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Legislation Details (With Text)

File #: SO2015-7989
Type: Ordinance **Status:** Passed
File created: 10/28/2015 **In control:** City Council
Final action: 10/28/2015
Title: Amendment of Municipal Code Titles 9 and 10 by further regulating transportation network services and public chauffeur licenses
Sponsors: Beale, Anthony, Arena, John
Indexes: Ch. 36 Parks, Playgrounds & Airports, Ch. 104 Public Chauffeurs, Ch. 112 Public Passenger Vehicles, Ch. 115 Transportation Network Providers
Attachments: 1. SO2015-7989.pdf, 2. O2015-7989.pdf

Date	Ver.	Action By	Action	Result
10/28/2015		City Council	Passed as Substitute	Pass
10/26/2015	1	Committee on Finance	Recommended to Pass	
10/26/2015	1	Committee on Finance	Direct Introduction	

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 9-104-030 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-104-030 Application - Qualifications.

(Omitted text is unaffected by this ordinance)

(2) A person is qualified to receive a public chauffeur license:

(a) who possesses a valid Illinois State driver's license which has not, at any time within the five years prior to application for the issuance or renewal of a public chauffeur license, been suspended or revoked pursuant to Sections 6-205, 11-501 or 11-501.1 of the Illinois Vehicle Code, as amended; and

(a-1) who has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least three years one year prior to application for the issuance or renewal of a public chauffeur license, ~~or who has completed a driving course approved by the Illinois Secretary of State; provided that this paragraph (a-1) shall not apply to an application for the renewal of a license properly issued prior to January 1, 1998; and~~

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 9-104-070 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-104-070 License - Defacement - Fee.

Upon qualification of the applicant, and payment of the license fee herein provided, a public chauffeur's license shall be issued in such form as to contain the photograph and signature of the driver and a blank space upon which a record may be made of any arrest or serious complaint against him. No such record shall be defaced, erased or otherwise obliterated by the chauffeur or permitted by him to be defaced, erased or obliterated.

The following fees shall be paid for a chauffeur's license:

Original ~~\$15.00~~ \$5.00

Renewal \$5.00

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SECTION 3. Section 9-104-080 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-104-080 License issuance, renewal.

a) A chauffeur's license shall be issued for a two-year period. The commissioner may renew a chauffeur's license ~~from year to year~~^{at} year upon application made upon a form furnished by the commissioner which shall state, in addition to any other information required by the commissioner, the "full "name"" and address of the applicant, the date upon which his original license was granted and the number thereof.

b) All public chauffeur licenses must be renewed by the expiration date or by an extension authorized by the commissioner. Failure to renew a chauffeur's license prior to the expiration date or any extension authorized by the commissioner will require the chauffeur to take a new test; provided that any chauffeur who fails to renew his license within one year of the expiration date shall be required to take the mandatory course of study and a new test.

SECTION 4. Chapter.,9-104 of the Municipal Code of Chicago Is hereby amendedTjy" adding a new Section 9-104-170, as follows:

9-104-170 Taxi chauffeur rebate program.

a) The commissioner of business affairs and consumer protection is authorized to establish a taxi chauffeur rebate program. The purpose of the program shall be to award financial assistance to each eligible taxi chauffeur applicant in order to partially cover the costs associated with obtaining or renewing a taxi chauffeur license from the city. The award shall be: (i) up to \$50.00 to cover or subsidize the initial fingerprinting and background check costs associated with the issuance of a taxi chauffeur license: and (ii) up to \$25 to cover or subsidize the biannual drug test and physical examination costs associated with the renewal bf a taxi chauffeur license. The commissioner is also authorized to enter into an agreement with the City Colleges of Chicago or any other public or private entity that offers a taxi chauffeur training course in order to reduce the tuition charged for offering the course. If the tuition charged for such course is more than

\$50.00. the commissioner shall, under the rebate program established pursuant to this section, award financial assistance to eligible applicants in the amount that covers the tuition in excess of \$50.00.

b) The commissioner of business affairs and consumer protection shall promulgate rules for the effective administration of the taxi chauffeur rebate program, including rules governing eligibility to participate in the program.

