



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5676

by Rep. John C. D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/4-216	
625 ILCS 5/18a-501	from Ch. 95 1/2, par. 18a-501
770 ILCS 45/1.5	
770 ILCS 50/1.5	

Amends the Illinois Vehicle Code, the Labor and Storage Lien Act, and the Labor and Storage Lien (Small Account) Act. Provides that if a towing service is induced by a payment to release a vehicle and the payment subsequently fails and remains unsatisfied for 30 calendar days after sending certified mail notice to the person or entity having made the failed payment and the registered owner, then the person having made the failed payment and the registered owner shall be jointly and severally liable to the towing service for the amount of the failed payment plus a reasonable failed payment fee and collection costs. Deletes language regarding a relocater becoming a holder in due course upon receipt of a properly signed credit card receipt. Effective immediately.

LRB100 19515 LNS 34782 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 4-203, 4-216, and 18a-501 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

7 (Text of Section before amendment by P.A. 100-537)

8 Sec. 4-203. Removal of motor vehicles or other vehicles;
9 towing or hauling away.

10 (a) When a vehicle is abandoned, or left unattended, on a
11 toll highway, interstate highway, or expressway for 2 hours or
12 more, its removal by a towing service may be authorized by a
13 law enforcement agency having jurisdiction.

14 (b) When a vehicle is abandoned on a highway in an urban
15 district 10 hours or more, its removal by a towing service may
16 be authorized by a law enforcement agency having jurisdiction.

17 (c) When a vehicle is abandoned or left unattended on a
18 highway other than a toll highway, interstate highway, or
19 expressway, outside of an urban district for 24 hours or more,
20 its removal by a towing service may be authorized by a law
21 enforcement agency having jurisdiction.

22 (d) When an abandoned, unattended, wrecked, burned or
23 partially dismantled vehicle is creating a traffic hazard

1 because of its position in relation to the highway or its
2 physical appearance is causing the impeding of traffic, its
3 immediate removal from the highway or private property adjacent
4 to the highway by a towing service may be authorized by a law
5 enforcement agency having jurisdiction.

6 (e) Whenever a peace officer reasonably believes that a
7 person under arrest for a violation of Section 11-501 of this
8 Code or a similar provision of a local ordinance is likely,
9 upon release, to commit a subsequent violation of Section
10 11-501, or a similar provision of a local ordinance, the
11 arresting officer shall have the vehicle which the person was
12 operating at the time of the arrest impounded for a period of
13 not more than 12 hours after the time of arrest. However, such
14 vehicle may be released by the arresting law enforcement agency
15 prior to the end of the impoundment period if:

16 (1) the vehicle was not owned by the person under
17 arrest, and the lawful owner requesting such release
18 possesses a valid operator's license, proof of ownership,
19 and would not, as determined by the arresting law
20 enforcement agency, indicate a lack of ability to operate a
21 motor vehicle in a safe manner, or who would otherwise, by
22 operating such motor vehicle, be in violation of this Code;
23 or

24 (2) the vehicle is owned by the person under arrest,
25 and the person under arrest gives permission to another
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and would
2 not, as determined by the arresting law enforcement agency,
3 indicate a lack of ability to operate a motor vehicle in a
4 safe manner or who would otherwise, by operating such motor
5 vehicle, be in violation of this Code.

6 (e-5) Whenever a registered owner of a vehicle is taken
7 into custody for operating the vehicle in violation of Section
8 11-501 of this Code or a similar provision of a local ordinance
9 or Section 6-303 of this Code, a law enforcement officer may
10 have the vehicle immediately impounded for a period not less
11 than:

