherwise apply to such applicant for failure to obtain a wheel tax license by the required purchase date.

(Omitted text is not affected by this ordinance)

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SECTION 2. Section 9-64-125 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-64-125 Display of wheel tax license emblem.

a) Except as otherwise provided in Section 3-56-020(b) or Section 3-56-125(d) of this Code, no person shall park or stand on any portion of the public way, or on any city-owned property, or in a public parking garage as defined in Chapter 4-232, or in any parking lot open to pedestrian traffic any vehicle requiring a wheel tax license under Chapter 3-56 of this Code, unless the wheel tax license emblem is displayed in the manner required by subsection (d) of this section. Pursuant to Section 3-56-021, any person alleged to have violated this section may raise as an affirmative defense that (1) such person resided in the city for less than 30 days at the time he or she was cited for the violation, or (2) the cited vehicle was purchased less than 30 days prior to the issuance of the violation; or (3) in the case of a renewal of a valid and current wheel tax license, such person obtained a current wheel tax license within the grace period provided for under Section 3-56-043(b).

b) It shall be a violation of this section for a vehicle of under or equal to 16,000 lbs. gross vehicle weight to fail to comply with subsection (a) of this section.

c) It shall be a violation of this section for a vehicle of over 16,000 lbs. gross vehicle weight to fail to comply with subsection (a) of this section.

d) If display is required by this section, the wheel tax license emblem shall be (1) affixed in accordance with the instructions printed thereon or accompanying the emblem, which are made a part hereof, and (2) affixed without the use of supplemental adhesives, and (3) positioned to be clearly visible, (4) and maintained in a clearly legible condition on the front windshield in the lower right-hand corner farthest removed from the driver's position; provided, however, that if the wheel tax license emblem takes the form of a license tag, such license tag shall be affixed to the vehicle's rear license plate in a manner that does not obstruct the visibility of the license plate or any information set forth on such plate.

e) The violation of this section shall subject the violator to the fine set forth in Section 9-100-020.

SECTION 3. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-100-050 Determination of liability.

(Omitted text is not affected by this ordinance)

(d) (1) If no response is made to a parking, standing or compliance violation notice in accordance with subsection (a) of this section, the Traffic Compliance Administrator shall cause a second notice of a parking, standing or compliance violation to be sent to the respondent in accordance with subsection (f) herein; provided however, in those instances where an eligible participant pays the fine indicated under an early payment installment plan pursuant to Section 9-400-405 9-100-160 and rules promulgated thereunder prior to a second notice being sent, the Traffic Compliance Administrator shall still send the second notice in compliance with this subsection. The notice shall specify the date and location of the violation, the make and state registration number of the cited vehicle, the code provision violated, the

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applicable fine, and the time and manner in which the respondent may obtain an administrative adjudication to contest the violation. If the respondent requests an administrative in-person hearing to contest the cited violation, the Traffic Compliance Administrator will cause a notice of hearing to be sent to the respondent as provided in subsection (c) herein.

Subject to subsection (d)(3): if, within 14 days from the date of the violation notice required by this subsection (d) (1), the respondent fails to: (i) pay the indicated fine; (ii) request an administrative adjudication; or (iii) prove compliance as provided in subsection (a)(7) of Section 9-100-060, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation. The second notice of violation shall provide the above information.

2) Subject to subsection (d)(3), if a respondent, issued an automated traffic law enforcement system or automated speed enforcement system violation notice pursuant to subsection (a) fails to pay the indicated fine, or request an administrative adjudication within 21 days from the date of the violation notice, a determination of liability shall be entered in the amount of the fine indicated on the notice of violation.

3) A determination of liability shall not be entered against any eligible participant paying the indicated fine under an early payment installment plan pursuant to Section 9-400-405 9-100-160 and rules promulgated thereunder unless the eligible participant defaults on the early payment installment plan. In the event of such a default, a determination of liability shall be entered against the eligible participant in accordance with this section.

(e) Failure by any respondent to pay the fine within 25 days of issuance of a determination of liability for a violation will automatically subject the respondent to a penalty for late payment; provided that an eligible participant paying the indicated fine under an early payment installment plan pursuant to Section 9-400-405 9-100-160 and rules promulgated thereunder shall not be subject to the late payment, unless the eligible participant defaults on the early payment installment plan. In the event of such a default, the eligible participant, shall be subject to the late payment in accordance with this section.

