

**CHICAGO, NOVEMBER 18, 2009**

To the President and Members of the City Council:

Your Committee on Traffic Control and Safety & Police and Fire to which was referred on (March 18, 2009) a proposed ordinance to Amend 2-14-132 of the Municipal Code, regarding Impoundment and amending 9-80 of the Municipal Code by adding a new section 9-80-240, driving with a suspended or revoked license--impoundment.

Begs leave to recommend that your Honorable Body Do Pass the proposed substitute ordinance submitted herewith.

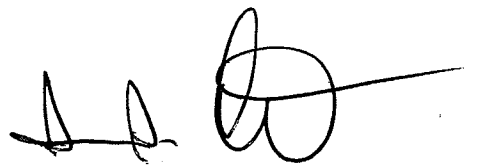
This recommendation was concurred in by all members of the committee present,

with no dissenting votes.

Respectfully submitted,



Patrick J. O'Connor  
Chairman  
Committee on Traffic Control  
and Safety



Isaac S. Carothers  
Chairman  
Committee on Police and Fire

**SUBSTITUTE**  
**ORDINANCE**

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

**SECTION 1.** Section 2-14-132 of the Municipal Code of Chicago is hereby amended by adding 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 or 9-112-555 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, 8-20-015, 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 2.** Chapter 9-80 of the Municipal Code of Chicago is hereby amended by adding a new Section 9-80-240, as follows:

**9-80-240 Driving with a suspended or revoked license--Impoundment.**

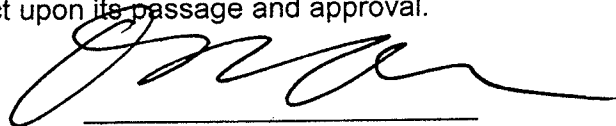
(a) The owner of record of any motor vehicle that is operated by a person with a suspended or revoked driver's license shall be liable to the city for an administrative penalty of \$500.00 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section.

(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 agent. When 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 violation of the fact of the seizure and of the vehicle owner's right to request a preliminary 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.

**SECTION 3.** This ordinance shall take effect upon its passage and approval.



---

Thomas R. Allen  
Alderman, 38<sup>th</sup> Ward