12 (1) 24 hours for a second violation of Section 11-501
13 of this Code or a similar provision of a local ordinance or
14 Section 6-303 of this Code or a combination of these
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501 of
17 this Code or a similar provision of a local ordinance or
18 Section 6-303 of this Code or a combination of these
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned
21 by the person under arrest and the person under arrest gives
22 permission to another person to operate the vehicle and that
23 other person possesses a valid operator's license and would
24 not, as determined by the arresting law enforcement agency,
25 indicate a lack of ability to operate a motor vehicle in a safe
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the
3 owner or lessor of privately owned real property within this
4 State, or any person authorized by such owner or lessor, or any
5 law enforcement agency in the case of publicly owned real
6 property may cause any motor vehicle abandoned or left
7 unattended upon such property without permission to be removed
8 by a towing service without liability for the costs of removal,
9 transportation or storage or damage caused by such removal,
10 transportation or storage. The towing or removal of any vehicle
11 from private property without the consent of the registered
12 owner or other legally authorized person in control of the
13 vehicle is subject to compliance with the following conditions
14 and restrictions:

15 1. Any towed or removed vehicle must be stored at the
16 site of the towing service's place of business. The site
17 must be open during business hours, and for the purpose of
18 redemption of vehicles, during the time that the person or
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of
21 completion of such towing or removal, notify the law
22 enforcement agency having jurisdiction of such towing or
23 removal, and the make, model, color and license plate
24 number of the vehicle, and shall obtain and record the name
25 of the person at the law enforcement agency to whom such
26 information was reported.

1 3. If the registered owner or legally authorized person
2 entitled to possession of the vehicle shall arrive at the
3 scene prior to actual removal or towing of the vehicle, the
4 vehicle shall be disconnected from the tow truck and that
5 person shall be allowed to remove the vehicle without
6 interference, upon the payment of a reasonable service fee
7 of not more than one half the posted rate of the towing
8 service as provided in paragraph 6 of this subsection, for
9 which a receipt shall be given.

10 4. The rebate or payment of money or any other valuable
11 consideration from the towing service or its owners,
12 managers or employees to the owners or operators of the
13 premises from which the vehicles are towed or removed, for
14 the privilege of removing or towing those vehicles, is
15 prohibited. Any individual who violates this paragraph
16 shall be guilty of a Class A misdemeanor.

17 5. Except for property appurtenant to and obviously a
18 part of a single family residence, and except for instances
19 where notice is personally given to the owner or other
20 legally authorized person in control of the vehicle that
21 the area in which that vehicle is parked is reserved or
22 otherwise unavailable to unauthorized vehicles and they
23 are subject to being removed at the owner or operator's
24 expense, any property owner or lessor, prior to towing or
25 removing any vehicle from private property without the
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the
2 following requirements:

3 a. Except as otherwise provided in subparagraph
4 a.1 of this subdivision (f)5, the notice must be
5 prominently placed at each driveway access or curb cut
6 allowing vehicular access to the property within 5 feet
7 from the public right-of-way line. If there are no
8 curbs or access barriers, the sign must be posted not
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less
11 than 250,000, as an alternative to the requirement of
12 subparagraph a of this subdivision (f)5, the notice for
13 a parking lot contained within property used solely for
14 a 2-family, 3-family, or 4-family residence may be
15 prominently placed at the perimeter of the parking lot,
16 in a position where the notice is visible to the
17 occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less
19 than 2 inch high light-reflective letters on a
20 contrasting background, that unauthorized vehicles
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and
23 current telephone number of the towing service towing
24 or removing the vehicle.

25 d. The sign structure containing the required
26 notices must be permanently installed with the bottom

1 of the sign not less than 4 feet above ground level,
2 and must be continuously maintained on the property for
3 not less than 24 hours prior to the towing or removing
4 of any vehicle.

5 6. Any towing service that tows or removes vehicles and
6 proposes to require the owner, operator, or person in
7 control of the vehicle to pay the costs of towing and
8 storage prior to redemption of the vehicle must file and
9 keep on record with the local law enforcement agency a
10 complete copy of the current rates to be charged for such
11 services, and post at the storage site an identical rate
12 schedule and any written contracts with property owners,
13 lessors, or persons in control of property which authorize
14 them to remove vehicles as provided in this Section. The
15 towing and storage charges, however, shall not exceed the
16 maximum allowed by the Illinois Commerce Commission under
17 Section 18a-200.

