



Office of the City Clerk

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Legislation Text

File #: SO2016-3871, Version: 1

Committee on License and Consumer Protection

SUBSTITUTE ORDINANCE

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 and by inserting the language underscored, as follows:

3-56-010 Definitions.

For the purpose of this chapter:

(Omitted text is not affected by this ordinance)

"Commercial motor vehicle" means a self-propelled vehicle used on the highways in commerce principally to transport passengers or cargo, if the vehicle:

- i) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;
- ii) is designed to transport more than 10 passengers including the driver; or
- iii) is used in transporting material found by the United States Secretary of Transportation to be hazardous under Section 5103 of Title 49 of the United States Code and transported in a quantity requiring placarding under regulations prescribed by the Secretary under Section 5103 of Title 49 of the United States Code any motor vehicle for which a wheel tax license is required under this chapter and (i) which is marked or emblazoned with the name of a business or is otherwise represented as being used for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, whether for hire or not for hire; or (ii) which is driven for profit or to transport property, merchandise or supplies of a commercial or industrial nature.

The term "commercial motor vehicle" does not include commercial vehicles, as defined in Section 1-111.8 of the Illinois Vehicle Code, codified as 625 ILCS 5/1-111.8, as amended, which are registered pursuant to the International Registration Plan.

(Omitted text is not affected by this ordinance)

3-56-125 Commercial motor vehicle fleet - Payment of wheel tax.

(a) [1] ~~Notwithstanding any other provision of this chapter, the~~ The owner of a commercial motor vehicle- fleet used in the city shall purchase a wheel tax licenses for each fleet vehicle. Such license may be purchased individually per vehicle, or in accordance with the

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procedures of this section. For purposes of this section, "fleet" means 10 or more commercial motor vehicles under common ownership.

(2) No later than July 15 of each year, the owner of a ~~Commercial-fleetor-veh4&le~~ fleet seeking to purchase wheel tax licenses pursuant to this section shall file a return (for purposes of this section, -"annual return") with the city clerk, in a form approved by the city clerk. The annual return shall contain the following:

i) the number of commercial motor vehicles in the owner's fleet and the category of each commercial motor vehicle as listed in Section 3-56-050 of this chapter as of March 31;

ii) for each category of commercial motor vehicle listed in Section 3-56-050 of this chapter, the net commercial motor vehicles added to the owner's fleet (the number of commercial motor vehicles added to the owner's fleet for any purpose less those disposed of and replaced) during the most recently completed .12-month period from April 1 to March 31;

iii) the number of commercial motor vehicles in the owner's fleet disposed of and replaced during the most recently completed 12-month period from April 1 to March 31; and

iv) payment of wheel tax licenses for each category of commercial motor vehicle in the owner's fleet as listed in Section 3-56-050 of this Code, calculated as follows:

Step 1: The number of commercial motor vehicles in each category times the license fee set forth in Section 3-56-050 of this chapter for such category;

Step 2: The number of commercial motor vehicles in each category added to the fleet since the last annual return times the license fee set forth in Section 3-56-050 of this chapter for such category;

Step 3: The number of commercial motor vehicles replaced in the fleet since the last annual return times the transfer fee described in Section 3-56-100;

Step 4: The sum of the results of Steps 1, 2 and 3 is shall be the annual ~~commercial motor-vehicle~~ fleet wheel tax license fee for the owner's fleet.

The above calculation shall be made separately for each category of commercial motor vehicle in the owner's fleet as listed in Section 3-56-050 of this Code.

The city clerk shall issue the appropriate number of wheel tax licenses, based on combining Steps 1 and 2.

(b) All ~~Gemmercial motor vehicle~~ fleet size figures included in the annual return shall be certified by an independent auditor. If a ~~commercial motor vehicle~~ fleet owner fails or refuses to provide audited ~~commercial motor vehicle~~ fleet size figures for any annual return period, the owner shall purchase a wheel tax license for each ~~commercial motor vehicle~~ in the owner's fleet

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that is used in ~~too~~ City of Chicago for which a wheel tax license is required under this chapter, at the rate set forth in Section 3-56-050 of this chapter.

c) Nothing provided in this section shall prevent the comptroller and the city clerk from disputing any figure provided by a ~~commercial motor vehicle~~ fleet owner.

d) £1) No owner of a ~~commercial motor vehicle~~ fleet licensed pursuant to this section shall be required to display a wheel tax license emblem in or on any commercial motor vehicle that is a part of such fleet.

(2) Regardless of the method of purchasing a wheel tax license, no owner of a commercial motor vehicle shall be required to display a wheel tax license emblem in or on any commercial motor vehicle that:

£i) has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds, whichever is greater;

ii) is designed to transport more than 10 passengers including the driver; or

iii) is used in transporting hazardous material pursuant to Section 5103 of Title 49 of the United States Code and transported in a quantity requiring placarding under regulations prescribed by the Secretary under Section 5103 of Title 49 of the United States Code.

(3) The owner of a ~~commercial motor vehicle~~ fleet may show that a wheel tax license has been obtained for such commercial motor vehicle by presenting a receipt, issued by the office of the city clerk, showing that the owner purchased wheel tax license emblems for the

owner's ~~commercial motor vehicle~~ fleet in accordance with this section.

e) Nothing in this section shall be construed to relieve the owner of a ~~commercial motor vehicle~~ fleet from purchasing and displaying any wheel tax license emblem required under this chapter for such owner's non-commercial motor vehicles or for any commercial vehicles that are not part of the ~~commercial motor vehicle~~ fleet licensed pursuant to this section.

(ef) Whenever not inconsistent with the provisions of this section, or when this section is silent, the provisions of the Uniform Revenue Procedures Ordinance, Chapter 3-4 of this Code, shall apply to and supplement this section.

SECTION 2. This ordinance shall take effect upon its passage and publication.

Susana A. Mendoza, City Clerk

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Chicago, July 20, 2016

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by City Clerk Susana Mendoza (which was referred on May 18, 2016), to amend Section 3-56-125 regarding commercial motor vehicle fleet, begs leave to recommend that Your Honorable Body pass the ordinance which is transmitted herewith as amended.

This recommendation was concurred in by a viva voce vote of the members of the committee on July 13, 2016.

Respectfully submitted,

CHAIRMAN, COMMITTEE ON LICENSE AND
CONSUMER PROTECTION