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City Council Document Tracking Sheet

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Sponsor(s):	Emanuel, Rahm (Mayor) Beale, Anthony (9)
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Title:	Amendment of various sections of Municipal Code regarding taxi and chauffeur regulations
Committee(s) Assignment:	Committee on License and Consumer Protection

1/17/2012

02011-9778

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 9-112 of the Municipal Code of Chicago is hereby repealed in its entirety and replaced with a new chapter 9-112, as follows:

CHAPTER 9-112
TAXICABS

9-112-010 Definitions.

For purposes of this chapter the following definitions shall apply:

"Chauffeur" or "public chauffeur" means the driver of a taxicab vehicle, who is licensed by the city as a public chauffeur.

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

"Council" means the city council of the City of Chicago.

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

"Fuel efficient vehicle" means a hybrid vehicle or alternative fuel vehicle (AFV), as defined by the Energy Policy Act of 1992 (EPAAct), as amended, including any dedicated, flexible-fuel, or dual-fuel vehicle designed to operate on at least one alternative fuel. Alternative fuels include but are not limited to the following:

- a. Compressed natural gas (CNG)
- b. Biodiesel (B20 blend or higher)
- c. Propane
- d. Hydrogen
- e. Electricity

"License broker" means any person who acts as an authorized agent in negotiating the transfer of a license or negotiating a loan secured or to be secured by an encumbrance upon transfer of a medallion license.

"License manager" means any person who assumes or undertakes any or all of the responsibilities of the licensee, including, but not limited to, those responsibilities relating to the leasing of the taxicab vehicle.

"Licensee" means any person to whom the city has issued a license pursuant to this chapter.

"Medallion" means the metal plate, furnished by the commissioner, for display on the outside hood of a taxicab, as the physical representation of a license to operate as a taxicab.

"Model year" means that year designated in the vehicle manufacturer's certificate of origin or on the vehicle title issued by the Secretary of State of Illinois or other state.

"Owner-Operator" means a licensee that (1) owns or controls no more than one taxicab medallion license and (2) who certifies that no chauffeur other than the individual license holder, his spouse, or his natural or legally adopted child will operate and drive the taxicab. If the medallion license holder is a corporate entity, the 100 percent shareholder and / or the listed president of the corporate entity is considered the licensee for "owner-operator" status.

"Principal place of business in the City of Chicago" means (1) a location where the City may send, and the licensee shall accept, notices of hearing or other notices from the City; and (2) a location where a licensee maintains its business and financial records relating to the licenses involved.

"Taxicab" means a vehicle licensed under this chapter for hire at rates of fare set forth in this chapter, which are or should be recorded and indicated by a taximeter.

"Taxicab affiliation" means an association of licensees organized and incorporated for the purpose of providing its members with (1) a Chicago business address, (2) telephone number registered to the taxicab affiliation, (3) uniform color scheme, (4) trade name or emblem, (5) an approved two-way dispatch system, (6) insurance, and (7) the designation of an authorized registered agent. Members of a taxicab affiliation shall be known as "affiliates".

"Taximeter" means a device which records and indicates a charge or fare measured by distance traveled, waiting time, number of passengers, and any extra charges set forth in this chapter. Taximeters must meet specifications set forth by the commissioner in rules and regulations.

"Transfer of a license" means the buying, selling or assigning of a medallion license or medallion licenses or the buying, selling and assigning of more than 25 percent of the stock or other interest in a person that owns or controls a medallion license or medallion licenses, whether such ownership or control is through a subsidiary, successor or any other person.

"Two-way dispatch system" means a method of communication by which a dispatcher may communicate simultaneously or individually with the drivers of all vehicles in an organization and for each driver to communicate with the dispatcher, so long as the manner of usage of such device while driving a taxicab does not violate City, State or Federal regulations. For purposes of this definition, the term "organization" refers to the taxicab affiliation and all its affiliates.

"Vehicle Age" means the age of a vehicle computed by totaling the number of the years in between and including both the calendar year and the model year. For example a vehicle with a model year of 2009 has a vehicle age of 4 years in the 2012 calendar year (2009 + 2010 + 2011 + 2012).

"Wheelchair accessibility taxicab fund" means a fund to provide re-imbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab that is fully wheelchair accessible by ramp or lift. The maximum amount of re-imbursement per vehicle from the fund will be established by rules and regulations but in no case shall exceed \$20,000 per vehicle.

"Wheelchair accessible vehicle" or "WAV" means a vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A WAV shall safely secure and restrain the wheelchair.9-112-020 License required.

(a) It is unlawful for any person to operate a motor vehicle, or for the registered owner thereof to permit it to be operated, for the transportation of passengers for hire within the city unless it is licensed by the city as a taxicab pursuant to this chapter, or as a public passenger vehicle pursuant to Chapter 9-114.

(b) Subject to the conditions and limitations of this chapter, the city grants exclusive permission and authority to the licensees hereunder to operate the taxicab vehicles licensed hereunder unless rescinded, terminated, or revoked as hereinafter provided.

(c) It shall be unlawful for any taxicab or public passenger vehicle not licensed as such by the city to solicit or accept business within the corporate boundaries of the City of Chicago, except where the passengers have as their destination the community in which such vehicle is licensed and then only when such transportation has been arranged in advance.

(d) A taxicab licensed by another jurisdiction may come into the city to discharge passengers whose trip originated outside of the city. While the vehicle is in the city no roof light or other special light shall be used to indicate that the vehicle is vacant or subject to hire, and a white card printed in black letters, or a digital sign, bearing the words "Not For Hire" with text size not less than two inches in height shall be displayed at the windshield of the vehicle.

(e) Any person who solicits or transports passengers for hire, and the registered owner of any motor vehicle who permits such solicitation and transportation, in violation of this chapter, are subject to fines, vehicle impoundment, and other applicable penalties.

9-112-030 Total number of licenses.

The total number of licenses that each licensee holds will be based on the total licenses in each corporation, or legal entity, in which he holds a 25 percent or greater share of ownership interest including, but not limited to, stocks and shares.

9-112-040 Liability for actions of a chauffeur.

The licensee may be liable for all code and rule violations of a chauffeur operating the licensee's vehicle if an administrative law officer or a court of competent jurisdiction has found the chauffeur liable of three violations within any two-year period. The department will set forth in rules and regulations a process for notifying licensees of chauffeurs found liable of two violations within any two-year period for whom they may be liable under this section.

9-112-050 Vehicle Inspections.

No person shall place a vehicle into service as a taxicab until the vehicle has been inspected under the direction of the commissioner and found to be in safe operating condition. A taxicab vehicle inspection includes, but is not limited to, ensuring that all required equipment is installed and operating as intended, and that the interior and exterior of the vehicle are clean and in good condition for the safety of the vehicle drivers and passengers. Licensees must submit all their taxicab vehicles for inspection at least semiannually as scheduled by the department.

If any licensee fails to appear and make his vehicle available for inspection after receiving a notification from the commissioner to do so, the commissioner may immediately suspend the licensee's license and impose a fine as set forth in section 9-112-630, in addition to all other applicable penalties, including extending the license suspension, and/or license revocation. If the licensee again fails to so appear, the commissioner may suspend his license until the vehicle has passed an inspection pursuant to this section. If a licensee demonstrates a pattern of missing scheduled inspection dates, the commissioner may revoke the license.

The commissioner is authorized to adopt rules and regulations to specify the time frame and schedule for vehicle inspections and may require additional inspections based upon complaints.

9-112-060 Failed vehicle inspections.

If a vehicle fails an inspection required by 9-112-050 of this Code, the licensee shall pay a re-inspection fee of \$75.00.

9-112-070 Specifications for taxicab vehicles.

The commissioner may issue licenses for motor vehicles to operate as taxicabs according to the following:

(a) Vehicles having a manufacturer's rated seating capacity of ten or more persons, including the driver, may not be licensed as taxicabs.

(b) A Vehicle must meet applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use, in order to be licensed as a taxicab.

(c) Age of vehicle

A licensee cannot operate a vehicle as a licensed taxicab beyond the following vehicle age:

- (1) Four years for vehicles that are not designated pursuant to the department's list of authorized vehicles as wheelchair accessible or fuel efficient.
- (2) Five years for vehicles that are designated pursuant to the department's list of authorized vehicles as either wheelchair accessible or fuel efficient.
- (3) Six years for vehicles that are designated pursuant to the department's list of authorized vehicles as both wheelchair accessible and fuel efficient.

(d) Starting January 1, 2013, a licensee cannot place a vehicle with an odometer reading of 100,000 miles or greater in operation for the first time as a licensed taxicab. Starting January 1, 2014, a licensee cannot place a vehicle with an odometer reading of 75,000 miles or greater in operation for the first time as a licensed taxicab.

(e) Any vehicle which has ever been issued the title class of either "salvage", "rebuilt", "junk", "total loss", or any equivalent classification in any jurisdiction is not eligible for operation as a taxicab.

- (i) It is the affirmative duty of the licensee to ascertain that the taxicab vehicle is in compliance with this subsection.
- (ii) Any vehicle placed in operation by a licensee as a taxicab in violation of this subsection is unsafe for purposes of section 9-112-050 of this Code.
- (iii) Any licensee that places a vehicle in operation as a taxicab in violation of this subsection is subject to immediate license suspension or revocation.
- (iv) The commissioner may by rule require licensees to submit a car history report at the licensee's expense.

(f) The commissioner may by rule assert additional vehicle specifications that motor vehicles must meet before they can be approved as a taxicab and may by rule in conjunction with the Mayor's Office of People with Disabilities extend the amount of time that a wheelchair accessible vehicle may be in service.

9-112-080 Change of taxicab equipment.

The commissioner will promulgate by rules and regulations the process that licensees must follow when they replace the taxicab vehicle (for purposes of this section, a "change of equipment"). For a change of equipment performed during a scheduled periodic inspection, the commissioner will assess a \$25.00 change of equipment processing fee. For a change of equipment not performed during a scheduled periodic inspection, the commissioner will assess a \$25.00 change of equipment processing fee in addition to a \$75.00 change of equipment vehicle inspection fee.

9-112-090 Application for license.

An applicant shall apply for the issuance and renewal of a license using a print or electronic form prescribed by, and as directed by, the commissioner and accompanied by such documents as the commissioner may require. If the applicant is a corporation or partnership, then its duly authorized agent can apply on its behalf. The taxicab medallion application shall contain the full name, Chicago business address and residence address of the applicant, the names of the applicant's partners, or if the applicant is a corporation, of its officers and directors, the business telephone number of the applicant, the vehicle manufacturer's name, model, length of time in use, and horsepower and manufacturer's rated seating capacity of the vehicle which the applicant will use if a license is issued. If the applicant is affiliated or to become affiliated or identified with any taxicab affiliation by the color scheme of vehicles, trade name or emblem, telephone number, two-way dispatch system, or service agreement, the application shall contain the full name, Chicago business address and telephone number of the taxicab affiliation, and a copy of the agreement with the taxicab affiliation shall be filed with the application.

Any changes made to the information submitted on the application or any material changes made to the licensee's personal or businesses operations or to any information provided under this chapter must be reported, in writing, to the commissioner within four business days of the change.

9-112-100 Qualifications for license.

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

- (1) an applicant shall be in compliance with all City, State of Illinois and Federal laws, and the provisions of this chapter; and
- (2) an applicant shall have its principal place of business in the City of Chicago:
 - (i) with respect to any corporate applicant, the corporation shall be organized or qualified to do business under the laws of the State of Illinois and have its principal place of business in the City of Chicago; or
 - (ii) with respect to a partnership applicant, the partnership shall have its principal place of business in the City of Chicago; or
 - (iii) with respect to any applicant other than a corporation or partnership, the applicant shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago.
- (3) an applicant must successfully complete a mandatory course of study as prescribed and approved by the commissioner. If the applicant is a corporation, an officer of the corporation completing the course shall satisfy this requirement. If the applicant is a partnership, a partner completing the course shall satisfy this requirement. If the license is held by a corporation or a partnership, and the person having completed the course required in this

section ceases to be an officer or a partner, the licensee shall have 60 days to achieve compliance with this section. The commissioner may require any licensee (or an officer or partner of a licensee) to complete this course again when such licensee is found to have engaged in conduct that violates any provision of this chapter or the rules and regulations promulgated thereunder.

The commissioner may by rule require a continuing education course of study covering the requirements of this chapter, other relevant portions of the Municipal Code of Chicago, and the rules and regulations promulgated thereunder, and such other additional subjects as the commissioner may require for all applicants for a taxicab license. The commissioner may contract with the city colleges or, with the approval of the mayor, with any state-approved vocational or technical school or not-for-profit organization to provide the required taxicab licensee course of study and the commissioner shall certify the content and curriculum for the course to assure compliance with this chapter. The course certification shall be reviewed annually and may be revoked at any time. The commissioner by rule shall approve the tuition to be charged for such course.

(4) an applicant for the issuance or renewal of a taxicab license shall submit a copy of the licensee's agreement with a taxicab affiliation licensed by the city. Provided, however, that a licensee need not be affiliated, if the licensee is an owner-operator.

