City of Chicago

SO2019-1434

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	3/13/2019
Sponsor(s):	Emanuel (Mayor)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapters 9-4, 9-36, 9-40, 9-52 and 9-80 regarding low speed electric E-Bikes and mobility devices
Committee(s) Assignment:	Committee on Pedestrian and Traffic Safety

SUBSTITUTE
ORDINANCE

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

SECTION 1. Title 9 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, by inserting the language underscored, and by adding new sections 9-52-120 and 9-52-130, 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 not affected by this ordinance)

"Bicycle" means a two or three-wheeled riding conveyance ~~every device~~ propelled solely by human power ~~upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or two rear wheels, and~~ equipped with fully operable pedals, or their mechanical equivalent, which transfer the operator's effort to the rotation of the wheels, creating the movement of the conveyance.

"Bicycle share station" means a self-service station where bicycles are made available for rent ~~to any person of age 16 and older~~.

(Omitted text is not affected by this ordinance)

"Laned roadway" means a roadway which is divided into two or more marked lanes for vehicular traffic.

"Low-speed electric bicycle" means a bicycle, except equipped with an electric motor of less than 750 watts that meets the requirements of one of the following classes:

"Class 1 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

"Class 2 low-speed electric bicycle" means a low-speed electric bicycle that weighs less than 125 pounds and is equipped with a motor that can be used as the sole means to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

"Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour, or is a Class 1 or a Class 2 low-speed electric bicycle that weighs 125 pounds or more.

A "low-speed electric bicycle" is not a moped or a motor-driven cycle.

"Low-speed electric mobility device" means a device which: (i) has no operable pedals (ii) is no more than 26 inches wide; (iii) weighs less than 100 pounds; and (iv) is powered by an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of 15 miles per hour on a paved level surface.

(Omitted text is not affected by this ordinance)

"Mobile pay" means the payment for a product or service through an electronic device, such as a smartphone, where the electronic device is involved in both the initiation and confirmation of the payment.

"Motor" means a device that uses electricity, a petroleum product, or another fuel source to propel a vehicle or other conveyance.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding farm tractors, low-speed electric bicycles, and low-speed electric mobility devices.

"Motor-driven cycle" means every motorcycle and every motor scooter with less than 150 cubic centimeter piston displacement or their electric equivalent, but does not include a low-speed electric bicycle.

"Motor scooter" means a two-wheeled motor vehicle with a step-through frame, but does not include a low-speed electric bicycle or a low-speed electric mobility device.

"Motor vehicle" means every vehicle which is propelled by a motor.

(Omitted text is not affected by this ordinance)

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except motorized wheelchairs, low-speed electric bicycles, low-speed electric mobility devices, devices moved solely by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles, as defined in the Snowmobile Registration and Safety Act of Illinois.

"Yield right-of-way" means the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left.

9-36-020 Overtaking vehicle on the right.

(a) The driver of a vehicle or a Class 3 low-speed electric bicycle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn and there is sufficient safe clearance distance between the turning vehicle and the right edge of the roadway;

(2) Upon any roadway with unobstructed pavement of sufficient width for two or more lanes of moving vehicles in each direction; or

(3) Upon any roadway on which traffic is restricted to one direction of movement, where the unobstructed pavement is of sufficient width for two or more lanes of moving vehicles.

(Omitted text is not affected by this ordinance)

9-40-060 Driving, standing or parking on bicycle paths or lanes prohibited.

(Omitted text is not affected by this ordinance)

(b) Notwithstanding any provision of this code to the contrary, an electric personal assistive mobility device, as that term is defined in Section 9-80-205, may enter and drive upon the Randolph Protected Bike Lane located on Upper East Randolph Street, between North Michigan Avenue and North Harbor Drive.

(c) The rider of a Class 3 electric bicycle shall not ride in a bike lane.

9-40-175 Operation of ~~motor-powered~~ vehicles by a minor.

Except for a minor who possesses a valid instruction permit under 625 ILCS 5/6-107.1, and operates a vehicle in compliance with that section's requirements, ~~It~~ it shall be unlawful for any person under the age of 16 years to operate any vehicle on the streets of the City ~~city a motorcycle, powercycle, bicycle with motor attached, or power scooter, with a motor which produces not to exceed five brake horsepower~~. Any person who violates this section shall be subject to a fine of not less than $5.00 nor more than $100.00 for each offense.

