

ORDINANCE

WHEREAS, Air pollution can pose hazards to public health or safety or to the environment;
and

WHEREAS, Emissions from diesel engines substantially contribute to airborne pollutants,
including sulfur dioxide, nitrogen oxide and particulates; and

WHEREAS, Pursuant to U.S. Environmental Protection Agency standards, the City of
Chicago is currently in a non-attainment region for ozone and fine particulate matters; and

WHEREAS, The use of neighborhood electric vehicles replaces the use of gasoline and
diesel-powered vehicles and reduces petroleum consumption and exhaust pollution; and

WHEREAS, The City of Chicago is a home rule unit of government under Section 6(a),
Article VII, of the 1970 Constitution of the State of Illinois, and may exercise any power pertaining
to its local government and affairs; and

WHEREAS, An ordinance allowing the use of neighborhood electric vehicles on the public
way is a reasonable and necessary measure towards reducing a problem that affects all Chicago
residents; now, therefore,

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

SECTION I. Chapter 9-48 of the Municipal Code of Chicago is hereby amended by adding
a new Section 9-48-100, as follows:

9-48-100 Neighborhood electric vehicles.

(a) The operation of neighborhood electric vehicles shall be permitted only upon streets
and alleys which are subject to a speed limit of 30 miles per hour or less and which are under the
sole jurisdiction of the city.

(b) It shall be unlawful to operate a neighborhood electric vehicle upon any street in the
city where the posted speed limit is more than 30 miles per hour. This subsection does not prohibit
a neighborhood electric vehicle from crossing a street at an intersection where the street being
crossed has a posted speed limit of not more than 45 miles per hour. A neighborhood electric
vehicle shall not cross a street with a speed limit in excess of 45 miles per hour unless it is crossing
at an intersection controlled by a traffic light or 4-way stop sign.

(c) No person shall operate a neighborhood electric vehicle that (i) does not conform
to the requirements of section 11-1426.1 of the Illinois Vehicle Code, codified at 625 ILCS
5/11-1426.1, as amended, for safety equipment and lighting; and (ii) does not have doors in place.
When operated on a street or roadway, a neighborhood electric vehicle shall have its headlights
and tail lamps lighted as required by section 12-201 of the Illinois Vehicle Code, codified at 625
ILCS 5/12-201, as amended, and its doors closed.

(d) Drivers of neighborhood electric vehicles must be licensed to drive motor vehicles.

(e) If the Illinois Secretary of State issues registration plates for neighborhood electric vehicles, it shall be unlawful to operate or park on any public way a neighborhood electric vehicle that is not fitted with front and rear registration plates. The city clerk is authorized to issue a wheel tax license emblem for neighborhood electric vehicles in essentially the same form as the emblem issued to motor bicycles, motor tricycles, motor scooters or mopeds. Neighborhood electric vehicles must display wheel tax license emblems. Until such time as the Illinois Secretary of State issues registration plates for such vehicles, (i) the city is authorized to enforce any law applicable to neighborhood electric vehicles by using a vehicle identification number in lieu of a registration plate number; and (ii) for the purpose of enforcing the provisions of this Code applicable to neighborhood electric vehicles, including sections 3-56-145, 4-232-080, 4-236-060, 9-56-020, 9-56-030, 9-64-220, 9-100-030, 9-100-050, 9-100-060, and 9-100-120, the terms "registration plate number," "license plate number," "license plate," or "state registration number" shall instead be read to mean "vehicle identification number."

(f) Except as otherwise provided in this Section, neighborhood electric vehicles shall be subject to all of the requirements of this Code applicable to motor vehicles of the first division. Neighborhood electric vehicles shall be operated in accordance with the rules of the road applicable to other motor vehicles. No person shall operate a neighborhood electric vehicle on a sidewalk, on foot paths or on any other surface where motor vehicle operation is otherwise prohibited. It shall be unlawful to operate or to cause to be operated a neighborhood electric vehicle on the public ways of the city unless such vehicle is covered by a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code, codified at 625 ILCS 5/7-601, as amended.

(g) The department of police shall have the authority to impound neighborhood electric vehicles for such violations of this Code which specify vehicle impoundment as a consequence of violation. When a neighborhood electric vehicle is impounded, the City shall notify the owner or any person who is found to be in control of the neighborhood electric vehicle at the time of the alleged violation, if there is such a person, of the fact of the impoundment and the neighborhood electric vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code. If the owner or other person in control of the neighborhood electric vehicle cannot be found, the City shall publish such notice one day a week for two consecutive weeks in a newspaper of general circulation. The provisions of Section 2-14-132 shall apply whenever a neighborhood electric vehicle is impounded pursuant to this section.

(h) The commissioner may designate portions of streets to be unsuitable for neighborhood electric vehicle operation and may prohibit such operation if, after considering the volume, speed and character of traffic on the street, the commissioner determines that public safety will be jeopardized by the operation of neighborhood electric vehicles on that street or portion thereof.

