
CITY OF CHICAGO

RULES



AFFILIATION RULES

Last Updated: December 23, 2001

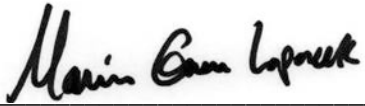


Mayor Rahm Emanuel

Commissioner Maria Guerra Lapacek

BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION PURSUANT TO **CHAPTERS 2-25 AND 9-112**, THE FOLLOWING RULES REGARDING **AFFILIATIONS** ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 
Commissioner Maria Guerra Lapacek

Date: July 28, 2015

Published: **December 23, 2001**
Effective: **December 23, 2001**

Rule No. 1 Definitions. For the purposes of these rules and regulations, the following definitions shall apply:

- a. "Affiliation" means an association of public passenger vehicle license holders organized and incorporated for the purpose of providing its members with a Chicago business address, telephone number registered to the affiliation, color scheme where applicable, a trade name or emblem where applicable, a two-way radio dispatch system, insurance and the designation of an authorized registered agent. Members of an affiliation shall be known as "affiliates."
- b. "Dispatch service" means all acts necessary to provide an appropriate taxicab in a timely manner to a prospective customer who has requested such service by telephonic or written order to a licensed entity responsible for receiving such requests.
- c. "Dispatcher" means any individual person, employed by or acting on behalf of an affiliation or a radio dispatch service, who is engaged in the activity of receiving requests from the public for taxicab service and/or is engaged in communication with the drivers of affiliated taxicabs for the purpose of informing them of or assigning them to fill requests for taxicab service from the public.
- d. "Radio Dispatch Service" means an organization licensed as such by the City of Chicago, which is neither a licensee nor an affiliation but which provides, pursuant to an agreement with an affiliation, an approved "two-way radio dispatch system" to the affiliates of the affiliation.
- e. "Telephonic request for service" means a request for service placed by telephone by a member of the general public seeking transportation.
- f. "Two-way radio dispatch system" means a method of radio communication by which a dispatcher may communicate with the drivers of all vehicles in the organization. With respect to an affiliation, the term "organization" refers to the affiliation and all its affiliate's vehicles. A two-way radio dispatch system shall enable the dispatcher to communicate with the drivers of all vehicles in the organization simultaneously and shall also enable each driver to communicate with the dispatcher for the purpose of obtaining service by a cab driver for a customer.
- g. "Underserved areas" are hereby designated as:

- (1) All areas within the corporate limits of the city of Chicago which are located either: north of Devon Avenue; west of Ashland Avenue between Devon Avenue and Grand Avenue; west of Halsted Street between Grand Avenue and Roosevelt Road; or south of Roosevelt Road.
- (2) Notwithstanding the boundaries of paragraph (1) above, O'Hare Airport, Midway Airport, and McCormick Place are not designated as underserved areas.
- (3) Notwithstanding the boundaries of paragraph (1) above, the Grand Ballroom of Navy Pier is designated an underserved area.
- (4) Notwithstanding the boundaries of paragraph (1) above, each pickup of a passenger participating in the Chicago Transit Authority Taxi Access Program (CTA-TAP) pursuant to a telephonic or prearranged request for service shall be deemed to have occurred in an underserved area.

Rule No. 2 Licensing. No organization may operate as an affiliation unless it is properly licensed by the Commissioner of Consumer Services. Application for licensing shall be on such forms and accompanied by such documents as the Commissioner may require and shall include, but not be limited to proof that the 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 packet, such changes must be reported in writing to the Department of Consumer Services within forty-eight hours. All affiliation licenses expire on December 1. Renewal of affiliation licenses must be made during the month preceding expiration of the license.

Rule No. 2.1 Emergency and telephonic facsimile service. All affiliations shall maintain a business telephone service by which the Commissioner can reach the affiliation within sixty (60) minutes on a 24-hour-per-day basis. All affiliations shall also maintain a system allowing for the Department of Consumer Services to send messages either by telephonic facsimile ("fax") or by Internet computer communication ("e-mail") on a 24-hour-per-day basis.

Rule No. 2.3 Participation in Chicago Transit Authority Taxi Access Program

- a. As a condition of being licensed, every affiliation and every taxicab affiliated with the affiliation shall participate fully in the Chicago Transit Authority Taxi Access Program (CTA-TAP).

