



City of Chicago



SO2016-1729

Office of the City Clerk

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3/16/2016

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Type:

Ordinance

Title:

Amendment of Municipal Code Title 9 concerning public chauffeur licenses and transportation network services

Committee(s) Assignment:

Joint Committee: License and Consumer Protection;
Transportation and Public Way

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 3-46 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

3-46-030 Tax imposed.

(Omitted text is unaffected by this ordinance)

(b-1) For ground transportation vehicles used in the city to provide transportation network service by transportation network drivers:

(i) ~~engaged with a Class A transportation network provider,~~
(a) \$5.40 for every ride that includes a pickup or drop-off, or both, at O'Hare International Airport, Midway International Airport, Navy Pier, or McCormick Place, ~~and (b); and~~ and

(ii) in all other cases, \$0.40 per vehicle per ride accepted;

(ii) ~~engaged with a Class B transportation network provider,~~
(a) ~~\$5.80 for every ride that includes a pickup or drop-off, or both, at O'Hare International Airport, Midway International Airport, Navy Pier, or McCormick Place, and (b) in all other cases,~~
\$0.80 per vehicle per ride accepted.

(Omitted text is unaffected by this ordinance)

3-46-065 Underserved areas.

(Omitted text is unaffected by this ordinance)

C. (1) Any transportation network provider may claim a credit against the tax imposed by this chapter if during a calendar month one or more of the ground transportation vehicles of its transportation network drivers is used to provide service to or from areas designated as underserved areas under subsection B. The credit shall be 50 percent of the tax imposed by this chapter on each qualified ride during the month; in other words, \$.20 per qualified ride ~~for Class A transportation network providers, and \$.40 per qualified ride for Class B transportation network providers.~~ For purposes of this subsection, the term "qualified ride" means a ride that includes a pickup or drop-off in an underserved area. A transportation network provider may take the credit provided by this subsection on as much as, but not more than, 15 percent of its total taxable rides during the month. In calculating the maximum monthly tax credit, a transportation network provider shall aggregate all of the taxable rides of all of its transportation network drivers during the month for which a credit is sought.

(2) Any license holder not specified in (C)(1) may claim a credit against the tax imposed by this chapter if during a calendar month one or more of its ground transportation

vehicles is used to provide service to or from areas designated as underserved areas under subsection B. The monthly tax credit for any license holder not specified in (C)(1) shall be calculated by multiplying the monthly tax otherwise due for that month by a fraction, the numerator of which shall be the number of taxable rides to or from designated underserved areas during the month, and the denominator of which shall be the total number of taxable rides during the month. The credit authorized by this subsection (C)(2) shall not exceed 15 percent of the total tax otherwise due for a month.

(Omitted text is unaffected by this ordinance)

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

9-104-010 Definitions.

(Omitted text is unaffected by this ordinance)

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

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

(Omitted text is unaffected by this ordinance)

“Transportation network provider” and “transportation network vehicle” shall have the meanings ascribed to ~~these terms~~ this term in Section 9-115-010.

(Omitted text is unaffected by this ordinance)

9-104-020 License – Required.

(Omitted text is unaffected by this ordinance)

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

(Omitted text is unaffected by this ordinance)

9-104-050 License – Qualifications.

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

(Omitted text is unaffected by this ordinance)

3. ~~has been certified by an Illinois-licensed physician that he has the capability to safely operate a public passenger vehicle [Reserved];~~

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

(Omitted text is unaffected by this ordinance)

9-104-140 License – Suspension, revocation and penalties.

(Omitted text is unaffected by this ordinance)

(e) The commissioner, upon receiving a complaint, is authorized to require any licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a public passenger vehicle; and (ii) take a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drug or inebriating substance in the body. If the physician does not certify that the licensee has the capability to safely operate a public passenger vehicle, or if the licensee fails the drug or substance test, the commissioner shall immediately suspend the licensee's public chauffeur license.

SECTION 3. Section 9-108-150 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

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

(Omitted text is unaffected by this ordinance)

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

1. possesses a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to application for the issuance or renewal of a horse-drawn carriage chauffeur license;

2. is at least 18 years of age;

3. ~~has been certified by an Illinois-licensed physician that he has the capability to safely operate a public passenger vehicle [Reserved];~~

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

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

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

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

8. is not indebted to the city.