(i) It shall be unlawful to operate or cause to be operated any neighborhood electric vehicle on the public ways of the city, unless signs or decals permanently and conspicuously affixed to the rear of the vehicle and the dashboard of the vehicle stating "This Vehicle May Not Be Operated on Streets With Speed Limits in Excess of 30 m.p.h." The lettering of the sign or decal on the dashboard shall not be less than one-half inch in height. The sign on the rear window shall face the outside of the vehicle, and the lettering of the sign shall be in prominent type, not less than two inches in height, clearly visible to and readable by the public, and in a color that contrasts with

the background color of the sign. No such sign shall be affixed more than 6 inches down from the top of the rear window.

(j) Any person who sells neighborhood electric vehicles in the city shall post the following durable sign in a conspicuous place near all vehicle-accessible exits from the premises where such vehicles are sold:

**NEIGHBORHOOD ELECTRIC VEHICLES SHALL NOT BE OPERATED ON STREETS
SUBJECT TO A SPEED LIMIT OF MORE THAN 30 MILES PER HOUR**

The lettering of the sign shall be in prominent type, not less than two inches in height, clearly visible to and readable by the public, and in a color that contrasts with the background color of the sign.

(k) The exemptions granted to authorized emergency vehicles under Section 9-48-010 of this Code shall apply to neighborhood electric vehicles when such vehicles are used as authorized emergency vehicles in accordance with Section 9-48-010 of this Code.

(l) The commissioner is authorized to adopt such rules and regulations as he may deem appropriate for the proper administration and enforcement of the provisions of this section.

SECTION II. Section 3-56-050 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

3-56-050 Fees.

(a) Applicable license fees are as follows:

<i>Vehicle</i>	<i>Fee</i>
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Smaller passenger automobiles . . .	\$75.00
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Larger passenger automobiles, ambulances and hearses . . .	120.00
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The city clerk shall maintain a list of makes and models of passenger automobiles classified as "smaller" or "larger" for the purposes of this provision. The list shall be available for public inspection at any time during the clerk's regular business hours.

Smaller or larger passenger automobiles only, not more than one vehicle, registered to a person 65 years of age or older, upon satisfactory proof of age and vehicle ownership . . .	30.00
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Replacement passenger wheel tax license emblem registered to a person 65 years of age or older, upon satisfactory proof of age, proof of purchase and original damaged wheel tax license emblem or police report of theft . . .	No Fee
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Antique motor vehicles . . .	30.00
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<u>Motor bicycles, motor tricycles, motor scooters, or mopeds, or neighborhood electric vehicles</u> . . .	45.00
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Municipally owned vehicles . . . No fee

Vehicles licensed to disabled veterans or to persons who, while serving in the United States Armed Forces, were taken prisoner of war . . . No fee

Tax-exempt organization-owned buses . . . No fee

Trailers . . . No fee

All other vehicles, including trucks, tractor-semitrailer units, motor buses and recreational vehicles:

16,000 lbs gross vehicle weight or less . . . 180.00

Over 16,000 lbs gross vehicle weight . . . 420.00

(Omitted text is unaffected by this ordinance)

SECTION III. Section 9-4-010 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-4-010 Definitions.

Whenever the following words and phrases are used in Chapter 9-4 through 9-103, they shall have the meanings respectively ascribed to them in this section:

(Omitted text is unaffected by this ordinance)

"Motor vehicle of the second division" means every motor vehicle designed for the carrying of more than ten persons, every motor vehicle designed or used for living quarters, every motor vehicle designed for pulling or carrying freight or cargo, and every motor vehicle of the first division remodeled for use and used as a motor vehicle of the second division.

"Neighborhood electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle which is capable of attaining on level pavement a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500. "Neighborhood electric vehicle" does not include a vehicle modified after its original manufacture to meet the speed requirement or safety equipment requirements contained in Title 49 C.F.R. Part 571.500.

(Omitted text is unaffected by this ordinance)

SECTION IV. Chapter 9-12 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

9-112-010 Definitions.

(Omitted text is unaffected by this ordinance)

(k) "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.

(k-1) "Local service taxicab" means a neighborhood electric vehicle that is licensed as a taxicab to provide local service only, and is not authorized to provide service to the airports and is not legally permitted to use expressways or streets with a speed limit greater than 30 miles per hour.

(Omitted text is unaffected by this ordinance)

9-112-060 Specifications.

(a) The commissioner may issue licenses for motor vehicles to operate as public passenger vehicles only according to the following categories:

(1) Vehicles having a capacity for no more than eight passengers, excluding the driver, may only be licensed as taxicabs or liveries, except as provided in paragraph (3) of this subsection (a).

(2) Vehicles having a capacity for nine or more passengers, excluding the driver, may only be licensed as charter/sightseeing vehicles, except as provided in paragraph (3) of this subsection (a).

(3) 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.

(4) Neighborhood electric vehicles, as defined in Section 9-4-010 of this Code, may be licensed only as local service taxicabs. The commissioner is authorized to promulgate rules and regulations regarding the operation of local service taxicabs.

(Omitted text is unaffected by this ordinance)

9-112-215 Underserved areas.

(Omitted text is unaffected by this ordinance)

(d) Each taxicab which is in service and leased by a public chauffeur must respond in a timely manner to radio dispatch requests for service and convey passenger(s) requesting transportation originating from an underserved area to their destination at a minimum of at least once during the duration of a lease of 24 hours or less, or at least seven times during the duration of any weekly lease; provided, however, local service taxicabs shall be exempt from the requirement of conveying passenger(s) requesting transportation originating from an underserved

area.

(e) Taxicab license holders and affiliations shall have an affirmative duty to insure compliance with this section by the drivers of vehicles with taxicab licenses issued to them or their affiliates. Taxicab license holders and affiliations shall immediately file a report to the commissioner on any driver who fails to comply with the requirements provided in paragraph (d) above.

(f) No taxicab licensee shall lease his or her vehicle to a public chauffeur unless the public chauffeur has already signed a pre-lease agreement with the licensee, in a form acceptable to the commissioner, whereby the public chauffeur acknowledges that he has an affirmative duty to accept passengers requesting service and may not refuse or deny service to or in any other way discriminate against individuals based on race, gender, ethnicity, or the geographical location of either the origination or destination of the fare; that he has an affirmative duty to transport persons with service dogs as required in 775 ILCS 30/1 et seq.; that he has an affirmative duty to keep his radio dispatch service equipment on and audible at all times when operating the taxicab; and that he has an affirmative duty to respond in a timely manner to radio dispatch requests for service and convey the passengers requesting transportation originating from an underserved area to their destination at a minimum of at least once during the duration of a lease of 24 hours or less, or at least seven times during the duration of any weekly lease; provided, however, no affirmative duty shall be imposed on a public chauffeur of a local service taxicab to transport persons outside of the geographical locations where local service taxicabs are licensed to provide service, or to convey passengers requesting transportation service originating from an underserved area. Taxicab licensees shall maintain copies of these pre-lease agreements and furnish them to the commissioner upon request.

(g) No public chauffeur license shall be issued or renewed unless the public chauffeur has already signed an agreement with the department of consumer services whereby the applicant acknowledges that he has an affirmative duty to accept passengers requesting service and may not refuse or deny service to or in any way discriminate against individuals based on race, gender, ethnicity, or the geographical location of either the origination or destination of the fare; that he has an affirmative duty to transport persons with service dogs as required in 775 ILCS 30/1, et. seq.; that he has an affirmative duty to keep his radio dispatch service equipment on and audible at all times when operating the taxicab; and that he has an affirmative duty to respond in a timely manner to radio dispatch requests for service and convey the passengers requesting transportation originating from an underserved area to their destination at a minimum of at least once during the duration of a lease of 24 hours or less, or at least seven times during the duration of any weekly lease; provided, however, no affirmative duty shall be imposed on a public chauffeur of a local service taxicab to transport persons outside of the geographical locations where local service taxicabs are licensed to provide service, or to convey passengers requesting transportation service originating from an underserved area.

(Omitted text is unaffected by this ordinance)

9-112-450 Unlawful to refuse transportation unless out of service.

It is unlawful to refuse any person transportation to any place within the city or those suburbs listed in Section 9-112-460 of this chapter in any taxicab which is unoccupied by a passenger for hire unless it is on its way to pick up a passenger in answer to a call for service or it is out of service for any other reason. When any taxicab is answering a call for service or is

otherwise out of service it shall not be parked at a cabstand, and a white card bearing the words "Not For Hire" printed in black letters not less than two inches in height shall be displayed at its windshield. The public chauffeur license, public passenger vehicle license or both such licenses of any person who violates this section or any rule promulgated under this section five or more times within any 24 month period shall be subject to revocation.

Nothing herein contained shall be construed to allow drivers of local service taxicabs to transport persons outside of the geographical location where local service taxicabs are licensed to provide service.

9-112-460 Airport service.

Every driver of a taxicab licensed by the City of Chicago as a public passenger vehicle, when at or upon the premises of the Chicago-O'Hare International Airport or the Chicago Midway Airport and not otherwise engaged in the transportation of a person or persons, shall service the airports by transporting, when requested, any person from the airports to any suburb of the City of Chicago and the driver shall not charge more than the rate of transportation hereinafter set forth to such suburb. It shall be unlawful for a driver of a taxicab to refuse any person transportation from those airports. It shall be unlawful for any driver of any taxicab not licensed as such by the City of Chicago to solicit or accept for transportation any person or persons at or upon the premises of the airports for transportation within or without the City of Chicago; provided, however, that this provision shall not apply where the person at the airports desiring other taxicab service has personally or through his agent previously by letter, telegram or telephone specifically engaged a suburban taxicab to transport him to any of the suburbs of the City of Chicago.

Nothing herein contained shall be construed to allow drivers of local service taxicabs to provide service to the airports.

(Omitted text is unaffected by this ordinance)

SECTION V. This ordinance shall be effective upon passage and approval.

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REFERRED TO COMMITTEE ON
TRAFFIC CONTROL & SAFETY
JAN 13 2009
Miguel del Valle
City Clerk City of Chicago

PASSED by the City Council of the City of
Chicago and deposited in the office of the
City Clerk of said City.
FEB 11 2009
Miguel del Valle
City Clerk City of Chicago