Except as otherwise provided in this subsection, the The penalty for late payment shall be an amount equal to the amount of the fine for the relevant violation. The penalty for late payment of the penalty for violating subsection (b) or (c) of Section 9-64-125 shall be \$50.

(Omitted text is not affected by this ordinance)

9-100-060 Grounds for contesting a violation.

(a) A person charged with a parking, standing or compliance violation may contest the charge through an

administrative adjudication limited to one or more of the following grounds with appropriate evidence to support:

(1) that the respondent was not the owner or lessee of the cited vehicle at the time of the violation;

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2) that the cited vehicle or its state registration plates were stolen at the time the violation occurred,

3) that the relevant signs prohibiting or restricting parking or standing were missing or obscured;

4) that the relevant parking meter was inoperable or malfunctioned through no fault of the respondent;

5) that the facts alleged in the violation notice are inconsistent or do not support a finding that the specified regulation was violated;

6) that the illegal condition described in the compliance violation notice did not exist at the time the notice was issued;

7) that the compliance violation has been corrected prior to adjudication of the charge; provided, however, that this defense shall not be applicable to:

i) except as otherwise provided in subsection (a) of Section 9-64-125, compliance violations involving display of the city wheel tax license emblem under Section 9-64-125;

ii) compliance violations involving motor vehicle exhaust systems under subsection (a)(2) of Section 9-76-140;

iii) compliance violations involving registration plates- under subsection (a) of Section 9-76-160;

iv) compliance violations involving display of registration plates, temporary registration or temporary permits under subsection (b) of Section 9-76-160, except to the extent that 625 ILCS 5/3-821.2(b) provides for an affirmative defense;

v) compliance violations relating to glass coverings or coating under Section 9-76-220; or

vi) compliance violations involving the use of a mobile, cellular, analog wireless or digital telephone while driving a motor vehicle under Section 9-76-230.

(Omitted text is not affected by this ordinance)

9-100-100 Notice of final determination.

(a) If any fine or penalty is owing and unpaid after a determination of liability under this chapter has become final and the respondent has exhausted or failed to exhaust judicial procedures for review, the traffic

compliance administrator shall cause a notice of final determination of liability to be sent to the respondent in accordance with Section 9-100-050(f);

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provided that the traffic compliance administrator shall not send a notice of final determination to an eligible participant paying the indicated fine under an early payment installment plan pursuant to Section ~~9-100-105~~ 9-100-160 and rules promulgated thereunder, unless the eligible participant defaults on the early payment installment plan. In the event of a default, the traffic compliance administrator shall send a notice of final determination to the eligible participant in accordance with this section.

(Omitted text is not affected by this ordinance)

9-100-120 Immobilization program.

a) The traffic compliance administrator is hereby authorized to direct and supervise a program of vehicle immobilization for the purpose of enforcing the parking, standing, compliance, automated traffic law enforcement system, or automated speed enforcement system ordinances of the traffic code. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle located on the public way or any city-owned property by placement of a restraint in such a manner as to prevent its operation or if the eligible vehicle is parked or left in violation of any provision of the traffic code for which such vehicle is subject to an immediate tow pursuant to Section 9-92-030, or in any place where it constitutes an obstruction or hazard, or where it impedes city workers during such operations as snow removal, the traffic compliance administrator may cause the eligible vehicle to be towed to a city vehicle pound or relocated to a legal parking place and there restrained. As part of the immobilization program, the traffic compliance administrator may also establish a procedure for a self-release immobilization device which may be removed by the registered owner, or his designee, in compliance with any applicable rule promulgated by the traffic compliance administrator.

b) When the registered owner of a vehicle has accumulated (i) three or more final determinations of liability or (ii) two final determinations which are more than one year past the date of issuance, for parking, standing, compliance, automated traffic law enforcement system, or automated speed enforcement system violation, or a violation of Section 9-105-020, in any combination, for which the fines, penalties, administrative fees provided for in pursuant to Section ~~9-100-104~~ 9-100-160, if any, or related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030, if applicable, have not been paid in full, the traffic compliance administrator shall cause a notice of impending vehicle immobilization to be sent, in accordance with Section 9-100-050(f). The notice of impending vehicle immobilization shall state the name and address of the registered owner, the state registration number of the vehicle or vehicles registered to such owner, and the serial numbers of parking, standing, compliance, automated traffic law enforcement system or automated speed enforcement system violation notices which have resulted in final determination of liability or which are more than one year past the date of issuance for which the fines or penalties remain unpaid. Failure to pay the fines and penalties owed within 21 days from the date of the notice will result in the inclusion of the state registration number of the vehicle or vehicles of such owner on an immobilization list. A person may challenge the validity of the notice of impending vehicle immobilization by