(Omitted text is unaffected by this ordinance)

(i) A horse-drawn carriage chauffeur license shall be valid for a period of no more than two years from the date of its issuance. A horse-drawn carriage chauffeur license shall be renewed as provided by rules promulgated by the commissioner. A horse-drawn carriage chauffeur license is nontransferable.

(i) The commissioner, upon receiving a complaint, is authorized to require any horse-drawn carriage chauffeur licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a horse-drawn carriage; and (ii) take a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drug or inebriating substance in the body. If the physician does not certify that the licensee has the capability to safely operate a horse-drawn carriage, or if the licensee fails the drug or substance test, the commissioner shall immediately suspend the licensee's horse-drawn carriage chauffeur license.

SECTION 4. Section 9-110-130 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-110-130 Pedicab chauffeur license – Application.

(Omitted text is unaffected by this ordinance)

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

(1) has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to application for the issuance or renewal of a pedicab chauffeur's permit;

(2) is at least 18 years of age;

(3) ~~has been certified by an Illinois-licensed physician that he has the capability to operate a pedicab~~ [Reserved];

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

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

(6) is not indebted to the City of Chicago; and

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

(Omitted text is unaffected by this ordinance)

(d) The commissioner, upon receiving a complaint, is authorized to require any pedicab chauffeur licensee to: (i) be evaluated by an Illinois-licensed physician that the licensee has the capability to safely operate a pedicab; and (ii) take a test, conducted by authorities approved by the commissioner, for the presence of cannabis or other illegal drug or inebriating substance in the body. If the physician does not certify that the licensee has the capability to safely operate a pedicab, or if the licensee fails the drug or substance test, the commissioner shall immediately suspend the licensee's pedicab chauffeur license.

SECTION 5. Section 9-112-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

(Omitted text is unaffected by this ordinance)

"Accessibility fund" means a fund used to improve the services of taxicabs and transportation network vehicles (as defined in Section 9-115-010) for people with disabilities. Uses of this fund include, but are not limited to, reimbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network vehicle that

is fully wheelchair accessible by ramp or lift, and costs to a licensee for the provision of wheelchair-accessible vehicle taxi rides to customers where the cost to provide the ride exceeds the cost charged to the customer. The maximum amount of reimbursement per taxicab vehicle from the fund, and the conditions of reimbursement and the maximum amount of reimbursement per a transportation network vehicle from the fund will be established by rules and regulations, in consultation with, among other individuals as the commissioner may determine, representatives from the Mayor's Office for People with Disabilities, the community of people with disabilities, the taxi industry, and the transportation network providers industry.

"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.

9-112-010 Definitions.

SECTION 6. Chapter 9-115 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by inserting the language underscored, as follows:

9-115-010 Definitions.

For purposes of this chapter the following definitions shall apply:

(Omitted text is unaffected by this ordinance)

"Transportation network chauffeur license" means a license issued under this chapter by the department which allows the license holder to operate a transportation network vehicle for one or more transportation network provider licensees.

"Prearranged transportation service" means a transportation service that is offered and accepted through a licensee's Internet-enabled application or digital platform before the transportation commences.

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

"Restricted chauffeur license" and "taxi chauffeur license" shall have the meaning ascribed to these terms in Section 9-104-010.

"Transportation network driver" or "driver" or "transportation network chauffeur" means an individual affiliated with a transportation network provider or with a person who is affiliated with a provider to transport passengers for compensation using a transportation network vehicle; and who is licensed to operate a transportation network vehicle.

(Omitted text is unaffected by this ordinance)

9-115-030 ~~Transportation network provider license—License classes~~ [Reserved].

~~(a) The commissioner shall issue or renew two classes of transportation network provider licenses: (i) Class A transportation network provider license, referenced in this section as, "Class A license"; and (ii) Class B transportation network provider license, referenced in this section as, "Class B license".~~

~~(1) A Class A license shall apply to licensees whose average transportation network service operation is not more than 20 hours per week, as calculated pursuant to subsection(a)(4).~~

~~(2) A Class B license shall apply to licensees whose average transportation network service operation is more than 20 hours per week, as calculated pursuant to subsection(a)(4).~~

~~(3) For the initial license period, applicants may choose to apply for a Class A or a Class B license. An applicant who is issued a Class A license must within six months after the issuance of the license provide data to the commissioner, as the commissioner prescribes, that shows the licensee is operating in compliance with this chapter.~~