18 7. No person shall engage in the removal of vehicles
19 from private property as described in this Section without
20 filing a notice of intent in each community where he
21 intends to do such removal, and such notice shall be filed
22 at least 7 days before commencing such towing.

23 8. No removal of a vehicle from private property shall
24 be done except upon express written instructions of the
25 owners or persons in charge of the private property upon
26 which the vehicle is said to be trespassing.

1 9. Vehicle entry for the purpose of removal shall be
2 allowed with reasonable care on the part of the person or
3 firm towing the vehicle. Such person or firm shall be
4 liable for any damages occasioned to the vehicle if such
5 entry is not in accordance with the standards of reasonable
6 care.

7 9.5. Except as authorized by a law enforcement officer,
8 no towing service shall engage in the removal of a
9 commercial motor vehicle that requires a commercial
10 driver's license to operate by operating the vehicle under
11 its own power on a highway.

12 10. When a vehicle has been towed or removed pursuant
13 to this Section, it must be released to its owner,
14 custodian, agent, or lienholder within one half hour after
15 requested, if such request is made during business hours.
16 Any vehicle owner, custodian, agent, or lienholder shall
17 have the right to inspect the vehicle before accepting its
18 return, and no release or waiver of any kind which would
19 release the towing service from liability for damages
20 incurred during the towing and storage may be required from
21 any vehicle owner or other legally authorized person as a
22 condition of release of the vehicle. A detailed, signed
23 receipt showing the legal name of the towing service must
24 be given to the person paying towing or storage charges at
25 the time of payment, whether requested or not.

26 This Section shall not apply to law enforcement,

1 firefighting, rescue, ambulance, or other emergency vehicles
2 which are marked as such or to property owned by any
3 governmental entity.

4 When an authorized person improperly causes a motor vehicle
5 to be removed, such person shall be liable to the owner or
6 lessee of the vehicle for the cost or removal, transportation
7 and storage, any damages resulting from the removal,
8 transportation and storage, attorney's fee and court costs.

9 Any towing or storage charges accrued shall be payable in
10 cash or by cashier's check, certified check, debit card, credit
11 card, or wire transfer, at the option of the party taking
12 possession of the vehicle. If the towing service is induced by
13 any such payment to release a vehicle and the payment
14 subsequently fails, due to insufficient funds, a chargeback, or
15 for any other reason, and remains unsatisfied for 30 calendar
16 days after sending certified mail notice to the person or
17 entity having made the failed payment and the registered owner,
18 then the person having made the failed payment and the
19 registered owner shall be jointly and severally liable to the
20 towing service for the amount of the failed payment plus a
21 reasonable failed payment fee and collection costs.

22 11. Towing companies shall also provide insurance
23 coverage for areas where vehicles towed under the
24 provisions of this Chapter will be impounded or otherwise
25 stored, and shall adequately cover loss by fire, theft or
26 other risks.

1 Any person who fails to comply with the conditions and
2 restrictions of this subsection shall be guilty of a Class C
3 misdemeanor and shall be fined not less than \$100 nor more than
4 \$500.

5 (g)(1) When a vehicle is determined to be a hazardous
6 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
7 Illinois Municipal Code or Section 5-12002.1 of the Counties
8 Code, its removal and impoundment by a towing service may be
9 authorized by a law enforcement agency with appropriate
10 jurisdiction.

11 (2) When a vehicle removal from either public or private
12 property is authorized by a law enforcement agency, the owner
13 of the vehicle shall be responsible for all towing and storage
14 charges.

15 (3) Vehicles removed from public or private property and
16 stored by a commercial vehicle relocater or any other towing
17 service authorized by a law enforcement agency in compliance
18 with this Section and Sections 4-201 and 4-202 of this Code, or
19 at the request of the vehicle owner or operator, shall be
20 subject to a possessor lien for services pursuant to the Labor
21 and Storage Lien (Small Amount) Act. The provisions of Section
22 1 of that Act relating to notice and implied consent shall be
23 deemed satisfied by compliance with Section 18a-302 and
24 subsection (6) of Section 18a-300. In no event shall such lien
25 be greater than the rate or rates established in accordance
26 with subsection (6) of Section 18a-200 of this Code. In no