- b. Each applicant for licensing or renewal of licensing as an affiliation shall submit documentation evidencing full participation in CTA-TAP by the affiliation and each of its affiliated members.
- c. Affiliations have an affirmative duty to inform the Department of Consumer Services immediately in the event that either the affiliation or any affiliated taxicab is terminated or suspended from participating in CTA-TAP.
- d. Affiliations and their affiliates have an affirmative duty to insure that the drivers of affiliated taxicabs are qualified to and fully participate in CTA-TAP. Effective January 1, 2003, no affiliated taxicab shall be operated by a driver unless that driver is qualified to participate in CTA-TAP.
- e. Requests for dispatch service made to an affiliation and/or radio dispatch service by customers participating in CTA-TAP shall be given priority by the affiliation and/or radio dispatch service over all other requests for dispatch service, except those requests made by disabled persons needing transportation in a wheelchair-accessible vehicle.
- f. The affiliation and/or radio dispatch service shall ensure that only a driver qualified to participate in CTA-TAP shall be dispatched to answer a request for dispatch service made to the affiliation and/or radio dispatch service by a person participating in CTA-TAP.
- g. In the event that no driver qualified to participate in CTA-TAP voluntarily accepts a dispatch order to an affiliation and/or radio dispatch service from a person participating in CTA-TAP, the affiliation radio dispatch service must assign a qualified driver to respond to the dispatch request in such a manner as to insure that the driver arrives at the customer's location within thirty minutes of when the customer's request for service was made to the affiliation and/or radio dispatch service.
- h. It shall be a rebuttable presumption that an affiliation has failed to provide dispatch service to a person within the corporate limits of the City of Chicago if a driver qualified to participate in CTA-TAP and operating an affiliated vehicle fails to arrive at the location of a prospective customer participating in CTA-TAP within thirty minutes of when the customer's request for service was made to the affiliation and/or radio dispatch service to which the affiliation is a subscriber. Such presumption may only be rebutted by the affiliation submitting documentation which establishes the existence of one of the affirmative defenses enumerated in Rule 5.2(b) of these Rules and Regulations.

- i. In the event that a chauffeur qualified to participate in CTA-TAP refuses to accept an assignment from an affiliation and/or radio dispatch service to respond to a request for dispatch service by a customer participating in CTA-TAP, the affiliation and/or radio dispatch service shall file, within two business days of the refusal, a complaint against such chauffeur on a form designated by the Department of Consumer Services.

- j. In the event that a customer participating in CTA-TAP pre-arranges transportation with a driver qualified to participate in CTA-TAP without contacting the affiliation, the affiliation shall consider such a trip in determining the driver's compliance with the one-call-a-day program if the affiliation maintains a separate record, in a format approved by the the Commissioner, indicating all CTA-TAP fares transported by the drivers of affiliated vehicles and such record is furnished to the Commissioner in conjunction with any radio dispatch logs requested by the Commissioner.

If the above action is taken, the affiliation shall include the trip in the number of radio calls for service from underserved areas accepted and filled by the driver which the affiliation indicates on the driver's compliance certification prepared by the affiliation in accordance with Rule 6.1(e) of these Rules and Regulations.

- k. All public chauffeur continuing retraining programs offered by or on behalf of an affiliation shall include a review of CTA-TAP procedures.

Rule No. 2.4 Public chauffeur continuing retraining programs

- a. Affiliations which fail to offer, or to contract with a state-approved vocational or technical school or not-for-profit organization to offer, a continuing retraining program approved by the Commissioner for drivers of its affiliated taxicabs shall be assessed an annual fee equal to the product of \$100 times the number of vehicles affiliated with the affiliation.

- b. Each affiliation wishing to offer a public chauffeur retraining course shall submit to the Commissioner for approval, the identity of the organization which will offer the retraining program required in paragraph (a) above and submit a proposed curriculum plan indicating: the time duration of the training program and any of its components; a detailed lesson plan involving the subject material to be covered; the names and qualifications of the instructors; the frequency with which the course will be offered; the means of verifying the chauffeur's completion of the course; the cost to be charged for each driver to complete the program; a proposed schedule to insure that all drivers complete the

program; and any other information required by the Commissioner for approval of the program. Affiliations wishing to offer a public chauffeur retraining course in 2001 must submit this information no later than April 15, 2001. An affiliation which does not offer a public chauffeur retraining course in 2001, but subsequently decides to do so, must submit this information no later than sixty days prior to renewal of their license.