~~(4) (i) For purposes of the initial license period, a licensee's weekly average transportation network service operation shall be calculated by dividing the total number of hours the licensee's active drivers are operating transportation network vehicles in the city, including trips originated in the city, for a three-month consecutive period following the issuance of the license with the licensee's total number of active drivers multiplied by the number of weeks in the three-month period.~~

~~(ii) For purposes of license renewal applications, an applicant's weekly average transportation network service operation shall be calculated by dividing the total number of hours the applicant's active drivers have been operating transportation network vehicles in the city, including trips originated in the city, for a six-month period immediately before the license renewal application with the licensee's total number of active drivers multiplied by the number of weeks in the six-month period.~~

~~(b) The commissioner may, from time to time, require licensees to provide data, as the commissioner prescribes, to audit their compliance with this chapter. After conducting such audit, if the commissioner determines that any licensee is operating in violation of this chapter, the commissioner may require such licensee to comply with this chapter. Nothing provided in this subsection shall be construed to prohibit the commissioner from taking other enforcement actions, as provided in this chapter, against any person that violates this chapter.~~

9-115-040 Transportation network provider license – Fee and license term.

~~(a) In addition to the license fees specified in Section 9-115-140, the annual fee for the issuance or renewal of a transportation network provider license shall be (i) \$10,000.00 for a Class A transportation network provider license; or (ii) \$25,000.00 for a Class B transportation network provider license. The license fee shall be paid as a precondition to issuance or renewal of the license and shall not be prorated.~~

(Omitted text is unaffected by this ordinance)

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

(Omitted text is unaffected by this ordinance)

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

(1) has a manufacturer's rated seating capacity of less than ten persons, including the transportation network driver;

(2) has at least two doors and meets applicable Federal Motor Vehicle Safety Standards for vehicles of its size, type and proposed use;

(3) is a coupe, sedan, or light-duty vehicle, including a van, minivan, sport utility vehicle, pickup truck, hatchback or convertible; and

(4) has not been issued the title class of "salvage," "rebuilt," "junk," "total loss," or any equivalent classification in any jurisdiction; and

~~(5) has a vehicle age of six years or less if the licensee dispatching the vehicle is a Class B transportation network licensee. The commissioner is authorized to permit dispatching of vehicles older than the vehicle age limit provided in this subparagraph (5), as provided by rule, for a period not more than 2 years if such vehicle is inspected by the city and has passed such inspection.~~

~~(c) No vehicle licensed as a taxi or public transportation vehicle in any jurisdiction shall be operated as a transportation network vehicle. However, nothing Nothing provided in this chapter shall be construed to prohibit or limit the utilization of an Internet-enabled application or digital platform for the provision of prearranged ride services by taxicabs or other public transportation vehicles pursuant to Chapters 9-112 and 9-114.~~

(d) The licensee and the licensee's driver shall be jointly and severally liable if the licensee knowingly permits the licensee's driver to use a vehicle that does not meet the requirements for a transportation network vehicle.

9-115-110 Transportation network vehicles – Inspections and conditions.

(a) ~~No Class A~~ Except as otherwise provided in subsection (b), no transportation network provider licensee shall allow any vehicle to be used as a transportation network vehicle unless such vehicle is annually inspected according to standards approved by the commissioner, and has passed such inspection.

(b) No transportation network provider licensee shall allow any vehicle with a vehicle age of 6 years or older to be used as a transportation network vehicle unless such vehicle is inspected semi-annually according to standards approved by the commissioner, and has passed such inspection.

(c) A driver engaged by a Class A any licensee shall maintain complete documentation of such inspection in the vehicle at all times while being used to provide transportation network services, and an electronic or written copy of such documentation shall be provided to the commissioner upon request.