(b) In determining whether an applicant is qualified for a license, or the renewal thereof, the commissioner shall take into consideration:

(1) The character and reputation of the applicant or its members, officers or directors, including, if applicable, the disciplinary record of the applicant in the operation of his taxicab vehicle and the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a public chauffeur;

(2) The applicant's financial ability to render lawful, safe, suitable and comfortable service and to maintain or replace the equipment for such service;

(3) The applicant's ability to maintain mandated insurance, including, but not limited to, liability insurance and worker's compensation insurance for the payment of personal injury, death, property damage, or other insurable claims; and

(4) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a taxicab vehicle.

(c) No applicant is eligible for a license if any Chicago taxicab or public passenger vehicle license or any Chicago public chauffeur license or restricted public chauffeur license held by the applicant, or held by any officer or director of a corporate applicant or partner in a partnership applicant, has held within the previous five years was revoked, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 1961, as amended, or its equivalent under federal or other jurisdictional law.

(d) No person shall be qualified for a public vehicle license under Chapter 9-114 and a taxicab medallion license at the same time.

9-112-110 Investigation and issuance of license.

(a) Upon receipt of an application for the issuance or renewal of a license, the commissioner may investigate the applicant for compliance with all provisions of this code, including but not limited to (1) the character and reputation of the applicant; and (2) the ability of the applicant to render safe transportation service, to maintain or replace the equipment for such service, and to pay all fees, fines, taxes, judgments and awards which may be rendered for any cause arising out of the operation of a taxicab during the license period.

(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 9-112-150 of this Code. 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 set forth by rules and regulations promulgated by the commissioner.

(d) The licensee shall provide a vehicle that is in safe and proper condition at the time the license is issued; and shall register the vehicle in applicant's name or, in the case of a leased vehicle, shall provide a copy of the lease, in a form acceptable to the commissioner, that must cover at least the duration of the license for that vehicle and must include an acknowledgment by the lessor of the vehicle that he has given his consent for the vehicle to be used as a taxicab as licensed.

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

9-112-120 License rescission.

The commissioner shall have the power to rescind any license erroneously or illegally issued, transferred or renewed pursuant to this chapter. In order for such a rescission to be effective, the commissioner must notify the licensee of the date the rescission will take effect. The notice shall take place by certified mail or in-person notification. The commissioner must indicate in such notice the basis for the rescission and must also indicate a date and time, prior to the proposed rescission date, upon which the licensee may appear before the commissioner, or his or her designee, to contest the proposed rescission. The licensee shall also be informed that he or she shall be entitled to present to the commissioner or his or her designee any document, including affidavits, relating to the proposed rescission. Following the appearance of the licensee before the commissioner, the commissioner may affirm or reverse his or her rescission decision. The commissioner's decision shall be in writing and shall be mailed to the licensee at least five days before a license rescission is effective. A licensee may appeal the commissioner's decision to any court of competent jurisdiction.

9-112-130 Payment of judgments and awards.

Every licensee shall pay each judgment or award for loss or damage in the operation or use of a taxicab vehicle rendered against the licensee by any court or commission of competent jurisdiction within 90 days after its judgment or award shall have become final and not stayed by supersedeas. If any such judgment shall not be so paid, the commissioner may revoke the license of the licensee concerned.

9-112-140 Required safety features.

(a) Licensees are required to equip all their taxicabs, while the vehicles are operating as a taxicab, with at least one of the following safety features or combination of safety features, all of which must be in compliance with specifications set forth in rules promulgated by the commissioner:

(1) A safety shield device capable of completely separating the driver's seat from the rear passenger compartment; or

(2) A mounted camera unit that will take a visual record or photograph(s) of the passenger(s); or

(3) Such other system that the commissioner determines by rule which provides at least as much protection as the systems described above.

The specifications of the safety system that the commissioner promulgates by rules pursuant to this section shall be designed to maximize chauffeur and passenger safety in light of current technology and reasonable economic concerns.

(b) The equipment required by this section shall be maintained in good working order at all times. The license of any licensee who violates this section shall be subject to immediate suspension until the licensee demonstrates compliance with this section.

(c) The requirements of this section do not apply to an owner-operator.

9-112-150 License fees and terms.

(a) As of the effective date of this ordinance, the licensing term for licenses will be from March 1 of the current year to the last day of February of the subsequent year.

(i) One-year taxicab medallion licensing issuance or renewal fee for taxicabs that are not wheelchair accessible is \$600.00. The Department will deposit \$100.00 of this licensing fee to a fund created to promote wheelchair accessible taxicab vehicles, also known as the "Wheelchair Accessible Taxicab Fund".

(ii) One-year taxicab medallion licensing issuance or renewal fee for wheelchair accessible taxicabs is \$500.00. The license must be attached to a wheelchair accessible taxicab vehicle during the entire licensing term.

(b) Effective March 1, 2013, the City will initiate a two-year licensing term for licenses issued pursuant to this chapter. The licensing term shall be from March 1 of the current year to the last day of February two years subsequent to the current year.

- (i) Two-year licensing issuance or renewal fee is \$1,200.00 for taxicabs that are not wheelchair accessible. The Department will deposit \$200.00 of this licensing fee to a fund created to promote wheelchair accessible taxicab vehicles, also known as the "Wheelchair Accessible Taxicab Fund".
- (ii) Two-year taxicab medallion licensing issuance or renewal fee for wheelchair accessible taxicabs is \$1,000.00. The license must be attached to a wheelchair accessible taxicab vehicle during the entire licensing term.

The city will assign the two-year licensing term in order to stagger license renewals by fifty percent of licenses in one year, and the other fifty percent of licenses in the following year.

All odd numbered licenses expire on the last day of February in odd numbered years, while all even numbered licenses expire on the last day of February in even numbered years.

In order to phase in the two-year licensing term, on March 1, 2013, the City will assign a two-year term to all odd numbered licenses and will assign a one-year term to all even numbered licenses. On March 1, 2014, the City will assign a two-year term to all even numbered licenses. Effective March 1, 2014, the one-year licensing term will be terminated.

(c) A license fee shall be paid in advance of the issuance of a license. A licensee must renew and pay for the medallion license before the expiration date of the licensing term. Any taxicab medallion licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees, interest accrued as specified in the Code, and promulgated in the rules by the commissioner.

(d) A license not renewed in a timely manner is considered lapsed, and the taxicab vehicle operating under this lapsed license shall be considered an unlicensed taxicab subject to revocation.

(e) Nothing in this section shall affect the right of the city to impose or collect a vehicle tax and any occupational tax, as permitted by law, in addition to the license fee herein provided.

(f) The fees specified in this section shall be in addition to any amounts payable pursuant to the competitive bidding process.

(g) The commissioner is authorized to adopt rules and regulations for the administration of the Wheelchair Accessible Taxicab Fund.

9-112-160 License ineligibility: Indebtedness and Child Support

(a) *Indebtedness:* All licensees must be in good standing with the city in reference to debt pursuant to and as defined in section 4-4-150 of this Code.

(b) *Child Support:* All licensees must be in compliance with court-ordered child support pursuant to and as defined in section 4-4-152 of this Code.

9-112-170 Removal or change of officer

(a) Whenever any changes occur in the officers of the licensee, the licensee shall notify the department in accordance with the procedures set forth in subsections (b) and (c) of this section. For purposes of this section, the term "officer of the licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, or the managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

(b) If any officer of the licensee is removed from office in accordance with the bylaws, operating agreement, partnership agreement for the licensee, pursuant to law or court order, by reason of death, or for any other reason, and such officer is not replaced, then the licensee shall notify the department of the change by notarized letter within 30 days of the effective date of the change. The licensee shall submit any additional information pertaining to the removal of any officer requested by the commissioner within 10 days of such request. The commissioner will assess a \$25 fee for processing the removal of the officer.

(c) If any officer of the licensee is removed from office in accordance with the bylaws, operating agreement or partnership agreement for the licensee, pursuant to law or court order, by reason of death or for any other reason, and the person removed from office is replaced by another person, then the licensee shall notify the department of the change by filing with the department a change of officer form provided by the department within 30 days of the effective date of the change. The person replacing the removed officer must meet the qualifications specified in Section 9-112-100 and is subject to investigation as detailed in Section 9-112-110. The licensee shall submit to the department: (i) the change of officer form as promulgated by the commissioner in rules; (ii) a \$100.00 change of officer processing fee; and (iii) any other supplementary materials promulgated by the commissioner in rules.

9-112-180 Non-discriminatory practices.

All licensees, taxicab affiliations, license managers, and license brokers must comply with all Federal, State and City non-discriminatory laws. Licensees may not discriminate against any potential or existing employees or lessees on account of race, color, religion, national origin, ancestry, disability, or any other protected class.

9-112-190 Retaliation.

No medallion owner or lessor in a medallion-only lease may retaliate in any way against any chauffeur for disclosing, reporting, or testifying about any violation of this chapter or regulations thereunder or any law. Any violation of this section may result in revocation of the medallion.

9-112-200 Duty to evaluate public chauffeurs.

All licensees must take reasonable steps that any person who leases, controls, or operates their taxicab has a chauffeur license in good standing with the City of Chicago and has a motor vehicle driver's license in good standing with the Secretary of State.

Licensees must have policies in place requiring any person who leases, controls, or operates their taxicab to be in compliance with this chapter, Chapter 9-104, any other applicable sections of the Municipal Code of Chicago, and rules and regulations promulgated thereunder.

9-112-210 Duty to maintain real time records as to a chauffeur operating a taxicab.

Starting six months after the effective date of this chapter, all licensees must maintain real-time data on the name and number of the chauffeur operating its taxicabs on any given date, time, and location.

All licensees must produce information and data as to which chauffeur, including name and chauffeur number, is operating a particular taxicab on a given date and time to the commissioner upon request for the same.

Taxicab medallion license holders must implement processes to enable the commissioner access to real-time data on the name and number of the chauffeur leasing or operating a specific taxicab cab and the location of that taxicab.

9-112-220 Lease rate regulations.

(a) The commissioner shall, subject to the limitations provided in this section, establish by rule the maximum rates that a lessor may charge for the lease of a taxicab, including, to the extent permitted by law, rates for goods and services provided by the lessor in connection with such rental. The maximum rates shall be established at an amount determined by the commissioner to: (1) enable the lessor to receive adequate revenues to pay the lessor's reasonable expenses and receive a just and reasonable rate of return on the lessor's investment; and (2) provide for safe and adequate taxicab service within the city by providing lessees with an opportunity to earn a fair and reasonable income. In establishing such rates, the commissioner shall consider: (i) vehicle, equipment and license costs; (ii) asset depreciation; (iii) the costs of insurance, operation and maintenance, uninsured repairs, wages and salaries, garage storage, taxes, fees, two-way dispatching and administration, as well as all other periodic expenses paid by the lessor; (iv) the extent to which the lessor or persons who have invested in the lessor also have investments in other persons or entities who may benefit directly or indirectly from the lease; and (v) such other factors that the commissioner considers appropriate to further the purposes of this chapter.

(b) The commissioner shall review periodically the maximum lease rates then in effect to ensure that such rates are consistent with the objectives expressed in this section. However, the commissioner may not revise the lease rate limitations in effect under this section more than once within any 12 month period unless the commissioner determines that extraordinary circumstances require the revision for the purposes of this section.

(c) The commissioner may require all holders of taxicab licenses to provide such financial information as may be reasonably necessary to establish maximum lease rates under

this section. Information that is submitted pursuant to this subsection shall be kept confidential and shall not be disclosed to the public.

(d) Any licensee who imposes a lease rate or other charge in excess of that which is permitted under this section, or who fails to provide financial information that is required under subsection (c), or who otherwise violates this section shall be subject to a fine as set forth in section 9-112-630, restitution payable to the chauffeur who was overcharged, and shall be subject to the suspension or revocation of the licensee's taxicab license in the manner provided in this chapter and the rules and regulations adopted under this chapter. Each day that a violation continues, and each unlawful lease that is executed, shall constitute a separate and distinct offense. In addition, the commissioner may request the city to bring an action in an appropriate court for injunctive or other equitable relief for violations of this section.

(e) This section shall apply to all leases that are entered into, amended or extended on or after the effective date of this section.

(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 taxicabs.

(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.

9-112-230 Tiered Lease Rate Structure.