1 event shall such lien be increased or altered to reflect any
2 charge for services or materials rendered in addition to those
3 authorized by this Code Act. Every such lien shall be payable
4 in cash or by cashier's check, certified check, debit card,
5 credit card, or wire transfer, at the option of the party
6 taking possession of the vehicle. If the towing service is
7 induced by any such payment to release a vehicle and the
8 payment subsequently fails, due to insufficient funds, a
9 chargeback, or for any other reason, and remains unsatisfied
10 for 30 calendar days after sending certified mail notice to the
11 person or entity having made the failed payment and the
12 registered owner, then the person having made the failed
13 payment and the registered owner shall be jointly and severally
14 liable to the towing service for the amount of the failed
15 payment plus a reasonable failed payment fee and collection
16 costs.

17 (4) Any personal property belonging to the vehicle owner in
18 a vehicle subject to a lien under this subsection (g) shall
19 likewise be subject to that lien, excepting only: child
20 restraint systems as defined in Section 4 of the Child
21 Passenger Protection Act and other child booster seats;
22 eyeglasses; food; medicine; perishable property; any
23 operator's licenses; any cash, credit cards, or checks or
24 checkbooks; any wallet, purse, or other property containing any
25 operator's license or other identifying documents or
26 materials, cash, credit cards, checks, or checkbooks; and any

1 personal property belonging to a person other than the vehicle
2 owner if that person provides adequate proof that the personal
3 property belongs to that person. The spouse, child, mother,
4 father, brother, or sister of the vehicle owner may claim
5 personal property excepted under this paragraph (4) if the
6 person claiming the personal property provides the commercial
7 vehicle relocater or towing service with the authorization of
8 the vehicle owner.

9 (5) This paragraph (5) applies only in the case of a
10 vehicle that is towed as a result of being involved in an
11 accident. In addition to the personal property excepted under
12 paragraph (4), all other personal property in a vehicle subject
13 to a lien under this subsection (g) is exempt from that lien
14 and may be claimed by the vehicle owner if the vehicle owner
15 provides the commercial vehicle relocater or towing service
16 with proof that the vehicle owner has an insurance policy
17 covering towing and storage fees. The spouse, child, mother,
18 father, brother, or sister of the vehicle owner may claim
19 personal property in a vehicle subject to a lien under this
20 subsection (g) if the person claiming the personal property
21 provides the commercial vehicle relocater or towing service
22 with the authorization of the vehicle owner and proof that the
23 vehicle owner has an insurance policy covering towing and
24 storage fees. The regulation of liens on personal property and
25 exceptions to those liens in the case of vehicles towed as a
26 result of being involved in an accident are exclusive powers

1 and functions of the State. A home rule unit may not regulate
2 liens on personal property and exceptions to those liens in the
3 case of vehicles towed as a result of being involved in an
4 accident. This paragraph (5) is a denial and limitation of home
5 rule powers and functions under subsection (h) of Section 6 of
6 Article VII of the Illinois Constitution.

7 (6) No lien under this subsection (g) shall: exceed \$2,000
8 in its total amount; or be increased or altered to reflect any
9 charge for services or materials rendered in addition to those
10 authorized by this Code Act.

11 (h) Whenever a peace officer issues a citation to a driver
12 for a violation of subsection (a) of Section 11-506 of this
13 Code, the arresting officer may have the vehicle which the
14 person was operating at the time of the arrest impounded for a
15 period of 5 days after the time of arrest. An impounding agency
16 shall release a motor vehicle impounded under this subsection
17 (h) to the registered owner of the vehicle under any of the
18 following circumstances:

19 (1) If the vehicle is a stolen vehicle; or

20 (2) If the person ticketed for a violation of
21 subsection (a) of Section 11-506 of this Code was not
22 authorized by the registered owner of the vehicle to
23 operate the vehicle at the time of the violation; or

24 (3) If the registered owner of the vehicle was neither
25 the driver nor a passenger in the vehicle at the time of
26 the violation or was unaware that the driver was using the

1 vehicle to engage in street racing; or

2 (4) If the legal owner or registered owner of the
3 vehicle is a rental car agency; or

4 (5) If, prior to the expiration of the impoundment
5 period specified above, the citation is dismissed or the
6 defendant is found not guilty of the offense.