- c. No public chauffeur retraining program will be approved that does not consist of a minimum of six hours of training for each chauffeur.
- d. Each affiliation wishing to offer a public chauffeur retraining course in 2001 shall obtain prior approval for and commence their public chauffeur retraining program no later than July 1, 2001. Each affiliation which does not offer a public chauffeur retraining course in 2001, but subsequently decides to do so, shall obtain approval and commence the program no later than the date of renewal or issuance of their license.
- e. All affiliations offering a public chauffeur retraining course shall continue such program on an on-going basis in accordance with their approved curriculum plan. No changes in the approved curriculum plan may be made by the affiliation or the entity providing the course pursuant to agreement with the affiliation without the prior approval of the Commissioner.
- f. Sixty days prior to application for licensing or renewal of licensing as an affiliation, the applicant must submit or resubmit its curriculum plan for review and approval by the Commissioner.
- g. Any affiliation which, for any licensing year, fails to comply with paragraphs (b) through (f) of this rule shall be deemed to have failed to offer a public chauffeur continuing education program and shall be assessed a penalty equal to the product of \$100 times the number of vehicles affiliated with the affiliation for that licensing year, in addition to any fees paid to the Harold Washington College for chauffeur retraining.
- h. All fees for the public chauffeur retraining course shall be charged to the affiliate(s) whose drivers are taking the training. No public chauffeur shall be assessed any fees in connection with the training.

Rule No. 2.5 Dispatcher training

- a. By April 15, 2001, each affiliation shall submit, for review and approval by the Commissioner, a proposed course curriculum for the training of dispatchers.
- b. No dispatcher course shall consist of less than three hours of instruction. A minimum of one hour of said instruction shall consist of training concerning customer services (proper telephone etiquette; informing the customer what the response to his request will be; handling TAP requests; calling the customer back if timely service will not be provided, etc.).
- c. A minimum of one hour of said instruction shall consist of training concerning the responsibilities of the affiliation and dispatcher in assigning a cab to answer the call; verifying that the passenger has been picked up; and making accurate and complete entries in the dispatch log.
- d. Each affiliation shall submit for approval with its proposed course curriculum a copy of a dispatcher's manual specifying the responsibilities of the dispatcher in answering requests for service and the communication and assignment of such requests to drivers of affiliated taxicabs. All persons taking the dispatcher's training course shall be provided a copy of the approved dispatcher's manual.
- e. Each affiliation's proposed course curriculum shall include a detailed lesson plan, including, but not limited to: the subjects to be covered (including the amount of time for each subject); the method of instruction; instruction materials; method of evaluation; and the names and qualifications of the instructors.
- f. No affiliation, after the Commissioner has reviewed and approved the curriculum of the dispatcher's course and the dispatcher's manual, may amend such curriculum or manual without written approval of the Commissioner.
- g. Effective July 1, 2001, no affiliation shall permit any individual to act as a dispatcher on its behalf unless such person has fully completed the course of instruction, approved by the Commissioner, on the dispatching of the affiliation's taxicabs to persons requesting such service.

RULE NO. 2.6

Wheelchair accessible vehicles and dispatching

- A. Each affiliation with at least one affiliated wheelchair accessible taxicab and each wheelchair accessible taxicab medallion owner must be a subscriber or otherwise participate in the dispatching of wheelchair accessible taxicabs by a coordinated or centralized dispatch system

approved by the Commissioner. Any coordinated or centralized dispatch system for wheelchair accessible taxicabs shall include the equipping of each wheelchair accessible taxicab participating in the system with a satellite-based computerized navigation system which also provides information to the dispatcher of the exact street location of each vehicle within a 200 foot tolerance. No centralized or coordinated dispatch system shall be approved unless the dispatch system agrees to file monthly activity reports on the number of dispatch requests received and the number of disabled persons transported by the subscribers of the dispatch system. Further, the dispatch system must accept the responsibility for assigning individual drivers to respond to requests for service in a timely manner when no driver has volunteered to respond to the request.