(a) Starting upon the effective date of this chapter, the following tiered lease structure with stated lease rate caps applies:

Tier	Vehicle MPG	12 Hour Daily Maximum Lease Rate	12 Hour Weekly Maximum Lease Rate	24 Hour Daily Maximum Lease Rate	24 Hour Weekly Maximum Lease Rate
1	Greater than or equal to (\geq) 36 mpg or greater than or equal to (\geq) 21 mpg natural gas vehicle	\$74 per 12 hour shift	\$518 total for seven consecutive 12 hour shifts	\$101 per 24 hour shift	\$707 total for seven consecutive 24 hour shifts
2	Between 25 to 35 mpg or less than or equal to (\leq) 20 mpg natural gas vehicle	\$69 per 12 hour shift	\$483 total for seven consecutive 12 hour shifts	\$93 per 24 hour shift	\$651 total for seven consecutive 24 hour shifts
3	Less than or equal to (\leq) 24 mpg	\$59 per 12 hour shift	\$413 total for seven consecutive 12 hour shifts	\$85 per 24 hour shift	\$595 total for seven consecutive 24 hour shifts

1. All Miles per Gallon (mpg) are based upon the "combined" city and highway mile estimates as published by the United States Department of Energy / United States Environmental Protection Agency (www.fueleconomy.gov) for the specific make, model, and year vehicle. Where the www.fueleconomy.gov website does not publish the "combined" vehicles estimated MPG, the calculation used will be the published city + highway estimates divided by 2.
2. "Weekly Lease" is the corresponding 12-hour or 24-hour shift rate multiplied by 7 days.
3. "Natural Gas" vehicles are those vehicles which use compressed natural gas or liquid natural gas as their primary fuel.
4. The above listed maximum lease rate or "cap" is the maximum lease rate that licensees are allowed to charge lease chauffeurs; however, a lease rate may be negotiated and contracted lower than the maximum listed "cap".
5. Where the vehicle fuel or engine type is not specifically mentioned it means that all other types of vehicles including internal combustion engine (ICE) and hybrid (ICE + electric) vehicles are referenced.
6. The commissioner will categorize each motor vehicle approved by the commissioner for operation as a licensed taxicab into one of the above three (3) tiers in order to clarify the allowable maximum lease rate "caps" for that approved vehicle. The commissioner will revise and post the "Approved Vehicle List" with lease tiers on the department's website.
7. The above-listed maximum lease rates include all charges, including taxes and insurance. Licensees shall not charge any extras or surcharges above the listed maximum lease rates unless such charges are permitted pursuant to rules and regulations promulgated under this chapter.
8. Licensees are responsible to ensure and to pay for needed vehicle repairs and maintenance to ensure the safety of the public chauffeur and the public.

(b) A lessor of a taxicab shall provide a lessee of a taxicab with an accurate and dated receipt detailing the charges for the lease of a taxicab. Any lessor who violates this section shall be fined as provided in section 9-112-630 of this Code.

(c) The commissioner by rule may assert additional lease restrictions and terms.

2-112-240 Medallion license only lease agreements

(a) A medallion license only lease agreement is an agreement where the lessor is the licensee and the lessee has an ownership interest in the vehicle to be used with the license.

(b) Medallion license only leases must be for at least a continuous one- week period.

(c) The maximum weekly lease rate for a medallion license only lease is \$275.00 per week for non-wheelchair accessible vehicles; and \$350 per week if the medallion is leased for use on a wheelchair accessible vehicle.

2-112-250 Restriction on consecutive hours of operation.

(a) Starting six months after the effective date of this chapter, licensees must implement processes to ensure that no chauffeur operates a taxicab for more than 12 consecutive hours within a 24 hour period.

(b) Furthermore, licensees must implement processes to ensure that chauffeurs rest or refrain from operating a taxicab for a period of 8 consecutive hours prior to the start of a 12 hour lease.

(c) If a licensee enters into a 24 hour lease (daily or weekly) with a chauffeur, the licensee must implement processes that ensure that that chauffeur is resting or refraining from operating a taxicab after a 12 hour consecutive shift for a minimum of 8 consecutive hours. Licensees are liable for violations of the municipal code or applicable rules committed by their lessee chauffeur after the chauffeur has operated a taxicab for 12 consecutive hours.

(d) The commissioner by rule may restrict lease terms and consecutive hours a chauffeur may operate a taxicab.

9-112-260 Only licensed chauffeurs may operate licensed taxicabs

(a) Licensees, license managers, and taxicab affiliations, to the extent that the taxicab affiliation leases or manages leases, have an affirmative duty to ensure that taxicabs are leased only to licensed chauffeurs.

(b) Licensees, license managers, and taxicab affiliations, to the extent that the taxicab affiliation leases or manages leases, must develop and implement protocols to prevent unlicensed chauffeurs to lease or operate taxicabs.

(c) Licensees, license managers, and taxicab affiliations, to the extent that the taxicab affiliation leases or manages leases, are strictly liable for unlicensed chauffeurs operating taxicabs if they know that the taxicab has been leased to an unlicensed chauffeur, and any offense committed by an unlicensed chauffeur while operating a taxicab.

(d) The commissioner may revoke a medallion license for leasing a taxicab to an unlicensed chauffeur if the lessor does so knowingly or should have known that the chauffeur was unlicensed.

9-112-270 Medallion to be affixed.

In the case of taxicabs, the department shall affix a medallion, as the physical representation of the license, to the exterior hood of the taxicab in such location as to be easily visible. The metal plate shall change in size and shape for each licensing term and shall contain the period for which the license is issued and the identification number of the taxicab.

9-112-280 Unlawful to operate vehicle without metal plate.

It shall be unlawful for any person to operate a taxicab vehicle without the metal plate for the current licensing term affixed to the vehicle or written authorization from the commissioner to operate without a metal plate.

9-112-290 Tampering with metal plate unlawful – Penalty.

It shall be unlawful for any person to make unauthorized alterations to, affix, or reaffix the metal plate to any vehicle or to cause any other person to do so. Any licensee in violation of this section shall be subject to license revocation.

9-112-300 Replacement of damaged or stolen metal plates – Fee.

The department shall charge the licensee for the costs to reaffix, repair, and replace any metal plate. These costs shall be set by the commissioner's rules.

9-112-310 License card.

In addition to the metal plate, the commissioner shall provide a license card for each licensed taxicab vehicle. This license card must be displayed in a conspicuous place inside the taxicab vehicle. At a minimum, this license card shall contain the name of the medallion license holder and the medallion license number of the vehicle. The chauffeur license of the driver of the taxicab must also be displayed next to the license card. The commissioner may promulgate rules for additional conditions of display and for replacement card fees.

9-112-320 Dispatch calls.

(a) Licensees and taxicab affiliations shall have an affirmative duty to respond to dispatch requests for taxicab service in underserved areas and to insure compliance with this section by the drivers of vehicles. Licensees and taxicab affiliations shall immediately report to the commissioner any driver who fails to comply with the requirements of this section.

(b) All licensees have an affirmative duty to respond to requests for service and are responsible for the actions of any employee, chauffeur, lessee, taxicab affiliation, two-way dispatch service, or other manager that reports to the licensee, for any failure to respond to a request for service.

(c) Each taxicab which is in service and leased by a public chauffeur must at all times have its two-way dispatch system activated to a level which is readily audible to the driver. The driver must respond in a timely manner to two-way dispatch requests for service in any area within the city's boundaries.

9-112-330 Insurance.

(a) Every licensee must comply with all insurance requirements mandated by Federal, State and City laws. Licensees must carry public liability and property damage insurance and, where applicable, workers compensation insurance, from an insurance company authorized to do business in the State of Illinois, and qualified under the laws of Illinois to

assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured.

(1) Liability insurance:

Each public liability insurance policy shall provide at least the following minimum coverage for each taxicab: \$350,000.00 combined single limit coverage per occurrence.

(2) Worker's Compensation:

(i) Any licensee who does not carry adequate worker's compensation insurance shall have his license(s) immediately suspended until proof of such insurance is provided to the commissioner. The licensee shall provide the commissioner with a copy of the licensees' insurance verification for worker's compensation upon request of the commissioner.

(ii) Any public chauffeur upon filing a claim for temporary total disability with the Illinois Industrial Commission shall immediately surrender his public chauffeur license to the department. Such public chauffeur license shall remain surrendered for any period for which the chauffeur claims or receives benefits. Any public chauffeur whose claim for benefits with the Illinois Industrial Commission is determined to be fraudulent, not credible, or otherwise not filed in good faith may have his public chauffeur license revoked.

(b) If any medallion license holder fails to maintain required insurance, the commissioner may immediately suspend the medallion license holder's taxicab vehicle license and impose a fine as set forth in section 9-12-630 of this Code, in addition to all other applicable penalties, including license suspension, and/or license revocation. If a medallion license holder demonstrates a pattern of failing to maintain required insurance, the commissioner may revoke the license.

9-112-340 Taxicab affiliations.

(a) An applicant must apply for a taxicab affiliation license using a print or electronic form prescribed by, and as directed by, the commissioner, and accompanied by such documents as the commissioner may require.

(b) No organization shall operate as a City of Chicago taxicab affiliation without first being licensed by the commissioner. Application for a taxicab affiliation license shall be made on such forms and accompanied by such documents as the commissioner may require and shall include, but not be limited to, proof that the taxicab affiliation has its principal place of business in Chicago and the name, Chicago business address and telephone number, residence address and license numbers of each licensee so affiliated. Subsequent to licensing, if there are changes in any material information contained in the submitted license application, such changes must be reported in writing to the commissioner within 48 hours.

(c) In consideration of a new taxicab affiliation application, applicants will be subject to qualification requirements as provided in Section 9-112-100 of this Code and inspection

requirements as provided in Section 9-112-110 of this Code. In addition, the commissioner may consider factors including, but not limited to, effects on public interests and taxicab industry economics, in evaluating the new taxicab affiliation application.

(d) No taxicab affiliation may have more than 25 percent of the total number of city licensed taxicabs as affiliates.

(e) No taxicab affiliation licensed under this chapter may dispatch a taxicab for the purpose of providing transportation to a customer unless the vehicle is properly licensed to provide the transportation requested. The commissioner will notify a taxicab affiliation in the event of the suspension or revocation of any of its affiliate's licenses.

(f) Whenever notice is required to be served by the commissioner on any licensee, the commissioner may provide service by certified mail, electronic mail, or facsimile upon the registered address of the licensee's taxicab affiliation listed in the department's records.

(g) All affiliated taxicabs licensed by the City of Chicago, when in service and for hire, must be equipped at all times to allow for the dispatch of the vehicle to any person requesting transportation. Taxicab affiliations and affiliates are responsible for ensuring that such equipment is activated and operating at all times when the affiliated taxicab is in service.

(h) In the event that a taxicab affiliation contracts with a two-way dispatch service to provide a two-way dispatch system to its affiliates, the taxicab affiliation shall be liable for any acts or omissions of the two-way dispatch service which may violate city ordinances or the rules and regulations promulgated thereunder.

(i) No taxicab affiliation shall discriminate in the dispatch of service against any member of the general public requesting transportation.

(j) An affiliate may not have its membership in a taxicab affiliation terminated by the taxicab affiliation, except on 30 days prior written notice to the affiliate and the commissioner.

(k) If following a hearing held by the department of administrative hearings, a taxicab affiliation is found to have violated any of the provisions of any city ordinance or of the rules and regulations promulgated thereunder, the taxicab affiliation shall be subject to all applicable penalties, including but not limited to a fine, license suspension, and/or license revocation.

(l) The annual fee for each taxicab affiliation license is \$500.00 plus \$15.00 for each licensee affiliated with the taxicab affiliation at the time of licensing or renewal. All taxicab affiliation licenses expire on November 30. Renewal of taxicab affiliation licensing must be made during the month of November. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the taxicab affiliation license, the licensee must renew the license before the expiration date of the licensing term. Renewal fees must be paid before the first day of the licensing term. Any licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees, interest accrued as specified in this Code and promulgated in the rules by the commissioner. If an affiliation license is not renewed in a timely manner, such affiliation license shall be considered lapsed.

(m) When a licensee changes its taxicab affiliation during the affiliation licensing year, the commissioner will assess the licensee a \$25.00 change of affiliation licensing fee. The commissioner will promulgate in rules the process governing a change of affiliation.

(n) The commissioner may promulgate rules governing taxicab affiliations and licensees as affiliates.

9-112-350 Public chauffeur continuing education requirement.

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.

9-112-360 Taxicab vehicle color schemes

(a) All taxicab vehicles belonging to a single taxicab affiliation must display that affiliation's uniform color scheme and logo.

(b) Non-affiliated (independent) taxicab vehicles must display a color scheme and logo that are not duplicative of, or substantially similar to, an existing affiliation's color scheme and logo.

(c) All color schemes and logos must be approved by the commissioner before being painted and displayed on the vehicles.

9-112-370 Suspension or revocation of license; fines; equitable relief.

(a) If any taxicab vehicle shall become unsafe for operation or if its body or seating facilities shall be so damaged, deteriorated or unclean as to render the vehicle unfit for public use, the license therefor shall be suspended by the commissioner until the vehicle shall be made safe for operation and its body and seating facilities reconditioned, repaired, or replaced as directed by the commissioner. In determining whether any taxicab vehicle is unfit for public use, the commissioner shall give consideration to its effect on the safety, health, comfort and convenience of the drivers and passengers, and its public appearance on the streets of the city.

(b) Except as otherwise provided in this code, the commissioner may seek all applicable penalties, including but not limited to fines, license suspension, and/or license revocation in addition to restitution or other equitable relief against any licensee who violates any of the provisions of this chapter or any rules or regulations adopted pursuant to this chapter.

(c) The commissioner shall promulgate rules and regulations 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. Before any suspension or revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against him and of his right to a hearing in accordance with Chapter 2-14 of the Code.

(d) Upon suspension or revocation of a license and/or imposition of any fine for cause under the provisions of this chapter, the commissioner shall remove the metal plate and the license card from the vehicle. The commissioner shall notify the department of police of every suspension or revocation and of the termination of any suspension. The department shall charge the licensee for the costs to reattach, repair, and replace the metal plate and to re-issue the license card, upon payment of fines and termination of suspension. These costs shall be set by the commissioner's rules.

(e) If the commissioner has information provided by a law enforcement agency or any court of law that a licensee has been charged with the commission of a felony, as defined in Article 2 of the Illinois Criminal Code of 1961, as amended, arising in connection with the provision of taxicab vehicle services, the commissioner shall immediately suspend all public passenger or taxicab licenses of the licensee until final adjudication is made with respect to such charges.