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requesting a hearing and appearing in-person to submit evidence which would conclusively disprove liability within 21 days of the date of the notice. Documentary evidence which would conclusively disprove liability shall be based on the

following grounds:

1) That all fines and penalties for the violations cited in the notice have been paid in full;

2) That the registered owner has not accumulated three or more final determinations, or two notices which are more than one year past the date of issuance, of parking, standing, compliance, automated speed enforcement system violation, or automated traffic law enforcement system violation liability which were unpaid at the time the notice of impending vehicle immobilization was issued; or

3) In the case of a violation of Section 9-102-020, Section 9-101-020, or Section 9-105-020, that the registered owner has not been issued a final determination of liability under Section 9-100-100 or Section 9-105-060.

c) Upon immobilization of an eligible vehicle, a notice shall be affixed to the vehicle in a conspicuous space. Such notice shall (i) warn that the vehicle is immobilized and that any attempt to remove the vehicle may result in its damage; (ii) state that the unauthorized removal of or damage to the immobilizing device is a violation of Sections 16-1 and 21-1 of the Illinois Criminal Code; (iii) provide information specifying how release of the immobilizing device may be had; (iv) state how the registered owner may obtain an immobilization hearing; (v) state that if the immobilizing device has not been released within 24 hours of its placement, the device shall be released and the vehicle towed and impounded, (vi) provide information specifying how the registered owner may request an additional compliance time, as provided in rules, in addition to the 24 hours specified in (c)(v) of this section, before the immobilizing device is removed and the vehicle is towed and impounded; and (vii) provide information specifying how the registered owner may request an additional 15 days to retrieve his vehicle if impounded.

d) (1) The owner of an immobilized vehicle, or other person authorized by agreement with the owner or operation of law to retrieve the vehicle, may secure the release of the vehicle by entering into a payment installment plan pursuant to Section 9-100-160 and the rules promulgated thereunder.

(2) Except as otherwise provided in subsection (d)(1), the The owner of an immobilized vehicle or other authorized person may secure the release of the vehicle by paying the applicable immobilization, towing and storage fees, and all amounts, including any fines, penalties, administrative fees provided for in pursuant to Section 9-100-101 9-100-160, if any, and related collection costs and attorney's fees pursuant to Section 1-19-020 or Section 1-19-030, remaining due on each final determination for liability issued to the owner.

e) The owner of an immobilized vehicle shall have the right to a hearing to determine whether the immobilization or any subsequent towing was erroneous, if the owner files a written request for a hearing with the traffic compliance administrator within 21 days after

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immobilization or within 21 days of the date of the notice sent pursuant to subsection (f) herein, whichever is later. Hearings requested pursuant to this subsection shall be conducted by an administrative law officer upon receipt of a written request for a hearing. The determination of the administrative law officer regarding the validity of the immobilization shall become final for the purpose of judicial review under the Administrative Review Law of Illinois upon issuance.

f) Within ten days after a vehicle has been impounded, a notice of impoundment shall be sent by certified mail to the address of the registered owner as listed with the Secretary of State, and to any lienholder of record. The notice shall state that: (i) the owner has the right to request a post-immobilization and post-towing hearing as provided in subsection (e) herein; and (ii) if the vehicle is not claimed within 21 days from the date of notice, the vehicle may be sold or otherwise disposed of in the manner prescribed by Section 4-208 of the Illinois Vehicle Code; provided, however, that the registered owner may request from the department of streets and sanitation one extension of 15 days before a vehicle is sold or otherwise disposed of. The department of streets and sanitation shall honor such a request and shall not sell or otherwise dispose of a vehicle during the 15-day extension period.

g) The fee for immobilization shall be \$400.00 for a truck tractor, semi-trailer or trailer, and \$100.00 for any other type of vehicle, and the fee for towing subsequent to immobilization shall be as set forth in Section 9-92-080(b), provided that no fees shall be assessed for any immobilization or tow which has been determined to be erroneous.

h) (1) It is unlawful to remove, disable or damage any vehicle immobilization device, or to relocate or tow any vehicle restrained by an immobilization device without the approval of the traffic compliance administrator. The registered owner of the immobilized vehicle and any person who relocates an immobilized vehicle or removes, disables or damages an immobilization device in violation of this subsection shall each be subject to a penalty of \$1,000.00 for such violation for a truck tractor, semitrailer or trailer, and \$750.00 for such violation for any other type of vehicle.