SECTION 5. Chapter 9-112 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through, as follows:

~~8-412-350 Public chauffeur continuing education requirement.~~

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~~Taxicab affiliations must offer, at no cost, continuing education courses to public chauffeurs of its affiliates. The curriculum of such courses shall be submitted to the commissioner for approval. The commissioner shall promulgate rules and regulations governing the content, instructors, frequency, and other pertinent factors required to assure continuing education of public chauffeurs for the safety of the public.~~

SECTION 6. Section 9-115-040 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-115-40 Transportation network provider license - Fee and license term.

(Omitted text is unaffected by this ordinance)

d) A transportation network provider license is non-transferable.

e) Each transportation network provider shall remit to the City an additional administrative fee of two cents per ride accepted (as that term is defined in Section 3-46-020) on a schedule to be determined by the commissioner.

SECTION 7. Section 9-115-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-115-100 Transportation network vehicles - Ownership and standards.

a) No licensee shall own, provide financing for the obtaining, leasing, or ownership of, or have a beneficial interest in transportation network vehicles.

b) In addition to all other applicable legal requirements, including the vehicle registration requirement in 625 ILCS 5/3-801, and, if applicable, Chapter 3-56 of this Code, it shall be unlawful for any person to operate or cause to be operated any transportation network vehicle unless such vehicle:

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 9-115-110 of the Municipal Code of Chicago is hereby amended by inserting the

language underscored, as follows:

9-115-110 Transportation network vehicles - Inspections.

(a) No Class A transportation network provider licensee shall allow any vehicle to be used as a transportation network vehicle unless such vehicle is annually inspected according to standards approved by the commissioner, and has passed such inspection. A driver engaged by a Class A licensee shall maintain complete documentation of such inspection in the vehicle at all times while being used to provide transportation network services, and a written copy of such documentation shall be provided to the commissioner upon request.

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SECTION 9. Chapter 9-115 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-115-120 Transportation network vehicles - Distinctive signage and emblem.

a) A transportation network vehicle shall display, as provided by rule, consistent and distinctive signage at all times while being used to provide transportation network services. The distinctive signage shall be sufficiently large and color contrasted (i) as to be readable during daylight hours at a distance of at least 50 feet, and (ii) to identify a particular vehicle associated with a particular licensee. Acceptable forms of distinctive signage include, but are not limited to, symbols or signs on vehicle doors, roofs, or grilles. Magnetic or other-removable distinctive signage is acceptable. Licensees shall file an illustration of their distinctive signage with the commissioner.

b) A transportation network vehicle shall display a consistent and distinctive emblem at all times while being used to provide transportation network services. The commissioner is authorized to specify, by rule, the manner of display, method of issuance, design and contents of such emblem. Emblems displayed on wheelchair-accessible transportation network vehicles shall specify or mark that such vehicles are wheelchair-accessible.

c) The commissioner, in consultation with the commissioner, shall promulgate rules, in furtherance of public safety, governing the display, design and contents of additional distinctive signs or emblems that may be required to be displayed on transportation network vehicles that are used to pick up passengers from the city's airports, McCormick Place, and Navy Pier. Providers shall provide such additional distinctive signs or emblems to drivers they engage.

SECTION 10. Chapter 9-115 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-115-150 Transportation network drivers - Requirements.

(Omitted text is unaffected by this ordinance)

(e) Any person seeking to be a transportation network driver for a Class A transportation network licensee shall establish, through a process to be determined by rules promulgated by the commissioner, that they do not owe debt to the City.

9-115-210 Records and reports.

(a) Every licensee shall keep accurate books and records of account of the licensee's operations at the licensee's place of business in the city for a minimum of three years. Such records shall be submitted for inspection upon the request of the commissioner. Such records shall also be maintained in accordance with section 3-4-170 of this Code, and shall be produced in an electronic format or any other format required by the city.

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b) Each licensee shall provide the following data to the commissioner, at such times and in a format and manner prescribed by the commissioner in rules and regulations:

1) the number and percentage of the licensee's customers within the city who requested wheelchair accessible vehicles and the number of filled requests;

2) the number and percentage of rides requested and accepted, and the number of rides requested and not accepted, by the licensee's drivers, organized according to the geographic parameters and time frames specified by the commissioner;

3) information on any of the licensee's drivers who were alleged to have committed a violation of this chapter or their terms of service or who have been suspended or banned from driving for the licensee, including any zero-tolerance complaints and the outcome of the investigation into those complaints;

4) information on any accident or other incident that involved the licensee's driver and that was reported to the licensee, the cause of the incident, and the amount paid, if any, for compensation to any party in each incident. The report will contain information as to the date of the incident, the time of the incident, and the amount that was paid pursuant to the licensee's insurance policy. Also, the report will provide the total number of incidents involving the licensee's driver during, the year;

5) the average and mean number of hours and miles each of the licensee's drivers spent driving for the licensee; and

6) only for purposes of law enforcement or emergency response, real-time tracking of the licensee's drivers and vehicles, including access to the driver's identifying information, GPS location data, and whether or not the driver is engaged with a passenger. If specialized hardware or software is required for real-time tracking, the licensee shall provide the specialized hardware or software to the City.

c) Nothing provided in this section shall be construed to require licensees to provide personally identifiable passenger information to the city.

(d) Each data submission to the City pursuant to this section shall be accompanied by an attestation, made under penalty of perjury, that the data submitted is accurate and complete.

SECTION 10. Chapter 10-36 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-36-267, as follows:

10-36-267 Transportation network provider -- Operation at airports.

(a) Each transportation network provider shall create and provide training to transportation network drivers who seek to pick up passengers from an airport (for purposes of this section, "airport pick-up"). The airport pick-up training material and manner of providing the training shall be as approved by the commissioner of aviation and the commissioner of business affairs and consumer protection. In addition to other requirements provided by rule, the airport pick-up training must cover the manner of: (i) displaying additional signage or emblem on transportation network vehicles that are used to pick up passengers from the city's airports: (ii)

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entering into a designated staging area; and (iii) picking up passengers from designated curbside transportation network providers' pick-up locations. The training shall also educate the transportation network drivers regarding the city's ordinances and rules applicable to airport pick-ups.

b) Each transportation network provider shall, before allowing any transportation network driver to pick-up passengers from the city's airports, ensure that such driver is registered pursuant to Section 10-36-265, and that the driver's registration is not suspended or revoked by the city.

c) No transportation network driver shall pick up passengers from the city's airports unless such driver: (i) is registered pursuant to Section 10-36-265; (ii) displays additional signage or emblem as provided in Section 9-115-120; (iii) enters into a designated staging area as provided by rule; (iv) picks up passengers only from designated curbside transportation network providers' pick-up locations; (v) conducts such pick-up without interfering with the operations of the airport, including the flow of other ground transportation vehicles; and (vi) obeys all applicable laws, including city ordinances and rules pertaining to airport pick-ups.

d) In addition to any other applicable penalty, any transportation network provider who violates this section or rules applicable to airport pick-ups shall be subject to a fine of not less than \$500.00 and not more than \$10,000.00 for the first offense; and not less than \$1,000.00 and not more than \$20,000.00 for the second offense occurring within 12 consecutive months; and not less than \$2,000.00 and not more than \$40,000.00 for each subsequent offense occurring within 12 consecutive months. Each day that any violation continues shall be a separate and distinct offense.

e) In addition to any other applicable penalty, any transportation network driver who violates this section or rules applicable to airport pick-ups shall be subject to a fine of not less than \$500.00 for the first offense; and not less than \$750.00 for the second offense occurring within 12 consecutive months; and not less than \$1,000.00 for each subsequent offense occurring within 12 consecutive months. Each day that any violation continues shall be a "separate and distinct offense."

{Q For purposes of this section, the terms "transportation network driver", "transportation network provider" and "transportation network vehicle" shall have the meaning ascribed to these terms in Section 9-115-010.

SECTION 11. Chapter 10-36 of the Municipal Code of Chicago is hereby amended by adding a new Section 10-36-268, as follows:

10-36-268 Transportation network provider - Conducting a study.

The commissioner of aviation, jointly with the commissioner of business affairs and consumer protection, is authorized to enter into an agreement with any public or private entity in order to conduct one or more studies regarding the effects of allowing transportation network

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drivers to operate at the city's airports, which studies shall include an assessment of whether a chauffeur's license should be required as a condition of accessing the airports.

SECTION 12. To the extent revenues received by the City through transportation network providers' operations in the City exceed operating assumptions, such excess revenues shall be dedicated to enhanced police services in the City.

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SECTION 13. This ordinance shall take effect 10 days after passage and publication

CHICAGO October 28, 2015

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

A substitute ordinance concerning authorizing amendments to various sections of the Municipal Code of Chicago which relate to drivers for transportation network services.

Direct Introduction

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith

**This recommendation was concurred in by (a (viva voce vote"))
of members of the committee with dissenting vote(s)7**

Chairman

Respectfully submitted