7 (i) Except for vehicles exempted under subsection (b) of
8 Section 7-601 of this Code, whenever a law enforcement officer
9 issues a citation to a driver for a violation of Section 3-707
10 of this Code, and the driver has a prior conviction for a
11 violation of Section 3-707 of this Code in the past 12 months,
12 the arresting officer shall authorize the removal and
13 impoundment of the vehicle by a towing service.

14 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
15 revised 10-10-17.)

16 (Text of Section after amendment by P.A. 100-537)

17 Sec. 4-203. Removal of motor vehicles or other vehicles;
18 towing or hauling away.

19 (a) When a vehicle is abandoned, or left unattended, on a
20 toll highway, interstate highway, or expressway for 2 hours or
21 more, its removal by a towing service may be authorized by a
22 law enforcement agency having jurisdiction.

23 (b) When a vehicle is abandoned on a highway in an urban
24 district 10 hours or more, its removal by a towing service may
25 be authorized by a law enforcement agency having jurisdiction.

1 (c) When a vehicle is abandoned or left unattended on a
2 highway other than a toll highway, interstate highway, or
3 expressway, outside of an urban district for 24 hours or more,
4 its removal by a towing service may be authorized by a law
5 enforcement agency having jurisdiction.

6 (d) When an abandoned, unattended, wrecked, burned or
7 partially dismantled vehicle is creating a traffic hazard
8 because of its position in relation to the highway or its
9 physical appearance is causing the impeding of traffic, its
10 immediate removal from the highway or private property adjacent
11 to the highway by a towing service may be authorized by a law
12 enforcement agency having jurisdiction.

13 (e) Whenever a peace officer reasonably believes that a
14 person under arrest for a violation of Section 11-501 of this
15 Code or a similar provision of a local ordinance is likely,
16 upon release, to commit a subsequent violation of Section
17 11-501, or a similar provision of a local ordinance, the
18 arresting officer shall have the vehicle which the person was
19 operating at the time of the arrest impounded for a period of
20 12 hours after the time of arrest. However, such vehicle may be
21 released by the arresting law enforcement agency prior to the
22 end of the impoundment period if:

23 (1) the vehicle was not owned by the person under
24 arrest, and the lawful owner requesting such release
25 possesses a valid operator's license, proof of ownership,
26 and would not, as determined by the arresting law

1 enforcement agency, indicate a lack of ability to operate a
2 motor vehicle in a safe manner, or who would otherwise, by
3 operating such motor vehicle, be in violation of this Code;
4 or

5 (2) the vehicle is owned by the person under arrest,
6 and the person under arrest gives permission to another
7 person to operate such vehicle, provided however, that the
8 other person possesses a valid operator's license and would
9 not, as determined by the arresting law enforcement agency,
10 indicate a lack of ability to operate a motor vehicle in a
11 safe manner or who would otherwise, by operating such motor
12 vehicle, be in violation of this Code.

13 (e-5) Whenever a registered owner of a vehicle is taken
14 into custody for operating the vehicle in violation of Section
15 11-501 of this Code or a similar provision of a local ordinance
16 or Section 6-303 of this Code, a law enforcement officer may
17 have the vehicle immediately impounded for a period not less
18 than:

19 (1) 24 hours for a second violation of Section 11-501
20 of this Code or a similar provision of a local ordinance or
21 Section 6-303 of this Code or a combination of these
22 offenses; or

23 (2) 48 hours for a third violation of Section 11-501 of
24 this Code or a similar provision of a local ordinance or
25 Section 6-303 of this Code or a combination of these
26 offenses.

1 The vehicle may be released sooner if the vehicle is owned
2 by the person under arrest and the person under arrest gives
3 permission to another person to operate the vehicle and that
4 other person possesses a valid operator's license and would
5 not, as determined by the arresting law enforcement agency,
6 indicate a lack of ability to operate a motor vehicle in a safe
7 manner or would otherwise, by operating the motor vehicle, be
8 in violation of this Code.

