



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2016-699

**Type:** Ordinance      **Status:** Passed

**File created:** 2/10/2016      **In control:** City Council

**Final action:** 3/16/2016

**Title:** Amendment of Municipal Code Title 9 by repealing and replacing Chapter 9-104 and modifying Chapters 9-108, 9-110, 9-112 and 9-114 regarding public chauffeur and pedicab licenses

**Sponsors:** Emanuel, Rahm

**Indexes:** Ch. 104 Public Chauffeurs, Ch. 108 Horse-Drawn Carriages, Ch. 110 Pedicabs, Ch. 112 Public Passenger Vehicles, Ch. 114 Public Passenger Vehicles other than Taxicabs

**Attachments:** 1. SO2016-699.pdf, 2. O2016-699.pdf

Date	Ver.	Action By	Action	Result
3/16/2016	1	City Council	Passed as Substitute	Pass
3/14/2016	1	Committee on License and Consumer Protection	Recommended to Pass	Pass
3/8/2016	1	Committee on License and Consumer Protection	Substituted in Committee	Pass
2/10/2016	1	City Council	Referred	

### SUBSTITUTE ORDINANCE As Amended

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

SECTION 1. Title 9 of the Municipal Code of Chicago is hereby amended by repealing Chapter 9-104, in its entirety, and replacing it with a new Chapter 9-104, as follows:

#### CHAPTER 9-104

#### PUBLIC CHAUFFEURS

##### 9-104-010 Definitions.

For purposes of this chapter the following definitions shall apply:

"Commissioner" means the city's commissioner of business affairs and consumer protection.

"Compensation" means any payment or donation received, or economic or business benefit obtained, for providing transportation of passengers.

"Department" means the city's department of business affairs and consumer protection.

"Driver's license" means a permanent license to drive a motor vehicle issued by any state, district or territory of the United States.

"Licensee" or "public chauffeur licensee" means a person required to hold a public chauffeur license issued pursuant to this chapter.

"License" means a public chauffeur license issued pursuant to this chapter.

"Public chauffeur license" means a restricted chauffeur license or a taxi chauffeur license.

"Public passenger vehicle" has the meaning ascribed to the term in Section 9-114-010.

"Restricted chauffeur license" means a public chauffeur license issued under this chapter that permits the licensee to operate only public passenger vehicles licensed pursuant to Chapter 9-114, or transportation network vehicles affiliated with a Class B transportation network provider. Restricted chauffeur licensees shall not operate taxicabs licensed pursuant to Chapter 9-112.

"Taxi chauffeur license" means a license issued under this chapter that permits the licensee to operate taxicabs licensed pursuant to Chapter 9-112, public passenger vehicles licensed pursuant Chapter 9-114, or transportation network vehicles affiliated with a Class B transportation network provider.

"Transportation network provider" and "transportation network vehicle" shall have the meanings ascribed to these terms in Section 9-115-010.

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#### **9-104-020 License - Required.**

a) Any person who operates a taxicab licensed pursuant to Chapter 9-112 for the transportation of passengers for compensation within the corporate limits of the City of Chicago must hold a valid taxi chauffeur license. Any person who violates this subsection shall be fined no less than \$500.00 nor more than \$1,000.00 for each offense; provided, however, that a failure to renew a taxi chauffeur license shall subject the violator to the fine set forth in Section 9-104-140(d), if the lapse is limited to 60 days or less.

b) Except as otherwise provided in subsection (c), any person who operates a public passenger vehicle or transportation network vehicle affiliated with a Class B transportation network provider for the transportation of passengers for compensation within the corporate limits of the City of Chicago must hold a valid restricted chauffeur license or taxi chauffeur license. Any person who violates this subsection shall be fined no less than \$500.00 nor more than \$1,000.00 for each offense; provided, however, that a failure to renew a restricted chauffeur license or taxi chauffeur license shall subject the violator to the fine set forth in Section 9-104-140(d), if the lapse is limited to 60 days or less.

c) Drivers that can prove that they are qualified to drive motor vehicles as, for, or on behalf of motor carriers regulated under the Federal Motor Carriers Safety Regulations issued by the U.S. Department of Transportation Federal Highway Administration or under regulations issued by a comparable Illinois agency may drive charter vehicles within the corporate limits of the city without a restricted chauffeur license.