- B. The affiliation is required to insure that all radio dispatch equipment (including the navigation system) for the wheelchair accessible taxicab is in proper working condition and activated at all times when the wheelchair accessible taxicab is in operation.
- C. Requests for dispatch service made to an affiliation and/or radio dispatch service by customers expressing a need for a wheelchair accessible taxicab because of disability shall be given priority by the affiliation and/or radio dispatch service and by any chauffeur operating a wheelchair accessible taxicab. No affiliation or radio dispatch service not providing approved centralized or coordinated dispatch of wheelchair accessible taxicabs shall assign a driver operating a wheelchair accessible taxicab to respond to a dispatch request unless such request is from a passenger expressing a need for a wheelchair accessible taxicab because of disability.
- D. Any coordinated or centralized dispatch service for the dispatch of wheelchair accessible taxicabs shall ensure that a wheelchair accessible taxicab arrives at the location requested by a customer requesting such service because of disability within sixty minutes following the request being made to the dispatch service. All affiliations subscribing to the coordinated or centralized dispatch service for the dispatch of wheelchair accessible taxicabs shall be jointly and severably liable for any violation of this section. .
- E. Chauffeurs operating a wheelchair accessible vehicle shall maintain daily logs of all rides transporting passengers with disabilities. Chauffeurs

shall provide copies of these daily logs to their affiliation no later than seven days following the date of log. Affiliations and chauffeurs are responsible for furnishing copies of these logs to the Department of Consumer Services within forty-eight hours of a request to produce such logs.

- F. Each time a public chauffeur transports a person with disabilities in a wheelchair accessible vehicle, such trip may be counted in determining the chauffeur's compliance with the one-call-a-day requirements.

Rule No. 3 Separation of taxicabs and liveries. No affiliation may have as affiliates both taxicab and livery license holders.

Rule No. 4 Dispatch of properly licensed vehicles. No affiliation licensed under these rules and Chapter 9-112 of the Municipal Code of Chicago may dispatch a taxicab or livery for the purpose of providing transportation to a customer unless the vehicle is properly licensed to provide the transportation requested. The Department of Consumer Services will notify an affiliation in the event of the suspension or revocation of any of its affiliate's licenses.

Rule No. 5 Dispatch procedures for taxicabs and liveries

- a. All affiliate taxicabs and liveries 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 a member of the general public requesting transportation. Affiliations are responsible for ensuring that such equipment is activated and operating at sufficient volume all times when the affiliated taxicab is in service, and also for ensuring that all calls for service originate with members of the general public seeking transportation.
- b. No affiliation may contract with a radio dispatch service to provide a two-way radio dispatch system to its affiliates unless the radio dispatch service is licensed by the Department of Consumer Services. In the event that an affiliation contracts with a licensed radio dispatch service to provide a two-way radio dispatch system to its affiliates, the affiliation shall be liable for any acts or omissions of the radio dispatch service which may violate any of these rules and regulations.
- c. All radio dispatch systems used by affiliations shall be registered with and subject to the approval of the Commissioner.

- d. No affiliation shall discriminate in the dispatch of service against any member of the general public requesting transportation on the basis of age, sex, race, religion, sexual orientation, or national origin.
- e. No taxicab affiliation shall refuse or fail to provide service to any person or location within the corporate limits of the City of Chicago.
- f. Each licensed taxicab affiliation must maintain vehicle dispatch records for a minimum of six months. These records shall consist of three logs:
- (1) A general log indicating each request for dispatch service with the name, address and telephone number of the person requesting service, the number of the vehicle responding to the radio dispatch service call to provide transportation, and the date and times both when the service was requested and when the prospective passenger was picked up.
 - (2) A separate record, in addition to the general log, shall be kept for each instance when a customer requesting service was denied service or for whom such service was not provided within thirty minutes of the request for service, except where the customer requesting service specified a particular time for the vehicle to arrive and that such request was met at the specific requested time. This log shall also indicate the name, address, and telephone number of the person requesting service, the number of the vehicle, if any, dispatched to respond to such request, and the date and times when the person requesting service was contacted to inform him/her that service will not be provided within thirty minutes.
 - (3) A third log shall be kept for each instance when a customer requests the service of a wheelchair-accessible taxicab, including the name, address, and telephone number of the person requesting service, the number of the vehicle responding to the radio dispatch service call to provide transportation, and the date and times both when the service was requested and when the prospective passenger was picked up. Affiliations participating in a centralized dispatching system for the dispatch of wheelchair-accessible taxicabs approved by the Commissioner need not maintain a separate log for wheelchair-accessible taxicabs, provided the central dispatch system maintains such a log. Affiliations who have no affiliates who have licensed wheelchair-accessible vehicles, upon receiving a request for such a

vehicle, shall refer the caller to the number of the approved centralized dispatch system for the dispatch of wheelchair-accessible taxicabs.