9-112-380 Revocation of license – Grounds.

Grounds for revocation of a license shall include, but not be limited to, the following grounds:

- (1) Abandonment of the licensee's place of business in the city of Chicago;
- (2) If any official notice or legal process cannot be served upon a licensee at the Chicago address that the licensee registered with the department;
- (3) Failure to respond to a legal notice or appear in answer to legal process at the time fixed therein;
- (4) Failure to pay any judgment or award as provided in Section 9-112-130;
- (5) Conviction of any criminal offense involving moral turpitude or a felony;
- (6) If, while operating a taxicab, a licensee shall have in the licensee's possession or under the licensee's control any illegal controlled substances, alcohol, drugs or deadly weapons;
- (7) If licensee solicits any person for transportation to any prostitute;
- (8) If licensee operates or permits to be operated more than one vehicle bearing the same taxicab vehicle license number; or
- (9) If licensee is found liable of three or more moving violations within a 12-month period.

Upon revocation of any license, the commissioner shall take all actions to remove all indicia of City licensure from any person or vehicle affected by the license revocation.

9-112-390 Revocation of license – Grounds of fraud, mis-representation, misstatement or omission.

In the event that the commissioner, after investigation and hearing, shall determine that any licensee (1) has obtained any taxicab license by fraud, misrepresentation, willful misstatement or omission of any material fact, or in case any licensee shall fail to carry out any representation made to the commissioner before the issuance of such license, or (2) has willfully made any material misstatement of fact on any statement filed with the commissioner, the city comptroller, or the department, or (3) has operated, or caused to be operated, any taxicab vehicle in violation of the provisions of this chapter or of the rules and regulations promulgated pursuant to this chapter, or (4) has obtained his license pursuant to a foreclosure of a security interest without having provided the commissioner with the information required

under Section 9-112-430, the commissioner may institute proceedings with the department of administrative hearings to revoke any or all taxicab licenses, and any other City licenses held by licensee.

9-112-400 Interference with commissioner's duties.

It is unlawful for any person to interfere with or hinder or prevent the commissioner from discharging any duty in the enforcement of this chapter.

Failure to deliver or submit taxicab vehicles for inspection or for the performance of any other duty by the commissioner upon demand is considered an interference with commissioner's duties. Failure to comply with or respond to commissioner's request or notices for a formal meeting or production of records and documents is an interference with commissioner's duties.

9-112-410 Advertising signs permitted when.

(a) It is unlawful for any licensee to install and/or display any advertising sign or device on or in a licensed taxicab vehicle before the advertising sign or device is approved by the commissioner and permitted pursuant to this section.

(b) Taxicab licensees may apply for permits to install and/or display an advertising sign or device on the exterior and interior of the vehicle. A separate permit is required for each exterior and interior advertising display or installation. The commissioner shall promulgate rules specifying the locations on the taxicab where advertising signs or devices may be installed or displayed, as well as describing the permissible design, construction and method of affixing the installation or display to the vehicle, and also may include additional guidelines for such installations or displays and the permit process. In establishing such criteria, considerations shall include:

- (1) visual clutter and aesthetics on the public way;
- (2) the safety and comfort of passengers, drivers, pedestrians and other motorists;
- (3) the visibility of all information required by this chapter to be displayed on the exterior of taxicabs, including but not limited to vehicle numbers, ownership indicia, dome light and availability signal; and
- (4) the visibility of all information required by this chapter to be displayed on the interior of taxicabs, including but not limited to the taximeter, license card display, chauffeur's license display, rate sheets, and other required information.

(c) The department shall inform applicants for an advertising display permit under this section whether the application is approved or disapproved within thirty business days after its receipt of the completed application, unless it gives the applicant written notice that it needs an additional thirty business days and the reasons therefor. If the application is approved, the department shall issue an advertising display permit. If the department denies the permit application, it shall provide written notice of its decision within such time period, stating the specific grounds and rules that form the basis for such denial. If the department fails to so act within thirty business days after receipt of the application, or sixty business days if it has given

advance notice of the need for an additional review period, the application shall be deemed granted and the permit shall be issued, provided that the permit fee has been paid.

(d) The fee for the issuance of any interior or exterior advertising display permit shall be \$100.00 for each display, payable at time of application. This fee shall be in addition to the personal property lease transaction tax that applies to lease or rental payments pursuant to Chapter 3-32 of the municipal code.

(e) Where the commissioner has by rule approved any type of advertising display device that involves the installation of a physical apparatus on or in the taxicab vehicle, or that involves the painting of the exterior of the taxicab vehicle, an inspection is required as part of the advertising permitting process. The fee for such inspection shall be an additional \$100.00, payable at the time of inspection by the person or entity installing the advertising display device or painting the exterior of the taxicab vehicle.

(f) An interior or exterior advertising permit issued under this section shall expire one year after the date of issue, unless sooner surrendered, revoked or terminated.

(g) No permit for interior or exterior advertising issued pursuant to this section shall be transferred or assigned.

(h) The suspension or revocation of a license issued pursuant to this chapter shall act as the suspension or revocation of any advertising permit issued hereunder to the affected taxicab vehicles.

(i) Each licensee to whom a permit is issued under this section shall maintain complete and accurate records of all revenues received from the display of any advertising sign or device. Each such licensee shall submit to the commissioner, upon request, an affidavit in such form as may be required by the commissioner, stating the gross revenues received by the licensee from the display of any advertising sign or device, and any other financial information that the commissioner may determine is relevant in monitoring advertising revenues.

(j) In the event that the licensee receives any income from any advertising maintained on or in the vehicle, a percentage of such income shall be distributed to any public chauffeur leasing that same vehicle. The commissioner shall promulgate rules governing the distribution percentage and the method of distribution.

9-112-420 Change of address – Notice to city required.

It is the duty of every licensee to notify the commissioner whenever any change in his Chicago address, telephone number, e-mail, or other contact information is made. The licensee must notify the commissioner of such change within three business days of the change. It is proper notice for the commissioner to send notices to the licensee's last Chicago address recorded in the office of the commissioner.

9-112-430 License and other taxicab industry license transfers.

(a) Licenses may only be transferred to individuals, partnerships, limited liability companies, or corporations. Taxicab medallions licenses may not be transferred to and held by a trust.

(b) Each licensee who holds one or more active licenses shall be entitled to renew each such license for the succeeding licensing period, unless the applicant has ceased to be qualified to obtain a license under this chapter (other than if the disqualification for obtaining a new license is due to the licensee having reached the maximum number of licenses allowable under the Code) or unless cause exists under this chapter to rescind, revoke or require surrender of the license or licenses held by such person.

(c) No person shall own in whole or in part, directly or indirectly, or have a security interest in more than 25 percent of, the authorized licenses.

(d) Subject to the limitations set forth above, all taxicab industry licenses issued pursuant to this chapter shall be freely transferable to any person qualified under the provisions of this chapter to be a license holder. Every transfer must be approved by the department. In so approving, the commissioner, or her designee, shall review and investigate whether the transferor and transferee are eligible to sell, apply, renew, or hold the license being transferred. The commissioner shall determine eligibility by applying the standards and requirements for obtaining, renewing, or holding a license under this chapter or applicable promulgated rules.

(e) No license holder may transfer a license if revocation proceedings with respect to that license have been filed with the department of administrative hearings or with any other court of competent jurisdiction.

(f) Any attempt to transfer a license in violation of this section shall result in the rescission of the license as provided in section 9-112-120 of this Code.

(g) A nonrefundable transfer fee shall be paid by the transferee at the time of application or transfer of the license by the department. The amount of the fee shall be determined as follows:

- (1) if the transfer occurs less than one year after the transferor had acquired the license: 25 (twenty-five) percent of the purchase price or 25 percent of the average market value, whichever is higher;
- (2) if the transfer occurs one year or more but less than two years after the transferor had acquired the license: 10 (ten) percent of the purchase price or 10 percent of the average market value, whichever is higher; or
- (3) if the transfer occurs two or more years after the transferor had acquired the license, or if the transferor is a natural person and the transferee is the transferor's spouse or a natural or legally adopted child of the transferor, or if the transferor is the executor or administrator of the estate of a deceased licensee or the executor or administrator of a deceased person who held 100 percent of the stock or other interest in a corporation which was the licensee and the transferee is not a person adjudged to be the heir of the deceased person, or if the transfer was pursuant to a foreclosure upon a pledged or encumbered license: 5 (five) percent of the purchase price or 5 percent of the average market value, whichever is higher.

(h) The average market value shall be an amount determined by the commissioner to be the approximate average purchase price for licenses in arms-length transactions in the previous calendar year.

(i) No transfer fee is assessed if the transferor is a natural person and the transferee is a corporation in which the transferor holds 100 percent of the stock; if the transferor is the executor or administrator of the estate of a deceased person who held the license or held 100 percent of the stock in a corporation which held the license and the transferee is the heir of the deceased person; or if the transferee is the legal spouse or child of the deceased transferor and that legal spouse or child is a 50 percent shareholder in the license and the deceased transferor was a 50 percent shareholder in the license.

(j) Pledging or otherwise encumbering a license shall be permitted; provided, that the licensee shall notify the commissioner in advance and in writing of any such encumbrance and provide the commissioner with such information with respect to the person to whom the license is to be pledged as the commissioner may reasonably require. Any foreclosure upon a pledged or encumbered license shall constitute a transfer subject to the provisions of this subsection.

(k) In the event of an individual licensee's death, the authority to operate granted under the license shall cease, and the license card and medallion metal plate for each license owned or controlled by the deceased licensee must be surrendered by the individual in possession of the license card and the medallion metal plate.

Corporate officers or shareholders listed on the deceased licensee's company, taxicab affiliations and license managers must report within five business days to the department any incident of death or incapacitation of a licensee.

Existing corporate officers of the deceased licensee's company or the executor or administrator of the estate of any deceased licensee, only after application and approval by the commissioner, may continue to exercise the privileges of the deceased licensee, including the limited privilege of license transfer granted in this chapter, until the expiration of the license but no longer than six months after the licensee's death. At the end of the six-month period or the expiration of the license, whichever comes first, the executor or administrator may apply for and seek approval for an extension. The commissioner may extend this period after reviewing such application for an extension.

9-112-440 License managers.

(a) As of the effective date of this chapter, no person shall act as a license manager for any license not issued to him or to a corporation of which he is an officer or to a partnership of which he is a partner without first obtaining a license manager's license from the commissioner. An applicant must apply for a license manager license using a print or electronic form prescribed by, and as directed by, the commissioner and accompanied by such documents as the commissioner may require. License managers registered with the commissioner on the effective date of this chapter will have a two-month grace period to obtain such license.

(b) No licensee shall allow any person to assume or undertake any or all of his responsibilities relating to the leasing of his license(s) unless that person is a licensed license manager with the commissioner. In the event that a licensee allows any person, not licensed as

a license manager with the commissioner, to assume or undertake any such responsibilities, the medallion license shall be suspended until such time as the licensee appears in the office of the commissioner and sufficiently establishes that either the person assuming the responsibilities is a licensed license manager or that the licensee is meeting those responsibilities himself. In addition, any licensee who allows an unlicensed license manager to assume or undertake his responsibilities may have his medallion license revoked.

(c) No person shall be eligible to be licensed as a license manager unless they can meet the eligibility requirements for a license holder listed in Sections 9-112-100 and 9-112-110 of this Code.

(d) License managers and the licensee shall be jointly and severally liable for any violations of this chapter or the rules and regulations promulgated thereunder.

(e) The annual fee for each license manager license is \$1,000.00. All license manager licenses expire on October 31. Renewal of such license must be made during the month of October. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the license manager license, the licensee must renew the license before the expiration date of the licensing term. License manager licensing renewal fees must be paid before the first day of the licensing term. Any license manager licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees, with interest accrued as specified in this Code and promulgated in the rules by the commissioner.

(f) All persons obtaining a license to be a license manager shall deposit with the commissioner a bond, in the penal sum of \$200,000.00, containing one or more sureties to be approved by the commissioner. Such bond shall be payable to the City of Chicago and shall be conditioned that the licensed license manager shall comply with the provisions of the Municipal Code of Chicago and the rules and regulations promulgated thereunder, and shall pay all fines, orders of restitution, or judgments for damages ordered by the department of administrative hearings, or a court of competent jurisdiction, based on a violation of the Municipal Code and the rules and regulations promulgated thereunder, committed by the licensed license manager, his agents or employees, while acting within the scope of their employment. The licensed license manager is immediately liable for satisfaction upon determination of the fine or award judgment, or, if timely appeal is taken, upon final determination of the appeal.

(g) Each license manager shall file with the commissioner a plan detailing the off-street parking of the taxicab vehicles that he manages when such vehicles are not in use.

(h) The commissioner is authorized to promulgate any and all rules for the effective administration of this section.

(i) Licensed license managers in violation of the provisions of this section or rules thereunder are subject to fines and other applicable penalties, including but not limited to termination of the license manager's license:

9-112-450 License brokers.