9-52-020 Riding bicycles on sidewalks and certain roadways.

(a) Unless the prohibition imposed by subsection (c) or (d) applies, a person may ride a bicycle upon a sidewalk ~~within~~ along a business ~~district~~ street~~, but~~ only if such sidewalk has been officially designated and marked as a bicycle route, or such sidewalk is used to enter the nearest roadway, intersection, or designated bicycle path, or to access a bicycle share station.

(b) Unless the prohibition imposed by subsection (a), (c), or (d) applies, a person 12 or more years of age may ride a bicycle upon any sidewalk ~~in~~ along any ~~district~~ roadway~~, but~~ only if such sidewalk has been officially designated and marked as a bicycle route, or such sidewalk is used to enter the nearest roadway, intersection, or designated bicycle path, or to access a bicycle share station.

(c) Bicycles shall not be operated on Lake Shore Drive or on any public way where the operation of bicycles has been prohibited and signs have been erected indicating such prohibition.

(d) No person may ride a Class 3 low-speed electric bicycle upon any sidewalk.

9-52-040 Yielding right-of-way.

(Omitted text is not affected by this ordinance)

(d) Other than while riding a Class 3 low-speed electric bicycle, any ~~Any~~ bicyclist upon a roadway is permitted to pass on the right side of a slower-moving or standing vehicle or bicycle, but must exercise due care when doing so. When approaching a vehicle which has discharged passengers from its right side, a bicyclist must either yield to those pedestrians or pass on the left.

(Omitted text is not affected by this ordinance)

9-52-120 Low-speed electric bicycles.

(a) Except as provided in sections 9-36-020, 9-40-060, 9-52-020, and 9-52-040, the provisions of Title 9 of this Code that apply to bicycles shall also apply to low-speed electric bicycles.

(b) Low-speed electric bicycles operated in the City shall comply with equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission under 16 CFR 1512 and 625 ILCS 5/11-1517(b) and (c). No person shall knowingly tamper with or modify the speed capability or engagement threshold of a low-speed electric bicycle without replacing the label required under 625 ILCS 5/11-1517(c).

(c) A Class 2 low-speed electric bicycle shall operate so that the electric motor is disengaged or ceases to function when the brakes are applied. A Class 1 low-speed electric bicycle and a Class 3 low-speed electric bicycle shall operate so that the electric motor is disengaged when the rider stops pedaling.

(d) Only a person 16 years of age or older may operate a Class 3 low-speed electric bicycle.

9-52-130 Low-speed electric mobility devices.

The provisions of Title 9 of this Code that apply to the operation and parking of bicycles shall also apply to the operation and parking of low-speed electric mobility devices.

9-80-200 Toy vehicles.

(Omitted text is not affected by this ordinance)

(b) No person shall ride a skateboard upon any business street ~~roadway~~ or sidewalk ~~in~~ along a business ~~district~~ street.

(Omitted text is not affected by this ordinance)

(f) No person shall operate a ~~motorized cycle or motorized scooter~~ motor-driven cycle on the public way, except on a street where vehicular traffic is allowed. No person shall operate a ~~motorized cycle or motorized scooter~~ motor-driven cycle on a street unless the vehicle is properly registered and the operator is in possession of a valid driver's license, and meets the requirements of the Illinois Vehicle Code with respect to insurance. Nothing in this subsection applies to any low-speed electric bicycle, low-speed electric mobility device, or motorized wheelchair as the term "motorized wheelchair" is defined in the Illinois Vehicle Code.

(Omitted text is not affected by this ordinance)

SECTION 2. This ordinance shall take effect upon its passage and approval.

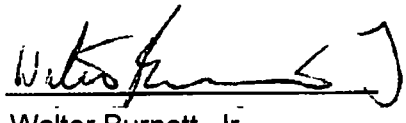
CHICAGO, APRIL 10, 2019

To the President and Members of the City Council:

Your Committee on Pedestrian and Traffic Safety, to which was referred a Substitute Ordinance which is an **Amendment of Municipal Code Chapter 9-4, 9-36, 9-40, 9-52, and 9-80 regarding low speed electric E-Bikes and mobility devices**, begs leave to recommend that Your Honorable Body DO PASS the proposed ordinance transmitted herewith.

These recommendations were concurred by all members of the committee present, with no dissenting votes.

Respectfully submitted,



Walter Burnett, Jr.
Chairman,
Committee on Pedestrian and
Traffic Safety