Dispatch records maintained by affiliations pursuant to this rule shall be available for inspection by Department of Consumer Services personnel during normal business hours. In the event that the Department of Consumer Services request copies of dispatch records, these should be supplied within three working days. In the event that the Department of Consumer Services requests the total number of requests for dispatch service listed in each log for any date(s), the affiliation shall respond within three working days.

- g. When service will not be provided within thirty minutes of a request for radio dispatch of a taxicab, and if the person requesting service has furnished the affiliation with a phone number at which the customer may be reached, the affiliation or radio dispatch service must contact the person requesting such service to inform him/her of the delay and when service shall be provided. Persons requesting service who do not furnish the affiliation with a phone number at which the customer may be reached shall be advised that they should call the affiliation back to determine the status of their request if, after twenty minutes, service has not yet been provided.
- h. All affiliations providing dispatch service of wheelchair-accessible taxicabs shall establish and participate in a central dispatch service for this purpose. The central dispatch service shall be subject to review and approval by the Commissioner, and a detailed description of its operating procedures shall be submitted to the Commissioner for review and approval by June 1, 2001. Any updates to the procedure shall also be submitted to the Commissioner for review and approval on an ongoing basis. The central dispatch service shall be designed to ensure that all telephonic requests for wheelchair-accessible service are promptly fulfilled. All participating affiliations shall be liable for a failure to respond to a call to the central dispatch service. The costs of maintaining this wheelchair-accessible central dispatch service shall be borne by all participating affiliations on a pro-rata basis, determined by the number of participating licensed vehicles in each participating affiliation. Each participating affiliation may pass on such costs to participating medallion holders.
- i. All affiliations providing dispatch service of wheelchair-accessible taxicabs must accept telephonic reservations for wheelchair-accessible service up to 48 hours in advance of the time requested for service. All affiliations must accept telephonic reservations for CTA-TAP service up to 48 hours in advance of the time requested for service.

Rule No. 5.1 Submission of underserved area plans—minimum performance standards

- a. Each affiliation shall, as a condition of licensing, by May 1, 2001, submit to the Commissioner for review and approval a detailed plan to ensure both that taxicab service to all areas of the City of Chicago is adequate, and that an adequate number of requests for service are or will be received by the affiliation and transmitted to the public chauffeurs operating affiliated taxicabs which would enable these chauffeurs to meet the minimum daily and/or weekly requirements imposed by MCC Section 9-112-215 in responding to and transporting passengers from underserved areas. The provision of adequate service to all areas of the city includes, but is not limited to: positive response to all telephonic requests for service within thirty minutes, absent extraordinary circumstances such as extreme weather.
- b. Upon acceptance by the Commissioner, each affiliation shall comply fully with the terms of its underserved area plan unless and until the plan is amended by or with the approval of the Commissioner.
- c. Each affiliation shall on October 1 of each year submit to the Department of Consumer Services a report containing the following information for the preceding 365-day period: (1) The number of affiliates in the affiliation; (2) The number of calls received by the affiliation; (3) The number of calls filled by the affiliation; (4) The number of calls from underserved areas received and filled by the affiliation; and (5) The number of calls from underserved areas received and not filled by the affiliation. The report shall be provided both in paper form and in an electronic format acceptable to the Commissioner.
- d. Beginning on May 15, 2001 and continuing on the fifteenth day of each month thereafter, each affiliation shall submit to the Department of Consumer Services a report containing the following information: (1) The name and chauffeur number and/or medallion number of each affiliated driver; (2) The name and chauffeur number and/or medallion number of each affiliated driver who logged in for one or more of the prior months, and the number of calls taken by that driver in underserved areas for each weekly period; (3) The name, address and telephone number of each passenger requesting transportation originating from an underserved area to their destination; and (4) The number of calls taken by the affiliation for each of the prior four weeks. The report shall be provided in duplicate copies of an electronic format acceptable to the Commissioner.