2) The owner of the immobilized vehicle and any person authorized by the traffic compliance administrator to remove any self-release immobilization device who fails to return such device to a location designated by the traffic compliance administrator within seven days shall be fined \$50.00 for each day the person fails to return such device; provided that the total fine under this subsection shall not exceed \$1,000 if the vehicle immobilized was a truck tractor, semitrailer or trailer, and \$750.00 for any other type of vehicle.

3) No person shall be found liable for violating both subsections (h)(1) and (h)(2) for the same incident.

4) The offenses described in this subsection (h) shall be strict liability offenses as to the owner.

(i) Notwithstanding any other provision of this section, no impounded vehicle shall

be released and operated on the public ways of the city without a current state registration plate

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registered to the impounded vehicle and unless the vehicle is covered by a liability insurance policy. In addition, if an impounded vehicle is required to be licensed under Chapter 3-56 of this Code, no such vehicle shall be released without a valid City of Chicago wheel tax license emblem. The owner of an impounded rental or commercial motor vehicle may meet the wheel tax license emblem requirement of this subsection by presenting proof of ownership of the impounded rental or commercial motor vehicle and a receipt issued by the office of the city clerk showing that the owner has purchased wheel tax license emblems for the owner's rental or commercial motor vehicles in accordance with Chapter 3-56 of this Code.

(j) Any vehicle immobilized by the City or its designee shall be subject to a possessory lien in favor of the City in the amount required to obtain release of the vehicle.

9-100-130 Driver's license suspension.

(a) When a person has failed to pay any fine or penalty due and owing pursuant to this chapter on ten or more parking, standing, or compliance violations, or five or more automated traffic law enforcement system or automated speed enforcement system violations, or combination thereof, the traffic compliance administrator shall cause a notice of impending driver's license suspension to be sent, in accordance with Section 9-100-050(f). The notice shall state that failure to pay the amount owing within 45 days of the date of the notice will result in the city notifying the Secretary of State that the person is eligible for initiation of suspension proceedings pursuant to Section 6-306.5 of the Illinois Vehicle Code.

(Omitted text is not affected by this ordinance)

SECTION 4. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by adding a new section 9-100-160, as follows:

9-100-160 Installment payment plans.

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

"Administrator" means the City's Traffic Compliance Administrator.

"Administrative fee" means the fee charged related to the expenses and time incurred by the City or its agents to administer or monitor a vehicle owner's installment payment plan; provided that the term "administrative fee" shall not include any collection cost, as that term is defined in Section 1-19-010, or attorney's fees.

"Default" means the non-payment or underpayment of a monthly amount due from a participant under any installment payment plan.

"Eligible participant" means a person who was issued a notice: (i) under Section 9-100-030 or a second notice for a parking, standing or compliance violation under Section 9-100-050(d)(1); or (ii) under Section 9-100-045 for an automated speed enforcement system or

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automated traffic law enforcement system violation, but has not been issued a notice of final determination for such violation.

"Eligible violation" means a parking, standing, compliance, or automated speed enforcement system or automated traffic law enforcement system violation.

"Bifurcation date" means a date determined by the Administrator not less than three years prior to the date the eligible bankruptcy debtor filed a case under the United States Bankruptcy Code which resulted or may result in granting a bankruptcy discharge to an eligible bankruptcy debtor.

"Debtor" means any person that owes the City an eligible debt.

"Eligible bankruptcy debtor" means a person who is a debtor in a pending case under Chapter 7 of the United States Bankruptcy Code, or who has received a discharge in such a case.

"Eligible debt" means all fines, fees, and penalties that result from: (i) violations of parking, standing,

compliance, automated speed enforcement, and automated traffic law enforcement ordinances on which a notice of final determination for such violations have been issued; (ii) the immobilization, impoundment, towing, and storage of vehicles; or (iii) collection costs or attorney's fees charged pursuant to Section 1-19-020 or 1-19-030.

"Qualifying hardship participant" means an individual who: (i) has a household income of 300 percent or less than the Federal Poverty Level; or (ii) is experiencing a financial emergency or financial uncertainty as these terms are defined in rules promulgated by the Administrator.