~~(b d) Prior to using any transportation network vehicle, and annually thereafter, a Class B transportation network licensee or a driver engaged by such licensee shall have the vehicle inspected at a city-licensed motor vehicle repair shop or at a facility designated by the commissioner, and maintain complete documentation of such inspections in the vehicle at all times while being used to provide transportation network services, and a written copy of such documentation shall be provided to the commissioner upon request. To pass such inspection, a transportation network vehicle shall, at a minimum, be rust-free and shall pass the following inspections:~~

1. Foot brakes;
2. Emergency brakes;
3. Steering mechanism;
4. Windshield;
5. Rear window and other glass;
6. Windshield wipers;
7. Headlights;
8. Tail lights;
9. Turn indicator lights;
10. Stop lights;
11. Front seat adjustment mechanism;
12. Doors (open, close, lock);
13. Horn;
14. Speedometer;
15. Bumpers;

16. Muffler and exhaust system;
17. Condition of tires, including tread depth;
18. Interior and exterior rear view mirrors;
19. Safety belts for driver and passenger(s);
20. Drivetrain, including the transmission and universal joints;
21. Axles and wheels, including ball joints; and

22. If the vehicle is a wheelchair-accessible vehicle, it shall also be inspected for compliance with legally required safety standards.

(e e) The licensee and the licensee's driver shall be jointly and severally liable for any violation of this section.

9-115-140 Transportation network service – Accessibility and accessibility fund.

(a) ~~By January 1, 2015, the~~ The Internet-enabled application or digital platform used by a licensee to connect drivers and passengers shall be accessible to customers who are blind, visually impaired, deaf and hard of hearing.

(b) Such application or platform shall provide customers with an opportunity to indicate whether they require a wheelchair-accessible transportation network vehicle. Licensees shall provide service to customers who require a wheelchair-accessible transportation network vehicle either by: (1) connecting such customers with the licensee's drivers who operate wheelchair-accessible transportation network vehicles; or (2) entering into a service agreement with other persons that dispatch wheelchair-accessible vehicles in order to dispatch such vehicles through the licensee's application or platform. Subsection (a) of Section 9-115-100 shall not be construed to prohibit licensees from entering into a service agreement with persons that dispatch wheelchair-accessible transportation vehicles as provided in this subsection. Such application or platform shall allow customers to designate whether or not they need a wheelchair-accessible transportation network vehicle in setting their customer's profile with the licensee. In addition, if such application or digital platform allows drivers to rate their passengers, licensees shall train their drivers not to discriminate against people with disabilities in their passenger ratings. It shall be a violation of this chapter for a driver to rate a passenger based upon a disability.

(c) (1) Each licensee shall, within 6 months from the effective date of this amendatory ordinance of 2016, submit to the commissioner a plan to enhance service to customers with disabilities, and, if such plan is approved by the commissioner, the licensee shall execute such plan within 6 months from the date of approval of the plan.

(2) The commissioner is authorized to launch a taxi fare subsidy program to subsidize the cost of a wheelchair-accessible vehicle taxi ride by a person with a disability when

such ride is arranged through any Internet-enabled application or digital platform for the provision of prearranged ride services by taxicabs.

(3) Failure of a licensee to submit a plan to enhance service to customers with disabilities within 6 months from the effective date of this amendatory ordinance of 2016, or to implement said plan within 6 months from the date of approval of same, shall result in a fine of \$10,000 per day, per licensee.

(e d) In addition to the inspection requirements specified in Section 9-115-110, wheelchair-accessible vehicles shall be inspected by the city for compliance with legally required safety standards before such vehicles are used as wheelchair-accessible transportation network vehicles.

(d e) In addition to the fees specified in Section 9-115-040, as part of the license issuance or renewal fee, a Class A transportation network provider licensee shall pay \$0.10 per vehicle per ride accepted to the city's accessibility fund for each transportation network vehicle registered with the licensee which is not a wheelchair-accessible transportation network vehicle. The licensee may pay the fee provided in this subsection at the same time as the licensee remits the ground transportation tax the licensee collects pursuant to Chapter 3-46 of this Code. Only for purposes of this subsections 9-115-040(d) and (e), "ride accepted" means any ride where passengers are either picked up or dropped off in the city, or both.