- e. For purposes of subsections (f) through (j) of this Rule No. 5.1, the following three performance standards shall apply in determining an affiliation's compliance with underserved service requirements:
- (1) An affiliation meets the "minimum performance standard" by receiving and filling a number of telephonic requests and/or prearranged TAP requests for service originating from underserved areas equal to the product of two hundred (200) times the number of affiliated taxicabs in the affiliation during the previous licensing year. For the year 2001 the applicable period shall be from May 1 to December 1.
 - (2) An affiliation meets the "probationary performance standard" by receiving and filling a number of telephonic requests and/or prearranged TAP requests for service originating from underserved areas greater than the product of two hundred (200) times, but less than the product of three hundred (300) times, the number of affiliated taxicabs in the affiliation during the previous licensing year. For the year 2001 the applicable period shall be from May 1 to December 1.
 - (3) An affiliation meets the "full-compliance performance standard" by receiving and filling a number of telephonic requests and/or prearranged TAP requests for service originating from underserved areas equal to or greater than the product of three hundred (300) times the number of affiliated taxicabs in the affiliation during the previous licensing year. For the year 2001 the applicable period shall be from May 1 to December 1.

The three performance standards set forth in this subsection (e) shall be subject to review and adjustment by the Commissioner on an annual basis. **Note especially** that a telephonic or radio confirmation by the driver following a pickup pursuant to a street hail in an underserved area does NOT count towards satisfying these performance standards, is NOT authorized by these regulations, and will subject the driver and the affiliation to penalties.

- f. Affiliations that did not achieve the minimum performance standard, applying for renewal of their license after the effective date of this rule, shall be issued a probationary license for the subsequent licensing year.
- g. Affiliations that achieved the probationary performance standard, applying for renewal of their license after the effective date of this rule, may in the reasonable

and equitable discretion of the Commissioner be issued a probationary license for the subsequent licensing year. In determining whether to issue an unrestricted or a probationary license, the Commissioner shall consider such objective factors as efforts by the affiliation to fill requests for service originating from underserved areas, and efforts to get additional calls from underserved areas.

- h. (1) Affiliations that have been in existence for over two years, while operating under a probationary license, may not add to their number of affiliated taxicabs, or add replacement affiliated taxicabs to compensate for departed affiliates, or otherwise accept any affiliated taxicabs during the term of the probationary license.
- (2) Affiliations that have been in existence for two years or less, while operating under a probationary license, may add affiliates up to a maximum of 25% of the current number of affiliates, if they can show to the satisfaction of the Commissioner that they are making substantial progress towards remedying their probationary status. If they cannot show substantial progress, they shall be subject to the restrictions of subsection (h)(1) of this rule.
- i. (1) Affiliations operating under a probationary license, which have achieved and maintained the full-compliance performance standard for three consecutive months, may apply for immediate reinstatement of their unrestricted license. Provided, however, that if the affiliation was on probationary status at any time in the prior year, immediate reinstatement shall not be available.
- (2) Affiliations operating under a probationary license, applying for renewal of their license, which achieved the full-compliance performance standard during the previous year, shall have their unrestricted license reinstated.
- (3) Affiliations operating under a probationary license, applying for renewal of their license, which did not achieve the full-compliance performance standard during the previous year, shall be subject to the Commissioner's determination of whether the affiliation has made substantial progress.
 - (A) If in the judgment of the Commissioner the affiliation has made substantial progress, the Commissioner may, using reasonable

and equitable discretion: (i) Renew the probationary license; or
(ii) Reinstatement the unrestricted license.

- (B) If in the judgment of the Commissioner the affiliation has not made substantial progress, the Commissioner may, using reasonable and equitable discretion: (i) Renew the probationary license; and/or (ii) Order the affiliation to reduce the number of its affiliated taxicabs to a number that, based on the number of telephonic requests for service received in the previous year, would allow the affiliation to achieve the full-compliance performance standard; or (iii) Deny the affiliation's application for renewal of licensing.

The renewal of a probationary license may be subject to such conditions as the Commissioner deems necessary in furtherance of Section 9-112-215 and the other provisions of MCC Chapter 9-112.

- j. The Commissioner may in exceptional circumstances grant equitable relief from the performance standard penalty provisions of this rule if an affiliation demonstrates proof of a drastic increase or decrease in the number of affiliates as compared with the previous year.

Rule No. 5.2 Failure to provide radio dispatch service

- a. It shall be a rebuttable presumption that a taxicab affiliation has failed to provide dispatch service to a customer within the corporate limits of the City of Chicago if an affiliate taxicab does not arrive at the location of the customer within thirty minutes, or within sixty minutes if the request is for a wheelchair-accessible taxicab, of the request being received by the affiliation or a licensed radio dispatch service acting under agreement with the affiliation to provide central dispatch. In the event that no driver of an affiliated vehicle voluntarily accepts a particular dispatch order made to an affiliation and/or radio dispatch service, the affiliation and/or radio dispatch service must assign an affiliated driver to respond to the request in such a manner as to insure that the driver arrives at the customer's location within the time limit stated above. A presumption that an affiliation has failed to respond in a timely manner may only be rebutted by the radio dispatch service submitting documentation which establishes the existence of one of the affirmative defenses enumerated in paragraph (b) below.

- b. A presumption that an affiliation has failed to provide dispatch service may only be rebutted by the submission of documentation which establishes one or more of the following:
1. At the time the request was made, severe inclement weather had a measurable adverse impact on traffic conditions or resulted in a measurable increased demand for service;
 2. At the time the request was made, the demand for taxicab service was significantly higher than the normal demand for comparable days and times;
 3. The taxicab assigned to respond to the request for service, while en route to picking up the passenger, is either involved in an accident or otherwise is unable to respond due to a verifiable mechanical breakdown rendering the vehicle unfit for service;
 4. At the time the request was made, other circumstances existed which were out of the control of the affiliation, its affiliates, and the drivers of its affiliated vehicles which would have not have been foreseen by a reasonable person in the normal conduct of their affairs; or
 5. At the time the request was made, there was an insufficient number of taxicabs in service to meet the request.

Rule No. 5.3 Taximeter or electronic equipment

- a. All taxicabs whose licenses are initially issued subsequent to the effective date of this rule shall be equipped with a taximeter or electronic equipment, approved by the Commissioner, which is capable of accepting or being adapted to accept as payment for fares all major credit cards, debit cards, computer-chip-based or magnetic-strip-based smart cards, and other electronic methods of payment.
- b. Effective March 1, 2002, every taxicab, regardless of the issuance date of its license, shall be equipped with a taximeter or electronic equipment, approved by the Commissioner, which is capable of accepting or being adapted to accept as payment for fares all major credit cards, debit cards, computer-chip-based or magnetic-strip-based smart cards, and other electronic methods of payment.

- c. Any license holder applying for approval of a taximeter or electronic equipment under this rule shall: (1) submit to the Commissioner both the specifications for the taximeter or electronic equipment and a detailed written description of the capabilities of the equipment; (2) submit to the Commissioner a complete and accurate statement of all costs associated with such equipment (e.g., capital, installation, maintenance, operational); and (3) provide a demonstration of the taximeter or electronic equipment in operation. If the taximeter or other equipment directly or indirectly collects or transmits information about an individual passenger using an alternative method of payment, that capability must be disclosed in detail.
- d. After the taximeter or electronic equipment required by this rule has been approved and is operational, a maximum service charge of 5% may be assessed on any payment of a fare by credit card, debit card, or computer-chip-based or magnetic-strip-based smart card.
- e. Except for the express and limited purpose of fare collection, no information collected or transmitted by an affiliation, radio dispatch service, cab company, or management company regarding an individual passenger using an alternative method of fare payment may be disclosed to any person without that passenger's informed consent.

Rule No. 6 Affiliation agreements

- a. Each affiliation must have on file with the Department of Consumer Services a written agreement between its affiliates and the affiliation detailing the responsibilities of each toward the other. Each such written agreement must provide that it is not only the responsibility of the affiliate, but also the responsibility of the affiliation, acting as an agent of the affiliate pursuant to their agreement, to insure that any driver of the affiliate's taxicabs shall, at all times when the taxicab is operated, keep the radio dispatch equipment activated in such a manner as to be clearly audible to the driver and to respond to any and all requests for service which the affiliation may designate to the affiliated taxicab.
- b. Each affiliation must submit for approval and maintain on file with the Department of Consumer Services a written form of master lease agreement that shall be the sole form used by all affiliates in the affiliation.