(b) The Administrator may establish installment payment plans to pay for eligible violations or eligible debts, including the following plans:

1) Early installment payment plan. A payment plan may be established for the payment of eligible violation fines by eligible participants. In the event an eligible participant defaults on an early installment payment plan, the Administrator shall, no earlier than 25 days after the default, issue a determination of liability or a notice of final determination, whichever is applicable, in accordance with this chapter. Upon defaulting on an early installment payment plan, the eligible participant shall not be eligible to enter into an early installment payment plan for any violation which was under the early installment payment plan.

2) Standard installment payment plan. A payment plan may be established for the payment of eligible debts by a debtor. If the vehicle owner fails to make all required payments in a timely manner, the vehicle owner's motor vehicle shall be subject to immobilization or impoundment, or the vehicle owner's driver's license may be subject to suspension pursuant to Sec. 5/6-306.5 of the Illinois Vehicle Code, if applicable, and the vehicle owner shall be liable for the outstanding balance plus an additional penalty of \$100.00.

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3) Hardship installment payment plan. A payment plan may be established for the payment of eligible violations or eligible debts by a qualifying hardship participant. A qualifying hardship participant shall not be subject to administrative fees to participate in a hardship payment plan or to any default fees

4) Fresh Start installment payment plan. The Administrator may establish installment payment plans for eligible bankruptcy debtors. Under such plans the eligible bankruptcy debtor will only be required to pay the fines incurred after the eligible bankruptcy debtor's bifurcation date. Once the eligible bankruptcy debtor successfully completes such plan and has received a bankruptcy discharge under 11 U.S.C. § 727, the City may waive any penalties and fees associated with the fines paid under the installment payment plan. In addition, the City may waive all eligible debt that the eligible bankruptcy debtor incurred prior to the bifurcation date. This subsection (b)(4) shall not be construed to require repayment of any debt discharged in a case under the United States Bankruptcy Code.

c) The Administrator may charge payment installment plan participants an administrative fee.

d) The Administrator is authorized to promulgate rules for the proper administration and enforcement of this section. The rules, among other things, may provide for:

i) the duration, down payment amount and the manner of payment for each installment payment plan or categories created under such plan;

ii) criteria for showing a qualifying hardship participant's status;

iii) the content and form of each payment installment plan or categories created under such plan;

iv) objective criteria for waiving administrative fees for participating in any payment installment plan.

e) Upon entering into a payment installment plan and payment of the initial installment required by such plan, and as long as the vehicle owner is in compliance with the plan, the vehicle owner's vehicles shall not be subject to immobilization and impoundment for failure to pay the fines and penalties described in the payment installment plan.

SECTION 5. On November 14, 2018, the City Council of the City of Chicago passed an ordinance, referenced as S02018-8065, published at pages 90376 through 90402 of the Journal of the Proceedings of the City Council of the City of Chicago of that date, amending titles 2, 3, 4, 9, 10, 11 and 15 of the Municipal Code concerning various taxes, charges and fees ("Year 2019 Revenue Ordinance"). SECTION 4 of Article II of the Year 2019 Revenue Ordinance, which appears on page 90380 of that Journal, is hereby amended by inserting the language underscored, as follows: ' ■ ' ■ '

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SECTION 4 m During 2019, for a single period of up to 31 continuous days, the City Clerk may waive late fees required by Section 3-56-050 of the Municipal Code of Chicago for those people who owe late fees and apply for an initial or renewal wheel tax emblem during that period.

(2) If any person is in compliance with the City's wheel tax emblem requirements as provided in Chapter 3-56 of the Municipal Code of Chicago with regard to all vehicles for which such person is required to obtain and display a wheel tax license emblem at the end of the late fee amnesty period provided pursuant to subsection 1 of this SECTION 4, the City's Traffic Compliance Administrator may waive the fines and associated penalties and fees with regard to all or some citations, as determined by rule promulgated by the Traffic Compliance Administrator, issued to such person for failure to obtain or display a wheel tax emblem pursuant to Chapter 3-56 of the Municipal Code of Chicago.

SECTION 6. Chapter 9-100 of the Municipal Code of Chicago is hereby amended by repealing Sections 9-100-101 and 9-100-105, in their entirety.

SECTION 7. This ordinance shall take effect upon its passage and approval. The City's Traffic Compliance Administrator is authorized to implement this ordinance incrementally, with full implementation to be achieved no later than November 15, 2019.

Approved Approved

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