~~(e) In addition to the fees specified in Section 9-115-040, as part of the license issuance or renewal fee, a Class B transportation network provider licensee shall pay \$0.20 per vehicle per ride accepted to the city's accessibility fund for each transportation network vehicle registered with the licensee which is not a wheelchair-accessible transportation network vehicle. The licensee may pay the fee provided in this subsection at the same time as the licensee remits the ground transportation tax the licensee collects pursuant to Chapter 3-46 of this Code.~~

(f) For purposes of this section, the term "accessibility fund" means a fund used to improve the services of taxicabs (as defined in Section 9-112-010) and transportation network vehicles for people with disabilities. Uses of this fund include, but are not limited to, reimbursement for costs associated with converting or purchasing a vehicle to be used as a taxicab or transportation network vehicle that is fully wheelchair accessible by ramp or lift, and costs to a licensee for the provision of wheelchair-accessible vehicle taxi rides to customers where the cost to provide the ride exceeds the cost charged to the customer. The maximum amount of reimbursement per taxicab vehicle from the fund, and the conditions of reimbursement and the maximum amount of reimbursement per a transportation network vehicle from the fund shall be established by rules and regulations, in consultation with, among other individuals as the commissioner may determine, representatives from the Mayor's Office for People with Disabilities, the community of people with disabilities, the taxi industry, and the transportation network providers industry.

9-115-150 Transportation network drivers – Requirements.

(a) ~~(1) No Class-B transportation network provider licensee shall engage any person as a transportation network driver unless the person possesses a valid transportation network chauffeur license, restricted public chauffeur license, taxi chauffeur license, or as authorized by rule issued by the city pursuant to Chapter 9-104 of this Code and rules and regulations promulgated thereto.~~

(2) No driver shall operate a transportation network vehicle unless the driver possesses a valid transportation network chauffeur license, restricted chauffeur license or taxi chauffeur license.

~~(b) (1) No Class A transportation network provider licensee shall engage any person as a transportation network driver unless the licensee ascertains, in a process approved by the commissioner, that the person Any transportation network provider licensee may accept an application, in a form prescribed by the commissioner, for the issuance or renewal of a transportation network chauffeur license. An applicant is qualified for the issuance or renewal of a transportation network chauffeur license, if the applicant:~~

~~(i) possesses and has possessed a valid Illinois State driver's license, or a valid driver's license of another state, district or territory of the United States, for at least one year prior to applying to become a transportation network driver;~~

~~(ii) is at least 21 years of age;~~

~~(iii) has not been convicted of reckless driving, hit and run, or driving with a suspended or revoked license; and has not been convicted of or placed on supervision for two or more offenses involving traffic regulations governing the movement of vehicles, or whose Illinois driver's license has not been suspended or revoked pursuant to Section 6-206 of the Illinois Vehicle Code, codified at 625 ILCS 5/6-206, within the 12 months immediately prior to applying to become a transportation network driver;~~

~~(iv) has successfully completed an online or in-person transportation network driver's training program approved by the commissioner and conducted by the licensee or other authorities approved by the commissioner. In addition to other applicable requirements, such training program must cover topics related to providing service to people with disabilities;~~

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

(vi) has not had a public chauffeur license or restricted public chauffeur license suspended, revoked or non-renewed by the city within the five years immediately preceding his application to be a driver; and

(vii) has not been listed as ineligible to be a transportation network driver by the commissioner pursuant to Section 9-115-250(b) and rules promulgated thereto.

~~(25)~~ Any Class-A transportation network provider licensee shall: (1) perform a criminal background check on each transportation network driver chauffeur license applicant; and (2) obtain each transportation network driver chauffeur license applicant's driving record.; ~~and (3) ascertain~~ The licensee shall submit to the commissioner the name of each applicant eligible for the issuance or renewal of a transportation network chauffeur license, attesting, in an electronic form prescribed by the commissioner that each such applicant meets all the requirements of subsection (b) are met before engaging a transportation network driver. In addition, any transportation network provider licensee shall, as the commissioner determines by rule, transmit to the department a background check report that the licensee or a third-party vendor has performed on each transportation network chauffeur license applicant. Nothing provided in this subsection shall be construed to prohibit the commissioner from requesting any other information that the commissioner may reasonably require in connection with the issuance or renewal of a license from a licensee or transportation network chauffeur license applicant.

(6) After receiving: (i) the attestation provided pursuant to subsection (b)(5), and (ii) any other application information, as the commissioner deems appropriate, the commissioner shall issue a transportation network chauffeur license, in a form prescribed by the commissioner, to each applicant that the commissioner determines to be eligible for such license. A transportation network chauffeur license shall be issued for one year, and may be renewed as provided by rule. A transportation network chauffeur license shall bear the name and photograph of the licensee and a license number. No person shall alter, modify or replicate a part-time transportation network chauffeur license without authorization by the department.