Rule No. 6.1 Affiliation responsibilities

- a. Suspension lists of any public chauffeur licenses and/or any public passenger vehicle licenses which have been delivered to an affiliation are deemed delivered to all affiliates of the affiliation.
- b. It is the responsibility of each affiliation to respond within three business days to any request from the Department of Consumer Services to any of its affiliates relating to any records pertaining to the operation of the affiliate, including, but not limited to, requests for lease records, accident reports, or financial records.
- c. It is the affirmative duty of each affiliation to insure that all reports, logs, and other documentation filed with the Department of Consumer Services, and all letters provided to public chauffeurs pursuant to Rule 6.1(e), are accurate and complete. No report shall be filed with the Department which contains false or inaccurate information, or omits any material information.
- d. In the event an affiliated vehicle fails to log in for more than four (4) days, it shall be the responsibility of the affiliation to contact the owner or manager of the vehicle in question and verify that the vehicle is out of service, and to keep a log of such failures to log in and subsequent verifications.
- e. Effective July 15, 2001, every affiliation shall provide free of charge, upon request, to any public chauffeur who has driven for that affiliation during the most recent license period, a letter from that affiliation, on affiliation letterhead. Such letter shall state, for the most recent license period, the number of days that the public chauffeur drove, and the number of radio calls for service from an underserved area accepted and filled by that chauffeur. For calendar year 2001, the requirement of this Rule No. 6.1(e) shall cover the period from May 15 to the time the public chauffeur makes application for license renewal.
- f. Each affiliation has an affirmative duty to insure that all persons operating affiliated taxicabs have current and valid City of Chicago Public Chauffeur and Illinois Driver Licenses.

Rule No. 7 Termination of affiliate's membership within an affiliation.

- a. Except as provided for in paragraph (b) of this rule, an affiliate may not have its membership in an affiliation terminated by the affiliation and its required liability insurance canceled, except on thirty days prior written notice on a form designated by the Commissioner to the affiliate and the Department of Consumer Services. Such notice to the affiliate shall be delivered in person or sent by first class certified mail, return receipt

requested. Prior to the effective date of the affiliate's termination from the affiliation, the affiliate must demonstrate to the Department of Consumer Services its compliance with insurance coverage, applicable color scheme, and two-way radio dispatch system requirements. Failure to do so will result in suspension of the affiliate's license(s).

Rule No. 8 Chauffeur Fees--Withholding of Services

- a. All compensation due an affiliation for providing service pursuant to the agreement between the licensee and the affiliation must be charged to and collected from the affiliate.
- b. An affiliation may not assess any fees or charges in addition to the lease rate against the lessee-driver of a city licensed taxicab or livery for services or equipment which the vehicle license holder is responsible to provide under the lease rate ordinance or the rules and regulations promulgated thereunder. Impermissible fees to the chauffeur include, but are not limited to, charges for providing radio dispatch service.
- c. No affiliation may withhold any money due a chauffeur pursuant to his participation in the CTA-TAP program if the purpose of withholding such money from the chauffeur is to collect or insure the collection of moneys owed by the vehicle licensee to the affiliation.

Rule No. 9 Penalties

- a. Following notice to the last registered address of an affiliation and a hearing held by the Department of Administrative Hearings, an affiliation found to have violated any of these rules and regulations shall be subject to a fine of not less than \$100 and not more than \$300 for the first offense within a twelve month period; not less than \$300 and not more than \$500 for the second offense within a twelve month period; and not less than \$500 nor more than \$750 for the third and each subsequent offense within the same calendar year.
- b. Each day that an offense occurs or continues shall be considered a separate offense.
- c. In addition to any fines, a hearing officer of the Department of Administrative Hearings may enter an order of restitution or other

appropriate equitable relief for any violation of these rules and regulations, excluding monetary claims for personal injury or property damage.

- d. If an affiliation is found to have violated any of the above rules on more than four separate occasions within a calendar year or if the affiliation is found to have abandoned its principal place of business in the City of Chicago, or if official notice or legal process cannot be served upon it at the affiliation's last Chicago address filed with the Department of Consumer Services, its license shall be revoked following a hearing before the Mayor's License Commission and upon revocation the public passenger vehicles of all its affiliates shall be suspended until their affiliation is severed by removal of all equipment and indicia of affiliation and cancellation of agreements with the affiliation and the licensees can demonstrate compliance with the insurance and two-way radio dispatch system requirements of Chapter 9-112 of the Municipal Code of Chicago.

Rule No. 10

Severability The invalidity of any rule or part of any rule of these rules and regulations shall not affect the validity of any other rule or part thereof.