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Legislation Details (With Text)

File #: SO2016-2679

Type: Ordinance **Status:** Passed

File created: 4/13/2016 **In control:** City Council

Final action: 6/22/2016

Title: Amendment of Municipal Code Chapter 9-84 by futher regulating vehicle towing operators and relocators and establishing Chicago Towing Bill of Rights

Sponsors: Pawar, Ameya, Reboyras, Ariel, Waguespack, Scott, Arena, John, Thompson, Patrick D., 20th Ward Vacancy, Burke, Edward M., Cappleman, James, O'Shea, Matthew J., Santiago, Milagros, Mell, Deborah, Mitts, Emma, Austin, Carrie M., Villegas, Gilbert, Zalewski, Michael R., Laurino, Margaret, O'Connor, Patrick, Napolitano, Anthony V., Tunney, Thomas, Osterman, Harry, Taliaferro, Chris, Ramirez-Rosa, Carlos, Burnett, Jr., Walter, Maldonado, Roberto, Ervin, Jason C., Scott, Jr. Michael, Munoz, Ricardo, Sposato, Nicholas, Reilly, Brendan, Smith, Michele, Hairston, Leslie A., Mendoza, Susana A.

Indexes: Ch. 84 Towing Unauthorized Vehicles

Attachments: 1. SO2016-2679.pdf, 2. O2016-2679.pdf

Date	Ver.	Action By	Action	Result
6/22/2016	1	City Council	Passed as Substitute	Pass
6/21/2016	1	Committee on License and Consumer Protection	Substituted in Committee	Pass
4/13/2016	1	City Council	Referred	

SUBSTITUTE ORDINANCE

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

SECTION 1. Section 9-84-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-84-010 Report - Definition - Procedure.

(Omitted text is unaffected by this ordinance)

c) ~~Before a relocater or operator relocates an~~ Prior to relocating any unauthorized vehicle, the relocater or operator shall first obtain written consent from the owner of the private property or his such owner's authorized agent to relocate the specific vehicle in question, unless the firm relocater has an agreement with the owner or agent to relocate all unauthorized vehicles from that such owner's private property. Each year, beginning on the effective date of this amendatory ordinance of 2016, each relocater shall provide the Chicago police department with a list of all locations where the relocater has an active contract or other agreement in place with an owner to remove unauthorized vehicles from such owner's private property. This list shall clearly indicate whether the contract or agreement authorizes the relocater or operator to patrol or remove vehicles from the owner's private property only upon request by the owner. The Chicago police department shall organize the lists required under this subsection by police district and shall provide a copy of the applicable list

to each district commander annually.

d) When any owner enters into an agreement with a relocator to relocate unauthorized vehicles from his such owner's private parking area, the relocator shall post a notice of this arrangement prominently at all entrances and exits to the parking areas (areafs). in clear view, and free from interference from any natural or manmade objects, and positioned with the bottom of the sign not less than 4 feet^ and not more than 7 fee^ above ground level. The lettering on these signs shall be in prominent type at least three inches high and in a color that contrasts with the background color of the sign. The sign_a ~~must~~ which shall also be legible at nighty ~~This sign~~ shall contain the following information:

(Omitted text is unaffected by this ordinance)

3) The name, address and telephone number of the relocator, and of the location to which the ear vehicle will be relocated, if different;

4) The fee charged by the relocator to recover the unauthorized vehicle and whether cash, check or credit cards will be accepted in payments and

5) A notice that towing relocators and operators are regulated by the Illinois Commerce Commission. Such notice shall include the Commission's telephone number and

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., address at which complaints about a relocator or operator can be filed with the nission.

(e) Subsection (d) shall not apply to driveways or parking areas serving three or Aver ears vehicles.

SECTION 2. Section 9-84-025 ofthe Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-84-025 Pre-tow photographs and on-board cameras - Required.

a) Prior to relocating any unauthorized vehicle, the relocator or operator shall take at least one photograph of the unauthorized vehicle which clearly shows: (i) the date and time the photograph was taken; (ii) the entire vehicle and its location on the date and time the photograph was taken; and (iii) the vehicle's license plate. The relocator shall maintain the photographs, in electronic or print format, for a period of two years from the date on which it was taken. The relocator shall provide the photographs, without charge, to the owner of the relocated vehicle, upon request.

b) The relocator shall install on-board cameras on all vehicles used by the relocator to relocate unauthorized vehicles. These cameras shall clearly document: (i) views of the unauthorized vehicle from the front and rear of the relocator's vehicle; (ii) audio from inside the relocator's vehicle; and (iii) the date and time the video and audio are captured. The relocator shall: (1) maintain the video records, in electronic format, for a period of one year from the date on which it was captured: and (2) upon request by the relocated vehicle's

owner, provide an electronic copy of the video records, without charge, to such owner; and (3) upon request, make such video records available for inspection by the department of business affairs and consumer protection or by any alderman.

SECTION 3. Chapter 9-84 of the Municipal Code of Chicago is hereby amended by inserting a new Section 9-84-036, as follows:

9-84-036 Towing Bill of Rights

(a) Chicago Towing Bill of Rights -Posting - Required. Each relocator shall post a copy of the Chicago Towing Bill of Rights, as set forth in subsection (b) of this section, conspicuously in the area of their lot or facility where persons retrieve relocated vehicles. Such posting, which shall be labeled the Chicago Towing Bill of Rights, shall be on a page or poster not less than 11 inches in width and 17 inches in height. In addition, the relocator shall provide a paper copy of the Chicago Towing Bill of Rights to all persons retrieving a vehicle from the relocator's lot or facility.

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(b) Chicago Towing Bill of Rights - Required contents. The Chicago Towing Bill of Rights shall state the following:

Chicago Towing Bill of Rights

Pursuant to the Illinois Compiled Statutes, Illinois Administrative Code, and Municipal Code of Chicago, the following requirements apply when any vehicle is towed from private property:

1. No vehicle shall be relocated from any private property without the written consent of the private property owner or his authorized agent to conduct such removals.
2. No vehicle shall be relocated from a lot which does not, at the time of the tow and for at least 24 hours prior thereto, have signs posted in compliance with applicable laws and regulations.
3. Relocators shall print and make available to the public all authorized rates and charges for towing or for otherwise moving and storing vehicles in connection with the removal of unauthorized vehicles from private property.
4. Except for vehicles that require a commercial driver's license to operate, no vehicle shall be relocated if: (i) the owner of the vehicle or the owner's agent is present or arrives on the scene before the vehicle is completely removed from the private property, and (ii) such owner or agent can produce the ignition key or other ignition device for the vehicle, and (iii) such owner or agent is able to remove and immediately does remove the vehicle from the private property. If the vehicle requires a commercial driver's license to operate, no vehicle shall be relocated if the owner or operator of such vehicle: (a) is present or arrives on the scene before the vehicle is completely removed from the private property, and (ii) such owner or operator can produce the ignition key to

the vehicle, and (iii) such owner or operator is able to and does immediately remove the vehicle from the private property, and (iv) such owner or operator pays a reasonable service fee of not more than one-half of the posted rate of the towing service.

5. Relocators must notify the Chicago Police Department within 30 minutes after relocating any unauthorized vehicle.
6. Relocators must accept any of the following methods of payment for lawful fees and charges: United States currency, commonly recognized traveler's checks, money orders, cashier's checks, certified checks, and commonly accepted credit cards and debit cards.
7. In the event the owner of any relocated vehicle is not able to immediately pay to retrieve the vehicle, the relocator must provide the owner with access to the vehicle to retrieve any of the owner's personal belongings. The relocator is permitted to accompany the owner to the vehicle while the owner removes his or her belongings.

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8. Upon request, the relocator must provide the owner of any relocated vehicle with a photograph of the vehicle taken before it was towed that clearly shows the date and time the photograph was taken, the vehicle's location, and the vehicle's license plate number. Upon request, the relocator must also provide the vehicle owner with relevant electronic video records of the relocation.
9. When the owner retrieves his or her vehicle, or upon request, the relocator must provide the owner of the relocated vehicle with a copy of this "Bill of Rights" along with other relevant statutes, regulations, and ordinances governing relocation operations.
10. Formal complaints about the relocator can be made by contacting the Illinois Commerce Commission at (847)-294-4326 or can be filed online at www.icc.illinois.gov.

SECTION 4. Section 9-84-040 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

9-84-040 Violation - Penalty.

Any person or any officer of any corporation, or any partner of any partnership:

(Omitted text is unaffected by this ordinance)

(c) relocating an unauthorized vehicle in violation of Section 9-84-023., or 9-84-025, 9-84-036 or any associated rule shall be fined not less than \$500.00 nor more than \$1,000.00 and be liable for payment of restitution to the owner or lessee of the relocated vehicle in the amount of the actual costs incurred by such owner or lessee.

(Omitted text is unaffected by this ordinance)

- (d) The commissioner of business affairs and consumer protection and the superintendent of police are hereby authorized to promulgate rules to enforce this Chapter.

SECTION 5. This ordinance shall take full force and effect 180 days after its passage and publication.

Ameya Pawar Alderman, 47th Ward
Ariel Reboyras Alderman, 30th Ward

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02016-2679

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 Aldermen Pawar, Reboyras and others (which was referred on April 13, 2016), to amend Chapter 9-844 of the Municipal Code of Chicago concerning a Towing Bill of Rights, begs leave to recommend that Your Honorable Body pass the substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on June 21, 2016.

Respectfully submitted,

CHAIRMAN, COMMITTEE ON LICENSE AND
CONSUMER PROTECTION