(a) No person shall operate as a license broker without first being licensed by the commissioner. An applicant must apply for a license broker license using a print or electronic

form prescribed by, and as directed by, the commissioner and accompanied by such documents as the commissioner may require and shall include, but not be limited to:

- (i) Proof that the license broker has its principal place of business in Chicago; and
 - (ii) Information as to whether the applicant for the license or any principal thereof has a financial interest in any lender, insurance brokerage firm or automobile dealership.
- (b) Applicants for a license broker license are subject to an investigation pursuant to Section 9-112-110 of this Code.
- (c) All applicants for a license broker license shall deposit with the commissioner a bond, in the penal sum of \$200,000.00, containing one or more sureties to be approved by the commissioner. Such bond shall be payable to the City of Chicago and shall be conditioned that the license applicant or licensee will comply with the provisions of the Municipal Code of Chicago and the rules and regulations promulgated thereunder. The applicant shall pay all fines, orders of restitution, or judgments for damages ordered by the department of administrative hearings, or a court of competent jurisdiction, based on a violation of the Municipal Code of Chicago and the rules and regulations promulgated thereunder, committed by such licensee, his agents or employees, while acting within the scope of their employment. The broker is immediately liable for satisfaction upon determination of the fine or award judgment, or, if timely appeal is taken, upon final determination of the appeal.
- (d) The annual fee for each license broker license is \$500.00. All license broker licenses expire on October 31. Renewal of such license must be made during the month of October. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the license broker license, the licensee must renew the license before the expiration date of the licensing term. License broker licensing renewal fees must be paid before the first day of the licensing term. Any license broker licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees and interest accrued as specified in the Code and promulgated in rules by the commissioner.
- (e) A license broker shall conspicuously display a license or copy thereof at all times in every place of business maintained by such broker.
- (f) A license broker shall not display a taxicab broker's license which is expired, suspended or revoked, but shall surrender same to the commissioner immediately.
- (g) A license broker:
- (1) must not accept, request nor permit a party to sign a document or instrument, including but not limited to a power of attorney, which is incomplete or which does not include all material facts required under this Code;
 - (2) must provide any party referenced in the documents with a duplicate copy of the executed instrument for the party's own records; and
 - (3) must upon completion of a closing, or other transaction deliver, to the party referenced in the documents, copies of all documents prepared by the broker or under the

broker's supervision within ten business days of such completion and request the party receiving such papers to acknowledge, in writing, receipt of same.

(h) A license broker shall keep and maintain for a period of three years all records involving the sale or encumbrance of a license.

(i) A license broker must furnish the commissioner with copies of any requested documents within three business days of such request.

(j) The commissioner is authorized to promulgate rules and regulations governing the conduct of license brokers including, but not limited to: the form, duration and limitations on listing agreements for the transfer of licenses; disclosures by the license broker to any client or potential client regarding possible conflicts of interest based on the license broker's activities as a lender, insurance broker, or automobile dealer or the license broker's contractual relationship or financial or other interest in a lender, insurance broker or automobile dealer; advertising by the broker; forms to be used in the transfer or encumbrance of a license; and applicable penalties including but not limited to fines, license suspension, or license revocation for violation of any provision of this ordinance or the rules promulgated thereunder.

(k) Any monies paid in connection with the transfer of a license, must be held in a separate interest-bearing escrow account until the department approves the transfer of the license.

9-112-460 Parking on the public way.

Taxicab vehicles shall be stopped or parked on the public way in compliance with section 9-48-060, section 9-64-170 and other applicable provisions of this Code.

9-112-470 Vehicle out of service – Notice to city required.

Every taxicab shall be operated regularly to the extent reasonably necessary to meet the public demand for service. Licensees must notify the commissioner if the service of any taxicab vehicle is discontinued for a period of 20 continuous days for any reason. Additionally, licensees must surrender the license card and the metal plate medallion for any taxicab that is discontinued for a period of 20 continuous days for any reason. The commissioner has the authority to demand that the licensee place into service a taxicab within five business days of the notice.

9-112-480 Number of available licenses – Distribution.

The commissioner shall promulgate regulations to set forth procedures by which all available taxicab licenses shall be distributed periodically (by sale, lease, or otherwise) pursuant to open and competitive bidding procedures. The procedures shall be designed to produce the maximum amount of revenues to the city consistent with serving the public interest, and to ensure that only applicants that are qualified under this chapter are awarded licenses.

9-112-490 License number and driver identification – Display.

Every taxicab shall have the taxicab vehicle license number painted in one of the following locations: (1) the center of the main panel of the rear doors of the vehicle, or (2) on the rear panels of the vehicle if an advertising permit has been issued for the rear door. If the medallion licensee is affiliated with a taxicab affiliation, the affiliation's color scheme, name and telephone number shall be substituted.

The commissioner may also provide, pursuant to rule, that other information of interest to the public, including, but not limited to, the licensee's or taxicab affiliation's website or e-mail address and/or the current taximeter rates of fare be permanently and prominently affixed to the outside of the vehicle. No other name, number, emblem, or advertisement of any kind excepting signs or advertisements required or permitted by this chapter, official license emblems or a metal plate shall be painted or carried so as to be visible on the outside of any taxicab unless otherwise required by state law.

9-112-500 Information required to be posted.

A licensee is responsible for ensuring that his taxicab(s) permanently display the information in a manner set forth by the commissioner. The information must be displayed, in letters and numerals large enough to be plainly visible to the passenger. The information contents shall include at a minimum: the license number, and the taxicab meter rates and charges set by ordinance. The commissioner may promulgate rules governing the form, the placement and the contents of the information to be displayed.

9-112-510 Taximeter, fare collection and Global Position System specifications.

A licensee is responsible for ensuring that his taxicab(s) are equipped with a taximeter connected with and operated from the transmission of the taxicab to which it is attached. The taximeter must be active whenever the taxicab is engaged for hire within the city limits.

Taximeters must register the rates and charges accrued as set by this chapter. The taximeter shall display the fare in a manner and size so as to be plainly visible to the passenger while riding in the back seat of the vehicle. All taximeters must be equipped with a receipt-dispensing mechanism. The commissioner may promulgate rules governing taximeter and receipt specifications.

The fare-indicating mechanism of the taximeter shall be actuated by the distance mechanism whenever the vehicle is in motion at such a speed that the rate of distance revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this and when the vehicle is not in motion.

Taximeters shall be designed, calibrated and tested to register fares pursuant to the standards published by the National Institute of Standards and Technology (N.I.S.T.) in N.I.S.T. Handbook 44, as amended.

It is unlawful for a licensee to operate or lease a taxicab or a public chauffeur to operate a taxicab for hire within the city unless (1) that taxicab's meter has been sealed by the commissioner and (2) the meter is in proper and accurate working condition in accordance with this chapter and applicable rules.

The commissioner is authorized to issue rules necessary to regulate the payment of fares, including but not limited to, cash, credit cards, debit cards, cyber-cash and other generally acceptable means of purchasing goods and services. Such rules may also specify the type and placement of non-cash payment devices, providing that all non-cash payment methods shall be located in the rear passenger compartment for use by the passenger.

Such rules may also provide the maximum amount charged to the chauffeur, directly or indirectly, by any taxicab licensee or taxicab affiliation in processing any non-cash payment of a fare.

As of the effective date of this chapter, any licensee who replaces a taxicab must install in the replacement vehicle a rear seat swipe credit card processing equipment approved by the department.

The commissioner is authorized to issue rules necessary to require and regulate the installation of Global Position System (GPS) in all taxicabs.

9-112-520 Taximeter inspection.

At the time a taxicab license is issued and annually thereafter the taximeter shall be inspected and tested by the city to determine if it complies with the specifications of this chapter and applicable rules. If it is in proper condition for use, the taximeter shall be sealed by the commissioner. Upon complaint or as part of a random inspection by the department, a taximeter may be again inspected and tested.

The licensee must deliver the taxicab with the taximeter attached for inspection and testing as requested by the commissioner. The commissioner has the authority to suspend the license and the taxicab vehicle if the licensee fails to bring the taxicab for requested taximeter inspection.

The commissioner may by rule set taximeter inspection fees.

9-112-530 Tampering with meters prohibited.

It is unlawful for any person (1) to tamper with, mutilate, change, or break any taximeter or taximeter seal, or (2) to transfer a taximeter from one taxicab to another unless the taxicab with a transferred taximeter has passed an inspection test and the taximeter transfer has been approved by the commissioner.

The licensee is strictly liable for a violation of this section.

9-112-540 Out of service taxicab.

If the taxicab is out of service or responding to a call for service, the driver of the vehicle is responsible to ensure that a "Not for Hire" sign is visibly displayed.

9-112-550 Taxicab Two-way dispatch.

(a) No person shall operate or provide a taxicab two-way dispatch system without first obtaining a license from the commissioner.

(b) Application for a two-way dispatch service license shall be made on a print or electronic form prescribed by the commissioner and accompanied by such documents as the commissioner may require and shall include, but not be limited to, (1) proof that the two-way dispatch system has its principal place of business in Chicago; and (2) the name and license information of the entities with which the two-way dispatch system has a contract to provide service. The annual fee for a taxicab two-way dispatch service system license is \$500.00. All taxicab two-way dispatch system service licenses expire on November 30. Renewal must be made during the month of November. The fee shall be paid in advance before the license is issued. In order to avoid lapse of the taxicab two-way dispatch service system license, the licensee must renew the license before the expiration date of the licensing term. Renewal fees must be paid before the first day of the licensing term. Any licensing fee paid on or after the first day of the licensing term is considered a late payment, and is subject to late payment fees and interest accrued as specified in the Code and promulgated in the rules by the commissioner. A taxicab two-way dispatch service system license not renewed in a timely manner is considered lapsed.

(c) For the purpose of ensuring adequate service to customers who request transportation, the commissioner may promulgate rules and regulations governing the dispatch of taxicab vehicles. These rules shall include, but not be limited to: standards for determining adequate and timely service; the responsibilities of taxicab affiliations, two-way dispatch services, taxicab medallion holder licensees, and public chauffeurs in responding to requests for service within a specified time frame. Penalties per violation of this chapter and applicable rules include, but are not limited to, fines and/or license suspension or license revocation.

(d) The commissioner may also provide by rule reasonable minimum standards, based on the number of affiliates served by the taxicab two-way dispatch service, regarding the number of taxicab two-way dispatch requests received and answered in a timely manner annually by a taxicab affiliation(s), its members, and contractors. Any taxicab two-way dispatch service and/or taxicab affiliation, applying for renewal of their license, which failed to meet these standards in the previous year shall be issued a probationary license. Any taxicab two-way dispatch service and/or taxicab affiliation, applying for renewal of a probationary license, which failed to meet these standards during the year they operated under a probationary license, may have their application denied.

9-112-560 Airport service.

(a) Every licensed public chauffeur of a taxicab licensed by the City of Chicago shall service Chicago-O'Hare International Airport and Chicago Midway International Airport (for purposes of this section, respectively, "O'Hare" and "Midway") by transporting, upon request, persons to and from these airports. No licensed public chauffeur may refuse a proper request for transportation to and from these airports.

(b) It is unlawful for an owner or a driver of any vehicle not licensed as a taxicab or public passenger vehicle by the City of Chicago to solicit or accept for transportation any person or persons at or upon the premises of these airports for transportation within or outside of the City of Chicago. Provided, however, this provision shall not apply when the person at either

airport desiring other taxicab service has prearranged to hire a suburban taxicab or livery to transport him outside of the City of Chicago.

(c) No suburban taxicab or livery vehicle is prohibited from entering those airports to discharge passengers previously accepted for transportation outside the City of Chicago for the purpose of transportation to these airports.

(d) The fares and charges set forth by ordinance apply to all fares to and from these airports, except as otherwise indicated in this section.

(e) The fare for transportation originating from O'Hare or Midway to the following suburbs is a straight meter fare accrued and displayed on the meter plus any applicable tolls and surcharges:

Des Plaines

Elk Grove Village

Elmwood Park

Evanston

Harwood Heights

Lincolnwood

Niles

Norridge

Oak Park

Park Ridge

River Grove

Rosemont

Skokie

Alsip

Bedford Park

Burbank

Blue Island

Burnham
Calumet City
Calumet Park
Cicero
Dolton
Evergreen Park
Forrest View
Hines/VA Hospital
Hometown
Merrionette Park
Old Lawn
Riverdale
Stickney
Summit

(f) A shared ride program shall be in operation only from O'Hare and Midway. For purposes of this section a "shared ride" means a taxicab trip with a minimum of two (2) passengers and maximum of four (4) passengers that originates from specified locations and ends within specified locations for a specified flat fee per person.

Shared rides shall be in operation only at designated cab stands when authorized personnel are on duty. The authorized personnel shall have complete authority to make final decisions pertaining to loading shared ride passengers at these airports.

The following shall be the starting and ending points and rates for shared rides. Prices listed are per person, per trip, and do not include tolls and other surcharges:

From O'Hare Downtown or McCormick Place--\$24.00

From Midway to Downtown or McCormick Place--\$18.00

From O'Hare to Midway--\$37.00

From Midway to O'Hare--\$37.00

For purposes of this section the term "downtown" means the area bounded by 22nd Street (South), Fullerton Avenue (North), Ashland Avenue (West), and Lake Michigan (East).

The commissioner may by rule regulate at the airports procedures and protocols for taxicab staging, movement of taxicabs from the staging areas to the terminals, loading and unloading of passengers at the airports, and any other activity that affects taxicab service at the airports.

9-112-570 Taxicab wheelchair accessible vehicles and centralized wheelchair accessible dispatch.

(a) The commissioner is authorized by rule to regulate wheelchair accessible taxicab vehicles and a centralized dispatch system for wheelchair accessible taxicab vehicles. The commissioner is authorized to assess the costs of such a central dispatch system upon those licensees with wheelchair accessible taxicabs.

(b) Any single licensee that owns or controls 20 or more licenses must place into service wheelchair accessible vehicles as taxicabs on five percent of its taxicab vehicle fleet.

(c) In determining the wheelchair accessible taxicab vehicles requirements above, the city will add up the total number of licenses held by a single licensee. The total number of licenses that each licensee holds will be based on the total licenses in each corporation, or legal entity, in which he holds a 25 percent or greater share of ownership interest including, but not limited to, stocks and shares.

(d) Each taxicab affiliation must have verifiable records, in a form designated by the commissioner by regulation, regarding the response of the taxicab affiliation to each request for a wheelchair accessible vehicle. Each taxicab affiliation shall provide such records to the commissioner upon request for same.

(e) The department shall audit the centralized dispatch for wheelchair accessible vehicles on an annual basis. If the department finds that the centralized dispatch is not serving the goals of the disabled community, the department shall take such actions as are necessary to ensure that the disabled community is served in a timely manner.

9-112-575 Taxicab wheelchair accessible driver award

In each calendar year, one taxicab medallion license may be awarded to the person who has demonstrated, through their actions as a licensed public chauffeur, the greatest dedication to providing service to persons needing wheelchair accessible vehicles. The awardee must place the awarded medallion license onto a wheelchair accessible vehicle.

9-112-580 T.A.P. Program compliance.

The Taxi Access Program (T.A.P.) gives certified paratransit customers an opportunity to travel in taxis at reduced rates for trips that originate within the City of Chicago.

As a condition of being licensed, every licensee and taxicab affiliation must participate in and comply with T.A.P. or similar program providing for increased access to taxicab service to persons with disabilities.

Compliance with T.A.P. includes accepting and processing T.A.P. forms of payment, such as the T.A.P. swipe card.

9-112-590 Group riding permitted when.

Group or multiple riding is permitted in taxicabs only when:

(a) The passenger first hiring the taxicab has directed or agreed voluntarily that he be carried as part of a group or multiple ride; provided that the total fare charged to all of the passengers shall not in the aggregate exceed the rate of fare permitted for such trip under Section 9-112-600; or

(b) The commissioner has, by regulation or rule, designated specified places, times or routes where groups of passengers may be carried in a single taxicab at rates of fare which the commissioner may specify for such group trips.

9-112-600 Taxicab rates of fare – Revision.

(a) Commencing with the effective date of this Chapter, the rates of fare for taxicabs shall be as set forth in this section:

For the first 1/9 mile or fraction thereof:	\$3.25
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Forty-five cents of this initial mileage rate for the first ten taxicab fares which a driver transports per day is hereby designated for payment of workers' compensation insurance.

For each additional 1/9 mile or fraction thereof	0.20
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For each 36 seconds of time elapsed	0.20
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For the first additional passenger over the age of 12 years and under the age of 65 years	1.00
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For each additional passenger, after the first additional passenger, over the age of 12 and under the age of 65 years	0.50
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Vomit Clean-Up Fee	\$50.00
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(b) It is unlawful for any person to demand or collect any fare for taxicab service which is more than the rates established by the ordinance, or for any passenger to refuse payment of the fare so registered.

(c) If a taxicab is dispatched to transport a customer at the customer's request, the taximeter may be activated two minutes after the arrival of the taxicab at the location to which it has been called, or at the time at which the taxicab was scheduled to arrive, whichever is later. At all other times, the taximeter may be activated only upon the passenger's entering the vehicle.

(d) Immediately on arrival at the passenger's destination it shall be the duty of the chauffeur to put the meter in the non-recording position and to call the passenger's attention to the fare registered.

(e) For destinations beyond the city limits, the fare is straight meter to the City limits and meter and a half from the City limits to the final destination, except for airport service as specified in 9-112-460 of this Code.

(f) Baggage of passengers shall be transported without charge.

(g) The city council may from time to time revise the rates of fare by general ordinance in conformity with the provision hereinafter set forth, which rates shall be just and reasonable. The council, through its committee on transportation and public way, may hold a hearing to determine whether a revision of the rates of fare is necessary. At such public hearings the committee shall:

(i) consider the sworn statements of gross income and expenses submitted by the licensees or chauffeurs;

(ii) consider the testimony and other evidence from any licensee or chauffeur who may wish to testify in support of the requested increase;

(iii) consider the effect of an increase in fares upon the public and take testimony from any interested individual or organization;

(iv) consider the fares and practices with respect to similar services in other cities of the United States;

(v) consider all other evidence or testimony which the committee deems to be relevant and material to a proper determination.

Upon completion of such hearings, said committee shall report to the council its findings and recommendations concerning a just and reasonable rate of fare. If after receiving said findings and recommendations from the committee the council determines that a rate increase is proper, it shall increase the rates in an amount to insure adequate and efficient service to the public.

Any revision of rates of fares may be made by a change in the charge for the length of the first designated portion to the trip, or by a change in the charge for the balance of the trip, for waiting time or for each additional passenger or by any combination of such changes. In making any such revision, the council may presume the average length of a trip to be as established by the licensee's most current available records.

(h) In addition to the revision of rates of fare as provided in Section 9-112-600(g) hereof, the council may from time to time impose a surcharge on the rates of fare described in Section 9-112-600(a) hereof, in conformity with the provisions hereinafter set forth.

The city council, through its committee on transportation and public way, shall hold hearings to determine whether a general ordinance authorizing such a surcharge may be necessary due to economic conditions affecting all licenses in general. A surcharge authorized by general ordinance under this section shall be of such duration, not to exceed 60 days, as the council may impose by such general ordinance.

9-112-610 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 financial reports or 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 taxicab medallion holders 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 city 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 taxicab operations.

9-112-620 Revoked, surrendered and rescinded licenses – Reissuance.

Any license for which an application for renewal has not been made as specified in this chapter or which has been revoked, surrendered, rescinded, cancelled or otherwise forfeited, may be reissued by the commissioner pursuant to the provisions of this chapter.

9-112-630 Violation – Penalty.

(a) Any person found guilty of violating any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$5,000.00. Guidelines governing this fine range shall be set forth in regulations. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition to fines, penalties for any violations of this chapter may include license suspension, rescission or revocation.

(b) Any person who violates section 9-112-050 of this Code shall be fined not less than \$300.00 nor more than \$500.00 for each offense.

(c) Any person who violates section 9-112-220 or section 9-112-230 of this Code shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each offense.

9-112-640 Impoundment of unlicensed vehicle.

(a) The owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for hire in violation of Section 9-112-020 shall be liable to the city for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any taxicab or public passenger vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violations, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code.

(c) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

9-112-650 Rules and regulations.

The commissioner is authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this chapter.

Any fees imposed pursuant to rules authorized by this section shall be reasonably related to the City's cost of administration, and shall only be effective, or amended, after a 10-day notice and comment period.

SECTION II. Title 9 of the Municipal Code of Chicago is hereby amended by adding a new chapter 9-114, as follows:

**CHAPTER 9-114
PUBLIC PASSENGER VEHICLES OTHER THAN TAXICABS**

Article I. General Provisions

9-114-010 – Definitions

The following definitions shall apply for purposes of this chapter:

“Charter/sightseeing vehicle” means a public passenger vehicle for hire principally on charter trips or sightseeing tours or both.

“Charter trip” means a group trip in a charter/sightseeing vehicle arranged in advance at a fixed rate per vehicle.

“Commissioner” means the city’s commissioner of business affairs and consumer protection or her designee.

“Council” means the city council of the City of Chicago.

“Licensee” means any person to whom one or more licenses have been issued pursuant to this chapter.

“Livery vehicle” means a public passenger vehicle for hire only at a charge or fare for each passenger per trip or for each vehicle per trip fixed by agreement in advance.

“Medical carrier” means any privately owned public passenger vehicle which is specifically designed, constructed or modified and equipped and is maintained or operated for the nonemergency transportation of persons for compensation for the purpose of obtaining medical services, or persons with disabilities for any purpose.

“Medical carrier owner” means a person engaged in business as owner of one or more medical carriers.

“Operation expenses” means all charges, costs and expenses properly incurred for any given period in accordance with good accounting practice in connection with a licensee’s public passenger vehicle operations.

“Principal place of business in the City of Chicago” means that the following locations are all situated within the corporate boundaries of the City of Chicago: the location where

notices of hearing or other notices from the department of business affairs and consumer protection to a licensee may be sent; and the location where a licensee maintains its business and financial records relating to the licenses involved.

"Public passenger vehicle" means a motor vehicle, as defined in the motor vehicle law of the State of Illinois, which is used for the transportation of passengers for hire, excepting those (1) devoted exclusively for funeral use; (2) in operation of a metropolitan transit authority; (3) interstate carriers licensed for the transportation of passengers by the Interstate Commerce Commission to the extent that regulation of such vehicles by the city is prohibited by federal law; (4) interstate carriers operating pursuant to and in conformity with a certificate of authority issued by the Illinois Commerce Commission; and (5) taxicabs regulated pursuant to Chapter 9-112 of this Code. Public passenger vehicles included in the provisions of this chapter include, but are not limited to, livery vehicles, charter/sightseeing vehicles, neighborhood electric vehicles, jitney car services, and medical carrier vehicles.

"Restricted chauffeur" means the driver of a public passenger vehicle licensed by the City of Chicago as a restricted public chauffeur and who may drive any public passenger vehicle except a taxicab.

"Sightseeing tour" means a tour in a public passenger vehicle which is available to the general public, including prearranged groups, in accordance with a published schedule or itinerary at a charge per passenger or per vehicle and which includes a lecture or material regarding the subject matter of the sightseeing tour.

"Solicit" means an appeal by words or gestures for immediate patronage of a public passenger vehicle by the licensee or his agent upon the public way attempting to direct people to a public passenger vehicle that is parked, stopped, standing or moving upon the public way.

"Two-way dispatch system" means a method of communication by which a dispatcher may communicate simultaneously or individually with the drivers of all vehicles in an organization and for each driver to communicate with the dispatcher, so long as the manner of usage of such device while driving a public passenger vehicle does not violate City, State or Federal regulations. For purposes of this definition the term "organization" refers to the licensee and all vehicles for which a license is owned or controlled by the licensee.

"Wheelchair Accessible Vehicle" or "WAV" means a vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A WAV shall safely secure and restrain the wheelchair.

9-114-020 License required.

(a) It is unlawful for any person to operate a motor vehicle, or for the registered owner thereof to permit it to be operated, for the transportation of passengers for hire within the city unless it is licensed by the city as a public passenger vehicle pursuant to this chapter, or as a taxicab pursuant to Chapter 9-112.

(b) Subject to the conditions and limitations of this chapter, the city grants exclusive permission and authority to the licensees hereunder to operate public passenger vehicles licensed hereunder unless rescinded, terminated, or revoked as hereinafter provided.

(c) It shall be unlawful for any taxicab or public passenger vehicle not licensed as such by the City to solicit or accept business within the corporate boundaries of the city, except where the passengers have as their destination the community in which such vehicle is licensed and then only when such transportation has been arranged in advance.

(d) A public passenger vehicle licensed by another jurisdiction may come into the city to discharge passengers whose trip originated from outside of the city. While the vehicle is in the city no roof light or other special light shall be used to indicate that the vehicle is vacant or subject to hire, and a white card printed in black letters, or a digital sign, bearing the words "Not For Hire" with text size not less than two inches in height shall be displayed at the windshield of the vehicle.

(e) Any person who solicits or transport passengers for hire, and the registered owner of any motor vehicle who permits such solicitation and transportation, in violation of this chapter, are subject to fines, vehicle impoundment, and other applicable penalties.

9-114-25 Temporary permits – Fees.

The commissioner may issue temporary permits for the operation within the city of a public passenger vehicle not licensed by the city, where the use within the city is for a special event or for a specific purpose. The daily fee for a temporary permit under this section shall not exceed \$100.00 per vehicle. Such vehicles shall be subject to all applicable provisions of Chapters 9-104, 9-112, and 9-114, as applicable, of the Chicago Municipal Code as well as all rules and regulations properly promulgated pursuant to Chapters 9-104, 9-112, and 9-114.

9-114-030 Application for license.

An applicant must apply for the issuance or renewal of a license using a print or electronic form prescribed by, and as directed by, the commissioner and accompanied by such documents as the commissioner may require. If the applicant is a corporation or partnership, then its duly authorized agent can apply on behalf of the applicant.

Any changes made to the information submitted on the application or any material changes made to the licensee's personal or businesses operations or to any information provided under this chapter must be reported, in writing, to the commissioner within four business days of the change.

9-114-040 Qualifications for license.

(a) In order to qualify for a license, whether upon initial application or upon application for renewal of a license:

(1) an applicant shall be in compliance with all City, State of Illinois and Federal laws, and the provisions of this chapter; and

(2) an applicant shall have its principal place of business in the City of Chicago:

i. with respect to any corporate applicant, the corporation shall be organized or qualified to do business under the laws of Illinois and have its principal place of business in the City of Chicago; or

ii. with respect to a partnership applicant, the partnership shall have its principal place of business in the City of Chicago; or

iii. with respect to any applicant other than a corporation or partnership, he shall be a citizen or legal resident of the United States residing and domiciled in the City of Chicago.

(3) an applicant must successfully complete a course of study which the commissioner may prescribe by rule.

(b) In determining whether an applicant is qualified for a license, or the renewal thereof, the commissioner shall take into consideration:

(1) The character and reputation of the applicant or its members, officers or directors, including, if applicable, the disciplinary record of the applicant in the operation of his taxicab vehicle and the disciplinary record of the applicant, or of any officer or director of a corporate applicant, as a public chauffeur;

(2) The applicant's financial ability to render lawful, safe, suitable and comfortable service and to maintain or replace the equipment for such service;

(3) The applicant's ability to maintain mandated insurance (including but not limited to liability and worker's compensation) for the payment of personal injury, death, property damage, or other insurable claims;

(4) The applicant's financial ability to pay all judgments and awards which may be rendered for any cause arising out of the operation of a public passenger vehicle.

(c) No applicant is eligible for a license if any Chicago taxicab or public passenger vehicle license or any Chicago public chauffeur license or restricted public chauffeur license of the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, has held within the previous five years was revoked, or if the applicant, or any officer or director of a corporate applicant or partner in a partnership applicant, within the five years immediately preceding the date of his application, has been either convicted, or in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any felony as defined by Article 2 of the Illinois Criminal Code of 1961, as amended, or its equivalent under federal or other jurisdictional law.

9-114-050 Investigation and issuance of license.

(a) Upon receipt of an application for the issuance or renewal of a license, the commissioner may investigate the applicant for compliance with this code, including but not limited to (1) the character and reputation of the applicant; and (2) the ability of the applicant to render safe transportation service, to maintain or replace the equipment for such service, and to pay all fees, fines, taxes, judgments and awards which may be rendered for any cause arising out of the operation of a taxicab during the license period.

(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 9-114-070 of this Code. 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 set forth by rules and regulations promulgated by the commissioner.

(d) The licensee shall provide a vehicle that is in safe and proper condition at the time the license is issued; and shall register the vehicle in applicant's name or, in the case of a leased vehicle, shall provide a copy of the lease, in a form acceptable to the commissioner, that must cover at least the duration of the license for that vehicle and must include an acknowledgment by the lessor of the vehicle that he has given his consent for the vehicle to be used as a taxicab as licensed.

(e) All licenses issued pursuant to this chapter are the property of the City of Chicago, and all of the licensee's privileges due to holding that license are subject to rescission, revocation and termination.

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

9-114-060 Unlawful to operate a public passenger vehicle with meter.

It is unlawful for any person to operate or drive a public passenger vehicle equipped with a meter which registers a charge of any kind.

9-114-070 License fees.

The annual license fee for each public passenger vehicle of the class herein set forth is as follows:

Livery vehicle	\$500.00 for a licensing term from January 1 to December 31
Charter/sightseeing vehicle	\$500.00 for a licensing term from July 1 to June 30
Medical carrier	\$500.00 for a licensing term from July 1 to June 30

Jitney car service

\$250.00 for a licensing term from July 1 to June 30

The fee shall be paid before the license is issued. The commissioner is authorized to set the renewal process for each category of public passenger vehicles by rules and regulations.

Nothing in this section shall affect the right of the city to impose or collect a vehicle tax and any occupational tax, as permitted by law, in addition to the license fee herein provided.

9-114-080 Liability for actions of a restricted public chauffeur.

The licensee shall be liable for all violations of this chapter or rules and regulations promulgated thereunder by a restricted public chauffeur operating the licensee's public passenger vehicle if an administrative law officer or a court of competent jurisdiction has found the restricted public chauffeur liable for three or more such violations within any two-year period.

9-114-090 Dispatch.

All licensees have an affirmative duty to respond to requests for service and are responsible for the actions of any employee, restricted chauffeur, two-way dispatch service, or other person that reports to, or acts as an agent of, the licensee, for any failure to respond to a request for service.

9-114-100 license emblem to be affixed.

The commissioner shall deliver with each license a license emblem which may contain (1) the words "Public Vehicle License" and "Chicago"; (2) the numerals designating the year for which the license is issued; and (3) a reproduction of the corporate seal of the city. The predominant background colors of such license emblems shall be different from the city wheel tax license emblem for the same year and shall be changed annually. The licensee shall affix, or cause to be affixed, the license emblem on the inside of the glass part of windshield.

9-114-110 Unlawful to operate vehicle without current emblem.

It shall be unlawful for any person to operate or to permit any person to operate a public passenger vehicle for hire without the emblem for the current year affixed or without written authorization from the commissioner to operate without an emblem. In addition to any applicable fines and penalties, the license of any person who violates this section shall be revoked.

9-114-120 Tampering with license emblem unlawful – Penalty.

It shall be unlawful for any person to cause or tamper with, alter or reaffix the license emblem to any public passenger vehicle. Any person who violates this section shall be subject to a fine of not less than \$200.00 nor more than \$500.00 for each offense, and if the person be a licensee, his public passenger vehicle license for the vehicle shall be revoked.

9-114-130 Replacement of damaged or stolen license emblems – Fee.

In the event a license emblem is lost or stolen, the licensee shall furnish to the commissioner a police report stating the facts pertaining to the loss or theft, and after review, the commissioner may issue and affix a duplicate emblem for a fee set by rules and regulations.

9-114-140 License card.

In addition to the license emblem, the commissioner shall provide a license card for each licensed public passenger vehicle. This license card must be displayed in a conspicuous place inside the public passenger vehicle. At a minimum, this license card shall contain the name of the licensee and the license number of the public passenger vehicle. The commissioner is authorized to promulgate rules and regulations for additional conditions of license card display and for replacement license card fees.

The restricted chauffeur license of the driver of the public passenger vehicle must also be displayed next to the license card.

No person may operate a public passenger vehicle unless the license card and driver's restricted chauffeur license is displayed as provided in this section.

9-114-150 Public Passenger Vehicle Specifications.

(a) Any vehicle which has ever been issued the title class of either "salvage", "rebuilt", "junk", "total loss", or any equivalent classification in any jurisdiction is not eligible for operation as a public passenger vehicle.

(i) It is the affirmative duty of the licensee to ascertain that the public passenger vehicle is in compliance with this section.

(ii) Any vehicle placed in operation by a licensee as a public passenger vehicle in violation of this section is unsafe as defined by 9-112-050 of this Code.

(iii) Any licensee that places a vehicle in operation as a public passenger vehicle in violation of this section is subject to immediate license suspension and revocation.

(iv) The commissioner may by rule require licensees to submit a car history report at the licensee's expense.

(b) The commissioner may by rule define and set limitations on the age of a vehicle permitted to be licensed as a public passenger vehicle.

(c) The commissioner may by rule assert additional vehicle specifications that motor vehicles must meet before they can be approved as a public passenger vehicle.

9-114-160 Change of equipment.

The commissioner will promulgate in rules and regulations the process that licensees must follow when they are changing equipment (replacing the public passenger vehicle) and the applicable fees for change of equipment processing.

9-114-170 Insurance.

(a) Every licensee must comply with all insurance requirements mandated by Federal, State and City law. Licensees must carry public liability and property damage insurance and, where applicable, workers compensation insurance, from an insurance company authorized to do business in the State of Illinois, and qualified under the laws of Illinois to assume the risk in the amounts hereinafter set forth, to secure payment by the licensee, or his agents, employees or lessees of any final judgment or settlement of any claim against them resulting from any occurrence caused by or arising out of the operation or use of any of the licensee's public passenger vehicles.

Every insurance policy issued shall list the City of Chicago as an additional insured.

(1) Liability insurance:

Each public liability insurance policy shall provide at least the following minimum coverage for each licensed vehicle:

For each vehicle with capacity of more than 10 seats: \$1,000,000.00 combined single limit coverage per occurrence;

For each vehicle with a capacity of up to 10 seats: \$350,000.00 combined single limit coverage per occurrence.

Jitney car service vehicles: \$100,000.00 combined single limit coverage per occurrence.

(2) Worker's compensation:

(i) Any licensee who does not carry worker's compensation insurance shall have his license(s) immediately suspended until proof of such insurance is provided to the commissioner. The licensee shall provide the commissioner with a copy of the licensees' insurance verification for worker's compensation upon request of the commissioner.

(ii) Any restricted public chauffeur, upon filing a claim for temporary total disability with the Illinois Industrial Commission, shall immediately surrender his restricted public chauffeur license to the department. Such restricted public chauffeur license shall remain surrendered for any period for which the chauffeur claims or receives benefits. Any restricted public chauffeur whose claim for benefits with the Illinois Industrial Commission is determined to be fraudulent, not credible, or otherwise not filed in good faith may have his public chauffeur license revoked.

(b) If any licensee fails to maintain required insurance, the commissioner may immediately suspend the licensee's license and impose a fine of \$300 per day of insurance

lapse, in addition to all other applicable penalties, including a higher fine. If a licensee shows a pattern of failing to maintain required insurance, the commissioner may revoke the license.

9-114-180 Payment of judgments and awards.

Any licensee shall pay each judgment or award for loss or damage in the operation or use of a public passenger vehicle rendered against the licensee by any court or commission of competent jurisdiction within 90 days after its judgment or award shall have become final and not stayed by supersedeas. If any such judgment shall not be so paid, the commissioner shall revoke the license of the licensee concerned.

9-114-190 Suspension or revocation of license; fines; equitable relief.

(a) If any public passenger vehicle shall become unsafe for operation or if its body or seating facilities shall be so damaged, deteriorated or unclean as to render the vehicle unfit for public use, the license therefor shall be suspended by the commissioner until the vehicle is made safe for operation and its body and seating facilities reconditioned, repaired, or replaced as directed by the commissioner. In determining whether any public passenger vehicle is unfit for public use, the commissioner shall give consideration to its effect on the safety, health, comfort and convenience of the drivers and passengers, and its public appearance on the streets of the city.

(b) Except as otherwise provided in this code, the commissioner may seek all applicable penalties, including but not limited to fines, license suspension, or license revocation in addition to restitution or other equitable relief against any licensee who violates this chapter or any rules or regulations adopted pursuant to this chapter.

(c) Except as otherwise provided in this code, the commissioner may seek suspension or revocation of the license of and/or the imposition of a fine not less than \$75.00 nor more than \$1,000.00 upon, and may seek an order of restitution or other equitable relief against any licensee who violates this chapter or any rules or regulations adopted pursuant to this chapter. The commissioner shall promulgate rules and regulations 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. Before any suspension or revocation or fine is imposed, or equitable relief is ordered, the licensee shall be notified of the specific charges against him and of his right to a hearing in accordance with Chapter 2-14 of the Code.

(d) Upon suspension or revocation of a license, or imposition of any fine for cause under the provisions of this chapter, the commissioner shall remove the license emblem and the license card from the vehicle. The commissioner shall notify the department of police of every suspension or revocation and of the termination of any suspension. The department shall charge the licensee for the costs to reaffix and replace the license emblem and to re-issue the license card, upon payment of fines and termination of suspension. These costs shall be set by the rules and regulations promulgated by the commissioner.

(e) If the commissioner has knowledge that a licensee has been charged with the commission of a felony, as defined in Article 2 of the Illinois Criminal Code of 1961, as

amended, arising in connection with the provision of public passenger vehicle services, the commissioner shall immediately suspend all public passenger licenses of the licensee until final adjudication is made with respect to such charges.

9-114-200 Revocation of license – Grounds.

Grounds for revocation of a license shall include, but not be limited to, the following:

- (1) Abandonment of the licensee's place of business in the city of Chicago;
- (2) If any official notice or legal process cannot be served upon a licensee at the Chicago address licensee registered with the department;
- (3) Failure to respond to a legal notice or appear in answer to legal process at the time fixed therein;
- (4) Failure to pay any judgment or award as provided in Section 9-114-180;
- (5) Conviction of any criminal offense involving moral turpitude or a felony;
- (6) If, while operating a public passenger vehicle, a licensee shall have in his possession or control any illegal controlled substances, alcohol, drugs or deadly weapons;
- (7) If licensee solicits any person for transportation to any prostitute;
- (8) If licensee operates or permits to be operated more than one vehicle bearing the same public passenger vehicle license number; or
- (9) If licensee is found liable of three or more moving violations within a 12-month period.

Upon revocation of any license, the commissioner shall take all actions to remove all indicia of City licensure from any person or vehicle affected by the license revocation.

9-114-210 Revocation of license – Grounds of fraud, misrepresentation, misstatement or omission.

In the event that the commissioner, after investigation and hearing, determines that any licensee (1) has obtained any public passenger vehicle license by fraud, misrepresentation, willful misstatement or omission of any material fact, or in case any licensee fails to carry out any representation made to the commissioner before the issuance of such license, or (2) has willfully made any material misstatement of fact on any statement filed with the commissioner, the city comptroller, or the department, or (3) has operated, or caused to be operated, any public passenger vehicle in violation of the provisions of this chapter or of the rules and regulations promulgated pursuant to this chapter, or (4) has obtained his license pursuant to a foreclosure of a security interest without having provided the commissioner with the information required under Section 9-112-320 of this Code, the commissioner may institute proceedings with the department of administrative hearings to revoke any or all public passenger vehicle licenses, and any other City licenses held by licensee.

9-114-220 Interference with commissioner's duties.

It is unlawful for any person to interfere with or hinder or prevent the commissioner from discharging any duty in the enforcement of this chapter.