(3 c) Any Class-A transportation network provider licensee shall maintain and enforce a zero-tolerance policy for intoxicating substances, which policy shall be approved by the commissioner as a condition of the license. Such policy shall promote zero tolerance using a combination of appropriate means that may include education, random testing, assistance programs and counseling, among other measures.

~~(4) One year after engaging a driver, and annually thereafter, each Class A transportation network provider licensee shall ascertain that the driver is still eligible to be a transportation network driver by verifying that the driver meets all of the requirements specified in this section, including the criminal background check requirement specified in subsection (b)(2), and shall keep records of such verification for a period of three years and shall submit such records to the commissioner upon request.~~

(d) The commissioner may, from time to time, require licensees to provide data, as the commissioner prescribes, to audit and enforce their compliance with this chapter.

Nothing provided in this subsection shall be construed to prohibit the commissioner from taking other enforcement actions, as provided in this chapter, against any person that violates this chapter.

(e) The commissioner has authority to investigate zero tolerance complaints that the department receives through a 311 call or other equivalent complaint reporting mechanism and take appropriate actions to determine a transportation network chauffeur licensee's eligibility to operate a transportation network vehicle.

~~(e f) If any licensee engages an ineligible driver or if any Class A transportation network provider licensee fails to annually ascertain the eligibility of each driver such licensee engages, the licensee shall be liable for the violation of this section and shall also be jointly and severally liable with the ineligible driver for any violation of this chapter by the ineligible driver.~~

~~(d g) Eligibility for engagement as a driver under this chapter shall be a continuing requirement for remaining so engaged.~~

~~(e h) Any person seeking to be a transportation network driver for a Class A transportation network licensee shall semi-annually establish, through a process to be determined by rules promulgated by the commissioner, that they do each transportation network chauffeur licensee engaged by such transportation network provider does not owe debt to the city.~~

(i) All transportation network chauffeurs are required to have a sign visible to the passengers in the rear seat of the vehicle that reads, "for compliments and complaints, please call 311."

9-115-170 Driver – Identification card.

The licensee shall issue an identification card to drivers that such licensee engages. Such identification card shall have the name of the driver and a photograph permanently attached to the identification card. Any transportation network driver shall, in electronic or paper form, display possess the identification card at all times while operating a transportation network vehicle.

SECTION 7. The Mayor of the City of Chicago ("City") is hereby authorized to establish a task force to study regulations that may pose barriers to employment and entrepreneurship, including looking at options for background check processes, licensing, permitting and inspections (the "task force"). The Chairman of the City Council Committee on Transportation and the Public Way shall be given the opportunity to appoint three members to this task force. The task force shall review the City's current fingerprinting and background check requirements related to City employment and to the issuance or renewal of a City license or permit. The task force shall also review inspection requirements for licenses and permits, and other pertinent issues with a view towards assessing the need for such requirements and recommending

changes, including the removal, updating or streamlining of the requirements in order to achieve greater efficiency and flexibility in the City's licensing process. The task force shall make its initial recommendations for such changes to the Mayor no later than 180 days after the effective date of this ordinance. The task force that will be established pursuant to this section is not part of the City's organizational structure, its members are informally appointed, and shall conduct its proceedings informally without governing bylaws. The task force's recommendations shall not bind the City. The members of the task force shall not receive compensation from the City for serving on the task force.

SECTION 8. Except for new subsection (c)(1) of Section 9-115-140, this ordinance shall take effect 90 days after passage and publication. New subsection (c)(1) of Section 9-115-140 shall take effect upon passage and publication.


Anthony Beale
Alderman, 9th Ward



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June 22, 2016

To the President and Members of the City Council:

Your Joint Committee on Licensing and Consumer Protection and Transportation and Public Way begs leave to report and recommend that Your Honorable Body pass Substitute Ordinance SO2016-1729, Amendment of Municipal Code Title 9 concerning public chauffeur licenses and transportation network services. This recommendation was adopted and concurred by a majority of the members of the City Council, pursuant to a roll call vote on June 22, 2016.

Alderman Villegas abstained from voting on Substitute Ordinance SO 2016-1729 pursuant to Rule 14 of the Rules of the City Council of the City of Chicago.

Respectfully submitted,

Emma Mitts

Chairman, Committee on Licensing and
Consumer Protection

Respectfully submitted,

Anthony A. Beale

Chairman
Committee on Transportation and
Public Way