#### **9-104-030 License - Fee.**

a) Upon qualification of the applicant, and payment of a non-refundable license fee, the department shall issue a public chauffeur license in a form prescribed by the commissioner. Public chauffeur licenses shall bear the photograph, name, and license number of the licensee.

b) No person shall alter, modify or replicate a public chauffeur license without authorization by the department.

c) The fee for the issuance of a new, renewed or duplicate public chauffeur license shall be \$5.00.

### 9-104-040 License - Term.

a) A public chauffeur license shall be issued for a two-year period; provided, however, the commissioner is authorized to issue initial public chauffeur licenses or renewals for less than a two-year period to establish a system for renewing chauffeur licenses on a staggered basis in a manner that the commissioner determines by rule.

b) All licenses shall expire on the date noted on the license unless renewed prior to the date of expiration or as specified by rule.

c) The commissioner is authorized to prescribe by rule the grounds and criteria for extension of the time period for renewing a public chauffeur license for an applicant who fails to renew his license prior to the expiration date for the license.

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(d) The commissioner may issue a temporary license for a period not to exceed 180 days to ensure a licensee's compliance with child support or debt payment obligations, or when cases involving the licensee are pending at the department of administrative hearings, in traffic court, or other courts.

### 9-104-050 License - Qualifications.

An applicant is qualified to receive a public chauffeur license if the applicant:

1. possesses a valid driver's license for at least one year prior to application for the issuance or renewal of a public chauffeur license;
2. is at least 21 years of age;
3. has been certified by an Illinois-licensed physician that he has the capability to safely operate a public passenger vehicle;
4. has taken and passed a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drug or inebriating substance in the body;
5. has successfully completed a training course as prescribed by the commissioner;
6. has successfully completed a licensing examination as prescribed by the commissioner;
7. does not owe debt to the City of Chicago as the term "debt" is defined in Section 4-4-150 of this code;
8. is not delinquent in child support as provided in Section 4-4-152 of this code;
9. has not been convicted, found liable, placed on supervision or any similar deferral program, or subject to conditional discharge for three or more traffic regulations governing the movement of vehicles of any kind in any jurisdiction:
  - i. for new license applicants, within a 12-month period preceding the application; or
  - ii. for renewal license applicants, within a 12-month time frame during the applicant's last license term;
10. has not had a previous public chauffeur license application denied within the 12-month period preceding the date of application;
11. has not had a previously issued public chauffeur license revoked within the 3-year period preceding the

date of application;

12. has not had a previously issued public chauffeur license rescinded under section 9-104-080 within the 3-year period preceding the date of application;
13. has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of non-moving violations, excluding license suspensions due to failure to comply with child support or debt payment obligation, in the 12-month period preceding the date of application;

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14. has not had his driver's license cancelled, suspended or revoked by any governing jurisdiction as a result of a driving-related incident within the 3-year period preceding the date of application; and
15. has not, within the 5-year period preceding the date of application, been convicted by a court of any jurisdiction, under parole, under any supervision or any similar deferral program, or subject to conditional discharge for any of the following offenses: (i) any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq.; (ii) the illegal sale or possession of any controlled substance or cannabis; (iii) operating a motor vehicle under the influence of a controlled substance, cannabis or alcohol; (iv) indecent solicitation of a child or any criminal sexual abuse or similar crime; or (v) any crime involving moral turpitude.

#### **9-104-060 License - Application.**

Application for a new or renewed public chauffeur license shall be made in writing to the department on a form provided by the commissioner, and the application shall be signed and sworn to by the person seeking a public chauffeur license. The application form shall require the following information:

1. The applicant's full name and residence address;
2. The applicant's date of birth;
3. The applicant's driver's license number; and
4. Such other information the commissioner may reasonably require in connection with the issuance or renewal of a license.

#### **9-104-070 License - Investigation, Issuance, and Denial.**

a) Upon receipt of an application for the issuance or renewal of a license, the commissioner may investigate the applicant for compliance with all applicable provisions of this code and applicable rules.

b) Every applicant shall be required to submit to fingerprinting and shall provide photos of the applicant as required by the commissioner. Applicants shall be responsible for the costs of fingerprinting and photos.

c) As part of the application process, fees sufficient to cover the costs of processing fingerprints and photos will be assessed in addition to the license fees set forth in section 9-104-030 of this chapter. The fingerprinting and photo fees will be assessed regardless of whether the license applied for is issued or denied. The amount of the fees shall be as set forth by rules promulgated by the commissioner.

d) The commissioner may deny a license to an applicant who submits an application or any information or document that includes an omission or misstatement of material fact, or false information.

e) After investigating an applicant as provided in subsection (a) and this section, the commissioner has the authority to deny a license if the applicant does not meet the requirements for the issuance or renewal of a license. Such investigation may include, but is not limited to, a review of the applicant's application, criminal record, driving record, complaint history, and any other information that may be reasonably relied upon to issue a license.

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(f) If an application for the issuance or renewal of a public chauffeur license is denied, the applicant may, within ten days of the mailing of the notice of denial, make written demand upon the commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the department shall within 30 days conduct a hearing. If at such a hearing the applicant establishes through competent evidence that the denial was based upon incorrect findings, the commissioner shall issue the license. If at such a hearing the denial is found to have been based upon correct findings, the denial shall become final. After entry of a final denial, the applicant shall be ineligible to make a new application for a period of 12 months.

**9-104-080 License - Rescission.**

a) The commissioner has the authority to rescind any license obtained erroneously, illegally, by fraud, by misrepresentation, by willful misstatement or omission of any material fact or statement filed with the commissioner, the city comptroller, or any city department.

b) If a license is rescinded, the former licensee may, within ten days of the mailing of the notice of rescission, make written demand upon the commissioner for a hearing. Upon receipt of a timely written demand for a hearing, the department shall within 30 days conduct a hearing. If at such a hearing the applicant establishes through competent evidence that the rescission was based upon incorrect findings, the commissioner shall issue the license. If at such a hearing the rescission is found to have been based upon correct findings, the rescission shall become final. After entry of a final rescission, the applicant shall be ineligible to make a new application for a period of 12 months.

**9-104-090 Training course and licensing exam.**

a) The commissioner is authorized to enter into agreements, with the approval of the mayor, with any state-approved vocational or technical schools that provide a training course to public chauffeurs. The agreement may specify the curriculum and tuition cost for such course.

b) The commissioner is also authorized to approve the curriculum and tuition cost for public chauffeur courses offered by any private entity not referenced in subsection (a).

c) The commissioner is authorized to prescribe, by rule, course curriculum and exam criteria specific to the training and licensing of taxi chauffeurs and restricted public chauffeurs.

d) The commissioner may, by rule, authorize the issuance of temporary licenses for taxi chauffeurs in training.

**9-104-100 Taxi chauffeur rebate program.**

(a) The commissioner 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 biennial drug test and physical examination costs associated with the renewal of 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

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financial assistance to eligible applicants in the amount that covers the tuition in excess of \$50.00.

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

**9-104-110 Rules.**

The commissioner is authorized to promulgate rules for the proper administration and enforcement of this chapter and any other applicable Section of this Code to facilitate a safe environment for licensees, passengers and the public, and in order to promote orderly, efficient, and professional conduct by licensees. The commissioner is also authorized to promulgate rules to impose any fees reasonably related to the cost of administration as specifically authorized in this chapter.

**9-104-120 Public chauffeur behavior.**

A licensee shall not abuse, assault, insult, or threaten any other person, any passenger or other drivers, or use profane language, in connection with the operation of a taxicab or public passenger vehicle.

**9-104-130 Service to passengers with service animals.**

A licensee must comply with 775 ILCS 30/1, et seq. by accepting passengers with service animals. Any licensee found to have refused transportation to a person with a service animal shall be fined \$500.00 and have his license suspended for 29 days for the first offense. Any licensee found to have committed, a subsequent offense of this section shall have his license revoked and shall be fined \$500.00.

**9-104-140 License - Suspension, Revocation, and Penalties.**

(a) If the commissioner has information provided by a law enforcement agency or court of law that a licensee has been charged with the commission of: (1) a felony as defined in Article 2 of the Illinois Criminal Code of 2012 or a felony in another jurisdiction; or (2) an alleged act that raises concerns of public safety, the commissioner may immediately suspend the licensee's public chauffeur license until final adjudication is made with respect to such charges.

b) Whenever the licensee's driver's license has been revoked, suspended or otherwise invalidated by the Illinois Secretary of State or other similar authorized agency, the licensee's public chauffeur license shall be subject to automatic suspension for the same period that the driver's license is revoked, suspended or otherwise invalidated.

c) The commissioner shall promulgate rules regarding the lengths of suspension and the amounts of fines to be imposed, and the types of equitable relief to be ordered, for specific violations or license types.

d) Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$50.00 or more than \$400.00. Each day that such violation continues shall be deemed a separate and distinct offense. In addition to fines, penalties for any violation of this chapter may include license suspension, rescission, or revocation. The commissioner may also require a licensee to successfully complete additional courses of study, examinations, drug tests, and physical evaluations.

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SECTION 2. Section 9-108-150 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**9-108-150 Horse-drawn carriage chauffeur license - Application - Qualifications - Fee.**

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

(b) An applicant is qualified to receive a new or renewed horse-drawn carriage chauffeur license, if the applicant:

1. ~~has possessed~~ possesses 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 one year prior to application for the issuance or renewal of a horse-drawn carriage chauffeur license;

2. is at least 18 years of age;

3. ~~is able to speak, read and write the English language;~~

4. ~~has been certified by an Illinois-licensed physician that he has the capability to safely operate a public passenger vehicler-and;~~

4. has taken and passed a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drugs or inebriating substance in the body;

5. has successfully completed an examination as prescribed by the commissioner demonstrating a knowledge of the geography of the city and the laws, ordinances and regulations governing vehicle operation in the city;

6. has not, within the five years immediately preceding his application, been either found guilty by a court of any jurisdiction, in custody, on parole, or under any other noncustodial supervision resulting from a finding or determination of guilt by a court of any jurisdiction for (a) the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 2012, codified at 720 ILCS 5/2-0.5 et seq., (b) any crime involving moral turpitude, (c) for the illegal sale or possession of any controlled substance, (d) indecent solicitation of a child or any criminal sexual abuse or similar crime, or (e) operating a motor vehicle while under the influence of a controlled substance, cannabis or alcohol;

7. delivers to the commissioner a certified letter or document by a horse-drawn carriage licensee that such person is qualified to operate a carriage; and

8. is not indebted to the city.

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

(h) The fee for the issuance ~~or renewal~~ of a new, renewed or duplicate horse- drawn carriage chauffeur's license shall be ~~\$25.00 per year~~ \$5.00.

(i) The commissioner may renew a horse drawn carriage chauffeur's license from year to year upon application made upon a form furnished by the commissioner. A horse-drawn carriage chauffeur license shall be valid for a period of no more than two years from the date of its issuance. A horse-drawn carriage chauffeur license shall be renewed as provided by rules

promulgated by the commissioner. A horse-drawn carriage chauffeur license is nontransferable.

SECTION 3. Chapter 9-110 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**9-110-020 Pedicab license - Required.**

No person shall operate a pedicab business without a pedicab license for each pedicab. The pedicab license shall be in addition to any other license or registration required by law. A person engages in a pedicab business by seeking or accepting a fee, an economic benefit of a donation or gratuity, or any form of compensation (goods or services) for providing transportation to passengers in a pedicab.

**9-110-110 Pedicab chauffeur license - Required.**

No person shall engage in the occupation of a pedicab chauffeur without having secured a pedicab chauffeur license issued under this chapter. A person engages in the occupation of a pedicab chauffeur by seeking or accepting a fee, an economic benefit of a donation or gratuity, or any form of compensation (goods or services) for providing transportation to passengers in a pedicab.

**9-110-120 Pedicab chauffeur license - Fee.**

The fee for the issuance of a new, renewed or duplicate a pedicab chauffeur license shall be ~~\$25.00~~ \$5.00 and shall not be prorated. A pedicab chauffeur license shall be valid for a period of no more than one two years from the date of its issuance. A pedicab chauffeur license shall be renewed as provided by rules and regulations promulgated by the commissioner. A pedicab chauffeur license is non-transferable.

**9-110-130 Pedicab chauffeur license - Application.**

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

(b) An applicant is qualified to receive a new or renewed pedicab chauffeur license if the applicant:

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

(4) has taken and passed a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drugs or inebriating substance in the body;

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

SECTION 4. Section 9-112-220 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

**9-112-220 Lease rate regulations.**

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

f) ~~Each taxicab licensee must submit an affidavit at the time of renewal of his license indicating all lease rates, fees, and charges to be charged to public chauffeurs in connection with the leasing of the licensee's taxi~~

eabs [Reserved].

- g) The commissioner may by rule specify a uniform format and language for all lease agreements.
- h) Licensees must produce within three days copies of requested lease agreements to the commissioner upon the commissioner's request for the same.

SECTION 5. Section 9-114-250 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

**9-114-250 Recordkeeping - financial reports.**

Every person licensed under this chapter shall keep and provide accurate books and records of account of his operations at his place of business in the city for a minimum of three years.

Upon request of the commissioner, licensees must submit requested lease agreements, driver records, financial reports or any other pertinent documents within three business days, and the commissioner reserves the right to audit the finances and reported data of any licensee.

The commissioner may by rule require licensees to file an annual financial report. The commissioner may by rule specify the form, format and deadline for licensees to submit annual financial reports. Such financial reports may include, but are not limited to: a profit and loss statement for the preceding calendar year, showing all his earnings and expenditures for operation, maintenance and repair of property, depreciation expense, premiums paid for workers compensation and public liability insurance, and taxes for unemployment insurance and social security, and all state and local license fees, property taxes and federal income taxes, and a balance sheet taken at the close of said year.

The commissioner, or the authorized committee of the council, shall have access to the property, books, contracts, accounts and records during normal business hours at said place of business, for such information as may be required for the effective administration and enforcement of the provisions of this chapter, or for the adoption of any ordinances, rules or regulations affecting public passenger vehicle operations.

SECTION 6. This ordinance shall take effect 10 days after passage and publication.

Chicago, March 16, 2016

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a substitute ordinance introduced by Mayor Emanuel and the Commissioner of Business Affairs and Consumer Protection (which was referred on February 10, 2016), to amend Chapter 9 of the Municipal Code of Chicago regarding public chauffeurs and pedicab licenses, begs leave to recommend that Your Honorable Body pass the substitute ordinance as amended which is transmitted herewith.

This recommendation was concurred in. by a viva voce vote of the members of the committee on March 14, 2016, with Aldermen Scott, Taliaferro, Waguespack and Arena opposed.

CHAIRMAN, COMMITTEE ON LICENSE AND CONSUMER PROTECTION

Respectfully submitted,