Failure to deliver or submit public passenger vehicles for inspection or for the performance of any other duty by the commissioner upon demand is considered to be an interference with commissioner's duties. Failure to comply with or respond to commissioner's request or notices for a formal meeting or production of records and documents is an interference with commissioner's duties.

9-114-230 Change of address – Notice to city required.

It is the duty of every licensee to notify the commissioner whenever any change in his Chicago address, telephone number, electronic mail (e-mail), or contact information is made. The licensee must notify the commissioner of such change within four business days of the change. It is proper notice for the commissioner to send notices to the licensee's last Chicago address recorded in the office of the commissioner.

9-114-240 Removal or change of officer

Whenever any changes occur in the officers of the licensee, the licensee shall notify the department within 30 days of the effective date of the change on forms specified by the commissioner. For purposes of this section, the term "officer of the licensee" or "officers of the licensee" means the members of a partnership, the officers, directors, managers or shareholders of a corporation, or the managers or managing members of a limited liability company or other legal entity licensed pursuant to this chapter.

The commissioner will promulgate in rules and regulations the process that licensees must follow when they are removing or changing officers equipment and the applicable fees for removal or change of officers.

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 financial reports or 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.

9-114-260 Revoked, surrendered and rescinded licenses – Reissuance.

Any license for which an application for renewal has not been made as specified within this chapter or which has been revoked, surrendered, rescinded, cancelled or otherwise forfeited, may be reissued by the commissioner pursuant to the provisions of this chapter.

Article II. Livery

9-114-270 Specifications.

(a) No vehicles having a manufacturer's rated seating capacity of ten or more persons, including the driver, shall be licensed as liveries.

(b) No livery vehicle shall be licensed as a public passenger vehicle unless it has two doors on each side and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use.

9-114-280 Solicitation of passengers prohibited.

It is unlawful for any person to solicit passengers for transportation on any public way or in any city airport except as specifically provided by contract as approved by the city council of the City of Chicago, pursuant to Section 10-36-270 of the Municipal Code of the City of Chicago.

It shall be unlawful for any livery vehicle not licensed as such by the City to solicit or accept business within the corporate boundaries of the City of Chicago, except where the passengers are destined to the community in which such livery vehicle is licensed and then only when such transportation has been arranged in advance.

No livery vehicle shall be parked on any public way for a time longer than is reasonably necessary to accept passengers in answer to a call for service and no passenger shall be accepted for any trip in such vehicle without previous engagement for such trip, at a fixed charge or fare, through the station or office from which said vehicle is operated.

Any person who violates this section shall be punished by a fine of not less than \$200.00 and not more than \$1,000.00. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition to fines, penalties for any violations of this section may include license suspension or revocation.

9-114-290 Livery vehicles – Exterior.

The outside of the body of livery vehicles shall be black, navy blue, or white, unless otherwise authorized by the commissioner. No lights shall be attached to or exposed outside of such vehicle, unless required or permitted by the laws of the State of Illinois regulating traffic.

It is unlawful for any person other than a livery licensee or his agent to represent to the public that he renders livery service.

9-114-300 Vehicle out of service – Notice to city required.

Every livery shall be operated regularly to the extent reasonably necessary to meet the public demand for service. If the service of any livery is discontinued for a period of 20 continuous days for any reason except on account of strike, act of God, shortages of gasoline or other necessary materials or cause beyond the control of the individual licensee other than the inability of the licensee to lease his livery, the licensee must notify the commissioner that such livery is out of service. The commissioner may give written notice to the licensee to restore the livery to service, and if it is not restored within five business days after notice, the commissioner may revoke the license.

Article III. Charter-Sightseeing Vehicles

9-114-310 Specifications.

(a) Vehicles having a manufacturer's rated capacity of ten or more persons, including the driver, may be licensed as charter/sightseeing vehicles.

(b) No vehicle shall be licensed as a charter/sightseeing vehicle unless it meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use.

9-114-320 Sightseeing vehicles.

Charter/sightseeing vehicles shall not be used for transportation of passengers except on sightseeing tours or charter trips.

No person shall solicit passengers for sightseeing tours upon any public way except at stands specially designated by the city council for sightseeing vehicles.

No charter/sightseeing vehicles may display advertising without first obtaining an advertising permit as set forth in Section 9-114-330.

9-114-330 Advertising signs permitted when.

(a) It is unlawful for any charter/sightseeing licensee to install and/or display any advertising sign or device on or in a licensed charter/sightseeing vehicle before the advertising sign or device is approved by the commissioner and permitted pursuant to this section.

(b) Charter/sightseeing licensees may apply for permits to install and/or display an advertising sign or device on the exterior and interior of the vehicle. Separate permits are required for each exterior and interior advertising display or installation. The commissioner shall promulgate rules specifying the locations on the charter/sightseeing vehicle where advertising signs or devices may be installed or displayed, as well as describing the permissible design, construction and method of affixing the installation or display to the vehicle, and also may include additional guidelines for such installations or displays and the permit process. In establishing such criteria, considerations shall include:

- (1) visual clutter and aesthetics on the public way;
- (2) the safety and comfort of passengers, drivers, pedestrians and other motorists;
- (3) the visibility of all information required by this chapter or department rules and regulations to be displayed on the interior or exterior of charter/sightseeing vehicles, including but not limited to vehicle numbers, ownership indicia, lights, and safety signals;

(c) The department shall inform applicants for an advertising display permit under this section whether the application is approved or disapproved within thirty business days after its receipt of the completed application, unless it gives the applicant written notice that it needs an additional thirty business days and the reasons therefor. If the application is approved, the department shall issue an advertising display permit. If the department denies the permit application, it shall provide written notice of its decision within such time period, stating the specific grounds and rules that form the basis for such denial. If the department fails to so act within thirty business days after receipt of the application, or sixty business days if it has given advance notice of the need for an additional review period, the application shall be deemed granted and the permit shall be issued, provided that the permit fee has been paid.

(d) The fee for the issuance of any interior or exterior advertising display permit shall be \$100.00 for each display, payable at time of application. This fee shall be in addition to the personal property lease transaction tax that applies to lease or rental payments pursuant to Chapter 3-32 of the municipal code.

(e) Where the commissioner has by rule approved any type of advertising display device that involves the installation of a physical apparatus on or in the charter/sightseeing vehicle, or that involves the painting of the exterior of the charter/sightseeing vehicle, an inspection is required as part of the advertising permitting process. The fee for such inspection shall be an additional \$100.00, payable at the time of inspection by the person or entity installing the advertising display device or painting the exterior of the charter/sightseeing vehicle.

(f) An interior or exterior advertising permit issued under this section shall expire one year after the date of issue, unless sooner surrendered, revoked or terminated.

(g) No permit for interior or exterior advertising issued pursuant to this section shall be transferred or assigned.

(h) The suspension or revocation of a license issued pursuant to this chapter shall act as the suspension or revocation of any advertising permit issued hereunder to the affected charter/sightseeing vehicles.

(i) Each licensee to whom a permit is issued under this section shall maintain complete and accurate records of all revenues received from the display of any advertising sign or device. Each such licensee shall submit to the commissioner, upon request, an affidavit in such form as may be required by the commissioner, stating the gross revenues received by the licensee from the display of any advertising sign or device, and any other financial information that the commissioner may determine is relevant in monitoring advertising revenues.

Article IV. Medicar

9-114-340 Specifications.

(a) Vehicles of any size licensed by the State of Illinois as medical carriers pursuant to the Illinois Vehicle Code, Illinois Revised Statutes Chapter 95 1/2, Paragraph 8-101 et seq. and Paragraph 13-101-1, et seq. (1985), as amended, may be licensed as medical carriers.

(b) No vehicle shall be licensed as a medicar vehicle unless it has two doors on each side and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use.

Article V. Jitney car services

9-114-350 Specifications.

(a) Vehicles having a manufacturer's rated seating capacity of nine or more persons, including the driver, may not be licensed as jitneys.

(b) No vehicle shall be licensed as a jitney vehicle unless it has two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use.

9-114-360 Fees and Service.

(a) Jitneys may provide service only at a flat rate prominently published within the vehicle. The commissioner shall prescribe by rule the maximum rates allowable for jitney service.

(b) Jitneys may not refuse service to the residents within the neighborhoods in which they operate.

9-114-370 Signage.

Jitney vehicles must prominently display a "jitney" sign in the front windshield at all times.

9-114-380 License – Required.

It shall be unlawful for any person to operate a jitney service without a license issued pursuant to this ordinance.

9-114-390 Prohibited areas of operation.

(a) Jitneys may operate unscheduled service along prescribed routes or within specified local neighborhoods throughout the City, but may not pick up passengers in the central business district, as described by rule and regulation, nor shall they pick up passengers at O'Hare International Airport, Midway International Airport, Navy Pier, McCormick Place, or any other area frequented by taxicabs licensed under 9-112 of this code as determined by rules promulgated by the commissioner.

(b) The commissioner or any alderman may initiate a public hearing to determine whether the public safety and convenience would best be served by the prohibition of jitney service along any proposed route or within any proposed neighborhood. Before any public hearing may be held, the commissioner shall give at least 45 days public notice. The commissioner shall promulgate rules and regulations to govern any public hearing held pursuant to this section.

9-114-400 Rules and Regulations.

The commissioner is authorized to promulgate rules and regulations governing the conduct of jitneys, including, but not limited to, the type of vehicles, number of inspections, licensing of drivers, advertising, safety of the driver and of the public, fares, financial obligations, and any other provisions necessary to provide safe public passenger transportation by jitneys.

Article VI. Enforcement

9-114-410 Violation – Penalty.

Any person who violates any provision of this chapter for which a penalty is not otherwise provided shall be fined not less than \$100.00 nor more than \$200.00 for the first offense, not less than \$200.00 nor more than \$300.00 for the second offense, and not less than \$300.00 nor more than \$750.00 for the third and succeeding offenses during the same calendar year. Each day that such violation shall continue shall be deemed a separate and distinct offense. In addition, when any one vehicle is involved in more than five violations of this chapter

or the rules and regulations relating thereto within a 12-month period, the license for that vehicle shall be revoked.

9-114-420 Impoundment of vehicle – Notification of owner – Penalty.

(a) The owner of record of any motor vehicle that is used for the transportation or the solicitation for the transportation of passengers for hire in violation of Section 9-114-020 shall be liable to the city for an administrative penalty of \$2,000.00 plus any towing and storage fees applicable under Section 9-92-080. Any such vehicle shall be subject to seizure and impoundment pursuant to this section. This subsection shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered or reasonably should have been discovered. Notwithstanding any other provision of this section, no vehicle shall be subject to towing and impoundment under this section prior to 60 days after the effective date of this chapter; provided that this chapter shall not affect the towing and impoundment of any vehicle that is towed prior to the effective date of this chapter.

(b) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violations, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under Section 2-14-132 of this Code.

(c) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

9-114-430 Rules and regulations.

The commissioner is authorized to adopt rules and regulations for the proper administration and enforcement of the provisions of this chapter.

Any fees imposed pursuant to rules authorized by this section shall be reasonably related to the City's cost of administration, and shall only be effective, or amended, after a 10-day notice and comment period.

SECTION III. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

2-14-132 Impoundment.

(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220, ~~9-112-555~~ 9-112-640 or 9-114-420 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226,

7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-070, 9-12-090, 9-76-145, 9-80-240, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined not to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

(Omitted text is unaffected by this ordinance)

SECTION IV. Section 9-48-50 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-48-50 Buses – Stopping, standing and parking.

(Omitted text is not affected by this ordinance)

(f) No owner or operator of any intercity bus shall use any designated bus stop, bus stand, or passenger loading/unloading zone for regular loading or unloading of passengers, luggage or other goods without first obtaining the approval of the commissioner. Application for such approval shall be made upon a form provided by the commissioner, and shall contain the name and address of the applicant, the location of the proposed bus stop, bus stand, or passenger loading/unloading zone where such regular loading or unloading of passengers, luggage or other goods shall take place, the length of time any such bus shall stand in the proposed bus stop, bus stand, or passenger loading/unloading zone, and the number of buses that shall leave from and come to the proposed bus stop, bus stand, or passenger loading/unloading zone per day. Such application shall be signed by the applicant.

The commissioner shall approve or deny the application no later than 30 days after the application was filed. If the commissioner denies the application, it shall be based upon a

determination that the regular loading/unloading of passengers, luggage or other goods in that particular designated bus stop, bus stand, or passenger loading/unloading zone presents an unreasonable threat to the health, safety and welfare of the public or impedes the safe and efficient flow of traffic. If the commissioner denies the application, he shall mail a notification to the applicant in writing specifying the reasons for his decision. Any applicant may seek review of the decision of the commissioner denying such application in the manner provided by law. The provisions of this subsection shall not apply to any bus used as "Charter/sightseeing vehicle" as that term is defined in Section ~~9-112-010~~ 9-114-010 of this Code.

SECTION V. Severability.

The invalidity of any section or part of any section of this ordinance shall not affect the validity of any other section or part thereof.

SECTION VI. After passage and publication, this ordinance shall take effect on July 1, 2012.


Chicago, January 18, 2012

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 Rahm Emanuel and Alderman Anthony Beale (which was referred on December 14, 2011), to amend the Municipal Code regarding taxi and chauffer regulations, 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 January 17, 2012.

Respectfully submitted,



EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION