

COMMITTEE ON LICENSE AND CONSUMER PROTECTION.

AMENDMENT OF SECTIONS 4-5-010 AND 4-6-230 OF MUNICIPAL CODE BY MODIFYING LEGAL DUTIES AND PROHIBITED ACTS OF LICENSEES ENGAGED IN BUSINESS OF BOOTING AND TO ALLOW BOOTING OF MOTOR VEHICLES WITHIN 1ST WARD.

[SO2017-3895]

The Committee on License and Consumer Protection submitted the following report:

CHICAGO, January 17, 2018.

To the President and Members of the City Council:

Your Committee on License and Consumer Protection, having under consideration a second substitute ordinance introduced by Alderman Proco Joe Moreno (which was referred on May 24, 2017), to amend the Municipal Code of Chicago regarding the booting of motor vehicles on private property, begs leave to recommend that Your Honorable Body Pass the second substitute ordinance which is transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee on January 10, 2018.

Respectfully submitted,

(Signed) EMMA MITTS,
Chairman.

On motion of Alderman Mitts, the said proposed ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Moreno, Hopkins, Dowell, King, Hairston, Sawyer, Mitchell, Harris, Beale, Sadlowski Garza, Thompson, Cárdenas, Quinn, Burke, Lopez, Foulkes, D. Moore, Curtis, O'Shea, Cochran, Brookins, Muñoz, Zalewski, Scott, Solis, Maldonado, Burnett, Taliaferro, Reboyras, Santiago, Waguespack, Mell, Austin, Ramirez-Rosa, Villegas, Mitts, Sposato, Laurino, O'Connor, Napolitano, Reilly, Smith, Tunney, Arena, Cappleman, Pawar, Osterman, J. Moore, Silverstein -- 49.

Nays -- Alderman Ervin -- 1.

Alderman Beale moved to reconsider the foregoing vote. The motion was lost.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City Of Chicago:

SECTION 1. Section 4-6-230 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-6-230 Booting Of Motor Vehicles.

(a) Definitions. As used in this section:

"Boot" or "booting" or "booting operation(s)" means the act of placing on a parked motor vehicle any mechanical device that is designed to be attached to a wheel or tire or other part of such vehicle so as to prohibit the vehicle's usual manner of movement.

(Omitted text is unaffected by this ordinance.)

(b) (1) License Required. No person shall engage in the business of booting without first having obtained a license under this section.

(2) Registration -- Separate Registration Fee -- Required. A separate registration, and payment of a separate one-time registration fee of \$100.00, shall be required for each location where a licensee conducts booting operations. Prior to engaging in booting operations at any location, the licensee shall register such location with the department. Such registration shall include: (i) the licensee's name and license number; (ii) the address of the location where booting operations will be conducted; (iii) the name, address and telephone number of the owner of the property where booting operations will be conducted; (iv) a copy of the written agreement authorizing booting locations at that location, as required under subsection (f)(2) of this section; (v) payment of the registration fee required under this subsection (b)(2); and (vi) any other information that the Commissioner may reasonably require to enforce this section. The information contained in each such registration shall be kept current by the licensee. If a licensee discontinues booting operations at any location registered with the department, the licensee shall notify the department of such fact within 10 business days of the date of such discontinuation.

(3) Exemptions. The requirements of this section shall not apply to the booting of a motor vehicle by the City of Chicago or any other governmental entity, or to any person acting under the direction of the City of Chicago or any other governmental entity, when booting of a motor vehicle is authorized by any provision of law or any rule or regulation promulgated thereunder.

(c) Application -- Additional Information Required. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of booting of motor vehicles shall be accompanied by the following information:

(Omitted text is unaffected by this ordinance.)

(2) a statement as to whether, within three years of the date of application or renewal, (i) the applicant, or (ii) any employee or agent of the applicant who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type;

(3) an accurate list of all locations where the licensee conducts booting Operations;

(4) a toll-free 24-hour telephone hotline meeting the requirements of paragraph (15) of subsection (f) of this section.

(Omitted text is unaffected by this ordinance.)

(e) License Issuance And Renewal -- Prohibited When. No license to engage in the business of booting of motor vehicles shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if, within three years of the date of application or renewal, (i) such applicant or licensee, or (ii) any employee or agent of such applicant or licensee who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type. ~~Provided, however, that the commissioner may accept as proof of an employee's or agent's lack of disqualifying convictions an affidavit from a private detective licensed in Illinois, certifying that the detective has examined the criminal history and record of the employee or agent, and that, within the last three years, the employee or agent has not been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type. The commissioner may specify a form for the affidavit by rule.~~

(Omitted text is unaffected by this ordinance.)

(f) Legal Duties. Each licensee engaged in the business of booting of motor vehicles shall have a duty to:

(Omitted text is unaffected by this ordinance.)

(3) ~~post signs, no fewer than 14 days prior to the commencement of a booting operation at each and every location where a booting operation is to be conducted, and to maintain in a conspicuous location, a minimum of two signs~~ Such signs shall be at least no smaller than 24 inches in height and 36 inches in width, setting forth and shall contain the following information: (i) the date upon which a booting operation shall commence; (ii) the terms of use of the subject property; (iii) the fee for ~~removal of~~ removing a boot; (iv) the licensee's name, and address, and a 24-hour telephone hotline number for the licensee meeting the requirements of paragraph (15) of this subsection (f); (v) the name and telephone number of the property owner or manager of the property where booting operations are being conducted; and (vi) a statement notifying consumers of their rights under this section with language using text provided by the department. The signs required under this paragraph (3) shall be: (a) conspicuously posted as close as physically possible at each vehicle entry point to, and at each vehicle exit point from, the property where booting operations are being conducted; (b) posted in a place and manner such that the signs are not obstructed from plain view by parked vehicles or foliage; and (c) Such signs shall maintained, and remain in place, as long as a booting operation is operations are being conducted at such location;

(Omitted text is unaffected by this ordinance.)

(5) ~~station, at every~~ each location where a licensee conducts booting operations, at least one employee or agent to install and remove boots and to receive payments of any fees assessed pursuant to paragraph (10) of this section. Each such employee or agent shall: (i) wear a uniform, which may consist of a coat or vest, that: (a) includes the licensed company's name, (b) includes the employee's or agent's name, as applicable; and (c) clearly identifies such person as an employee or agent of the licensee; (ii) wear, in a conspicuous manner, an identification placard clearly displaying the name of such employee or agent, and displaying the name, address and telephone number of the licensee; and ~~(ii)~~ (iii) carry, on his or her person, a copy of the license issued under this section. Prior to leaving the location where booting operations are conducted, the employee or agent stationed at the location shall remove all boots from vehicles at that location;

(6) place on the windshield of every vehicle that is booted a copy of the "Consumer Bill of Rights", the using text ~~of which shall be~~ provided by the department, and to make copies of this document available to persons upon request;

(Omitted text is unaffected by this ordinance.)

(13) provide the owner of a booted vehicle with a legible receipt, which shall indicate: (i) the date and time the boot was placed on the vehicle; (ii) the date and time the owner returned to the vehicle; and (iii) the date and time the boot was removed from the vehicle. Such receipt shall include the name of the person who installed the boot and shall clearly state that the owner has the option to pay any fees assessed in connection with the booting operation by credit card. The licensee shall keep on file at the licensed premises, for a period of at least three years from the date of its issuance, a copy of the receipts required to be provided under this paragraph (13), and, upon request by any authorized city official, shall make a copy of such receipt(s) available for inspection by such authorized city official.;

(14) prior to authorizing any manager, employee or agent of the licensee to physically install or remove any booting device: (i) provide such manager, employee or agent with formal training to facilitate compliance with this section; (ii) as part of the formal training, explicitly instruct such managers, employees or agents that they must immediately remove a boot from any vehicle, at no charge, if the owner of the motor vehicle returns prior to complete attachment of the boot; and (iii) upon completion of such formal training, require the applicable manager, employee or agent to sign and date a certification statement indicating: (a) the date on which, and location at which, the formal training required under this subsection (f)(14) occurred; and (b) acknowledging that such formal training included instructions to immediately remove a boot from any vehicle, at no charge, if the owner of the motor vehicle returns prior to complete attachment of the boot. The licensee shall: (A) keep a copy of each signed certification provided pursuant to this subsection on file at all times that any manager, employee or agent is authorized to physically install or remove any booting device and for an additional period of three years after the termination or lapse of any such authorization; and (B) upon request by any authorized city official, make a copy of any such signed certification available for inspection by such authorized city official; and

(15) establish and maintain a toll-free 24-hour telephone hotline for answering questions, and for receiving and responding to complaints, from any person ("the caller") in connection with booting operations under this section. The telephone hotline shall be adequately staffed at all times by trained live operators, which may

include the licensee, the licensee's agent or an answering service. All incoming calls received using the telephone hotline shall be logged and recorded, and the caller shall be notified of such fact by the trained live operator at the time the telephone call is answered. The licensee shall retain such log and recordings on file for a period of at least 12 months from the date the log entry and recording is made. The log entry shall include the following information: (1) the name and contact information of the caller; (2) the date and time the call was received; (3) the licensee's response to the call; and (4) any other information reasonably required by the Commissioner in duly promulgated rules. Upon request by any authorized city official, the licensee shall make such log and recordings available for inspection by such authorized city official. If the telephone hotline number is changed, the licensee shall immediately notify the Commissioner of such fact.

(g) Prohibited Acts. It shall be unlawful for any licensee engaged in the business of booting motor vehicles to:

(Omitted text is unaffected by this ordinance.)

(3) assess a fee in excess of ~~\$140.00~~ \$170.00 to remove a boot;

(Omitted text is unaffected by this ordinance.)

(5) engage in booting operations at any location that is outside the 1st Ward, 2nd Ward, 4th Ward, 6th Ward, 12th Ward, 15th Ward, 16th Ward, 21st Ward, 22nd Ward, 23rd Ward, 24th Ward, 25th Ward, 26th Ward, 27th Ward, 28th Ward, 30th Ward, 32nd Ward, 33rd Ward, 34th Ward, 36th Ward, 37th Ward, 38th Ward, 40th Ward, 42nd Ward, 43rd Ward, 44th Ward, 45th Ward, 46th Ward, 48th Ward, or 49th Ward, all bounded as provided in Article III of Chapter 2-8 of the Code.

(h) Violation -- Penalty. In addition to any other penalty provided by law, ~~Any~~ any person who violates ~~any provision of~~ this section or any rule or regulation promulgated thereunder shall be subject to a fine of not less than \$1,000.00 nor more than \$2,000.00 for each violation. Any licensee who violates ~~any provision of~~ this section two times at one location within any 180-day period shall be prohibited from conducting booting operations at that location for a period of one week. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 2. Section 4-5-010 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

4-5-010 Establishment Of License Fees.

(Omitted text is unaffected by this ordinance.)

(1)	Limited h <u>Business License</u> (4-4).....	\$250.00
(2)	Regulated Business License (4-6) -- Other than Hotels <u>and Booting of Motor Vehicles</u>	\$250.00
(3)	Regulated Business License (4-6) -- Hotels.....	\$250.00 plus \$2.20 per room
(3) (1)	<u>Regulated Business License (4-6) -- Booting of Motor Vehicles</u>	<u>\$1,000.00</u>
(4)	Ambulance (4-68) per year.....	\$600.00

(Omitted text is unaffected by this ordinance.)

SECTION 3. This ordinance shall take full force and effect upon its passage and publication.

AMENDMENT OF SECTION 4-60-022 OF MUNICIPAL CODE BY DELETING SUBSECTION 31.32 TO ALLOW ISSUANCE OF ADDITIONAL ALCOHOLIC LIQUOR LICENSES ON PORTION OF N. PULASKI RD.

[O2017-8572]

The Committee on License and Consumer Protection submitted the following report: