



# Office of the City Clerk

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## Legislation Text

File #: SO2020-3982, Version: 1

### SUBSTITUTE ORDINANCE

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

SECTION 1. Chapter 4-168 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, by inserting the language underscored, and adding new Section 4-168-130, as follows:

#### 4-168-010 Definitions.

For the purposes of this chapter, unless the context clearly requires otherwise:

~~"Control business area" means the area bounded by a line as follows: beginning at the easternmost point~~

"Commissioner" means the Commissioner of eBusiness Affairs and Consumer Protection.

"Bicycle messenger services" means the delivery by a bicycle or low-speed electric mobility device for hire of packages, parcels, food, papers or any other items on behalf of any commercial, industrial, governmental, charitable or other enterprise.

"Bicycle" includes any vehicle defined in Section 9-4-010 and any other vehicle that would be included within such definition but for the size of the vehicle's wheels has the meaning ascribed to this term in Section 9-4-010, and includes a low-speed electric bicycle and a low-speed electric delivery bicycle, as those terms are defined in that section.

"Bicycle operator" means a person who makes deliveries by a bicycle or low-speed electric mobility device on behalf of a bicycle messenger service.

"Low-speed electric mobility device" has the meaning ascribed to this term in Section 9-4-010.

"Person" includes any natural person, corporation, firm, partnership, joint venture, association or other entity.

#### 4-168-020 License - Required.

a) No person shall engage in the occupation of providing bicycle messenger services ~~within the central business area~~ without having secured a license issued under this chapter. The license shall be in addition to any other license required by law.

b) This section shall not apply to a person who provides bicycle messenger services exclusively for himself or herself, or for his or her employer. This section shall, however, apply to a person who provides bicycle messenger services as an independent contractor for any person other than pursuant to a contract with a person with a license issued under this chapter.

#### 4-168-070 Helmet and visible identification - Required.

a) Every licensee shall supply each bicycle operator operating on the licensee's behalf: (1) a safety helmet meeting nationally recognized safety requirements; and (2) a safety vest or other garment of a bright color, prominently displaying the name of the licensee in letters at least one and one-half inches high, and a number or letters or a combination thereof at least four inches high which, in conjunction with the displayed name of the licensee, will form a unique combination permitting identification of the bicycle operator. All letters and numbers shall be of a color contrasting with the background of the garment. The identification number or letters required by this paragraph shall also appear on the bicycle or low-speed electric mobility device in accordance with rules and regulations promulgated by the Commissioner.

b) The operation of a bicycle or low-speed electric mobility device in the central business area on behalf of any licensee without the equipment required by this section is a violation of this section and shall create a rebuttable presumption that the licensee has violated this section.

**4-168-080 Identification card - Required.**

a) Every licensee shall issue to each bicycle operator an identification card containing at least the following information:

- 1) The bicycle operator's name;
- 2) The bicycle operator's identification number or letters that he is required to wear pursuant to Section 4-168-070;
- (3) The licensee's name, business address, telephone number and bicycle messenger service license number; and
- (4) The name of the insurance company that has issued the insurance policy required under Section 4-168-040 and the policy number of such policy.

The identification card must also display a clear photograph of the bicycle operator.

b) No bicycle operator may operate a bicycle within the central business area on behalf of any licensee without having on his person an identification card meeting the requirements of subsection (a) of this section. Any such person must permit a city employee who has the responsibility to enforce this chapter to examine such card whenever the city employee on the course of his or her duties asks the person to do so. The failure of a bicycle operator to comply with this section shall create a rebuttable presumption that the licensee has violated this section.

**4-168-120 Violation - Penalty.**

Any person who is found guilty of violating violates this chapter shall be subject to a fine of not less than ~~\$25.00~~ \$100.00 and not more than \$500.00 for each such violation. However, any person found guilty of violating who violates this chapter by engaging in the occupation of providing bicycle messenger services in the central business area without a license required by this chapter shall be subject to a minimum fine of not less than \$100.00 and not more than \$1,000.00. Each day that any violation shall continue shall be deemed a separate and distinct offense. A second or subsequent intentional violation of this chapter committed within 12 months after a previous conviction under violation of this chapter may be punished as a misdemeanor by a fine of up to \$500.00, or a period of incarceration not exceeding seven days, or community service, or any combination thereof, pursuant to Section 1-2-1.1 of the Illinois Municipal Code.

4-168t130 Traffic code violations - liability and enforcement-fa) The licensee and the licensee's bicycle operator shall be jointly and severally liable for any violation of any applicable provision of the traffic code, including but not limited to parking violations, committed by a bicycle operator whenever such operator is operating a bicycle or low-speed electric mobility device on behalf of the licensee.

b) In addition to any other person authorized by law, the Commissioner of Business Affairs and Consumer Protection, the Commissioner of Transportation and the Comptroller, or their designees, are authorized to enforce the traffic code against the licensee and the licensee's bicycle operator.

c) For purposes of this section, "traffic code" has the meaning ascribed to that term in Section 9-4-030.

SECTION 2. Title 9 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by adding a new section 9-52-125, as follows:

**9-4-010 Definitions.**

Whenever the following words and phrases are used in Chapter 9-4 through 9-103, they shall have the meanings respectively ascribed to them in this section:

*(Omitted text is not affected by this ordinance)*

"Low-speed electric bicycle" means a bicycle, except equipped with an electric motor of less than 750 watts that meets the requirements of one of the following classes:

"Class 1 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

"Class 2 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that can be used as the sole means to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

"Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour, or is a Class 1 or a Class 2 low-speed electric bicycle that weighs 125 pounds or more.

A "low-speed electric bicycle" is not a moped or a motor-driven cycle.

"Low-speed electric delivery bicycle" means a bicycle, except equipped with an electric motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 15 miles per hour, that is not more than 4 feet wide, whose electric motor disengages when the rider stops pedaling, and that meets such other requirements and specifications as the Commissioner provides by Rule.

"Low-speed electric mobility device" means a device which: (i) has no operable pedals; (ii) is no more than 26 inches wide; (iii) weighs less than 100 pounds; and (iv) is powered by an electric motor that is capable

of propelling the device with or without human propulsion at a maximum speed of 15 miles per hour on a paved level surface.

*(Omitted text is not affected by this ordinance)*

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding farm tractors, low-speed electric bicycles, low-speed electric delivery bicycles and low-speed electric mobility devices.

"Motor-driven cycle" means every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement or their electric equivalent, but does not include a low-speed electric bicycle or a low-speed electric delivery bicycle.

*(Omitted text is not affected by this ordinance)*

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except motorized wheelchairs, low-speed electric bicycles, low-speed electric delivery bicycle, low-speed electric mobility devices, devices moved solely by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles, as defined in the Snowmobile Registration and Safety Act of Illinois.

*(Omitted text is not affected by this ordinance)*

**9-52-125 Low-speed electric delivery bicycles.**

a) Except as otherwise provided in this section and Section 9-4-010, the provisions of Title 9 of this Code that apply to bicycles shall also apply to low-speed electric delivery bicycles.

b) The Commissioner is authorized to adopt rules that provide equipment requirements, and design, dimension, motor size and weight (with load and without load) specifications for low-speed electric delivery bicycles. Such requirements and specifications must be: (i) consistent with applicable national standards; and (ii) reasonably necessary to protect the health, safety and welfare of all public way users, including operators of such bicycles.

c) No low-speed electric delivery bicycle shall be operated in the City without approval by the Commissioner that a prototype of such bicycle meets the requirements applicable to such bicycle in this Code and rules promulgated by the Commissioner.

d) No person shall knowingly tamper with or modify the speed capability or engagement threshold of a low-speed electric delivery bicycle.

e) No person shall operate or park a low-speed electric delivery bicycle upon any sidewalk.

f) A low-speed electric delivery bicycle may only be used for bicycle messenger services and may only be operated by a bicycle operator, as these terms are defined in Section 4-168-010.

In addition to other applicable laws, a low-speed electric delivery bicycle shall be operated in compliance with Chapter 4-168.

SECTION 3. This ordinance shall take effect upon its passage and approval.