9 (f) Except as provided in Chapter 18a of this Code, the
10 owner or lessor of privately owned real property within this
11 State, or any person authorized by such owner or lessor, or any
12 law enforcement agency in the case of publicly owned real
13 property may cause any motor vehicle abandoned or left
14 unattended upon such property without permission to be removed
15 by a towing service without liability for the costs of removal,
16 transportation or storage or damage caused by such removal,
17 transportation or storage. The towing or removal of any vehicle
18 from private property without the consent of the registered
19 owner or other legally authorized person in control of the
20 vehicle is subject to compliance with the following conditions
21 and restrictions:

22 1. Any towed or removed vehicle must be stored at the
23 site of the towing service's place of business. The site
24 must be open during business hours, and for the purpose of
25 redemption of vehicles, during the time that the person or
26 firm towing such vehicle is open for towing purposes.

1 2. The towing service shall within 30 minutes of
2 completion of such towing or removal, notify the law
3 enforcement agency having jurisdiction of such towing or
4 removal, and the make, model, color and license plate
5 number of the vehicle, and shall obtain and record the name
6 of the person at the law enforcement agency to whom such
7 information was reported.

8 3. If the registered owner or legally authorized person
9 entitled to possession of the vehicle shall arrive at the
10 scene prior to actual removal or towing of the vehicle, the
11 vehicle shall be disconnected from the tow truck and that
12 person shall be allowed to remove the vehicle without
13 interference, upon the payment of a reasonable service fee
14 of not more than one half the posted rate of the towing
15 service as provided in paragraph 6 of this subsection, for
16 which a receipt shall be given.

17 4. The rebate or payment of money or any other valuable
18 consideration from the towing service or its owners,
19 managers or employees to the owners or operators of the
20 premises from which the vehicles are towed or removed, for
21 the privilege of removing or towing those vehicles, is
22 prohibited. Any individual who violates this paragraph
23 shall be guilty of a Class A misdemeanor.

24 5. Except for property appurtenant to and obviously a
25 part of a single family residence, and except for instances
26 where notice is personally given to the owner or other

1 legally authorized person in control of the vehicle that
2 the area in which that vehicle is parked is reserved or
3 otherwise unavailable to unauthorized vehicles and they
4 are subject to being removed at the owner or operator's
5 expense, any property owner or lessor, prior to towing or
6 removing any vehicle from private property without the
7 consent of the owner or other legally authorized person in
8 control of that vehicle, must post a notice meeting the
9 following requirements:

10 a. Except as otherwise provided in subparagraph
11 a.1 of this subdivision (f)5, the notice must be
12 prominently placed at each driveway access or curb cut
13 allowing vehicular access to the property within 5 feet
14 from the public right-of-way line. If there are no
15 curbs or access barriers, the sign must be posted not
16 less than one sign each 100 feet of lot frontage.

17 a.1. In a municipality with a population of less
18 than 250,000, as an alternative to the requirement of
19 subparagraph a of this subdivision (f)5, the notice for
20 a parking lot contained within property used solely for
21 a 2-family, 3-family, or 4-family residence may be
22 prominently placed at the perimeter of the parking lot,
23 in a position where the notice is visible to the
24 occupants of vehicles entering the lot.

25 b. The notice must indicate clearly, in not less
26 than 2 inch high light-reflective letters on a

1 contrasting background, that unauthorized vehicles
2 will be towed away at the owner's expense.

3 c. The notice must also provide the name and
4 current telephone number of the towing service towing
5 or removing the vehicle.

6 d. The sign structure containing the required
7 notices must be permanently installed with the bottom
8 of the sign not less than 4 feet above ground level,
9 and must be continuously maintained on the property for
10 not less than 24 hours prior to the towing or removing
11 of any vehicle.

12 6. Any towing service that tows or removes vehicles and
13 proposes to require the owner, operator, or person in
14 control of the vehicle to pay the costs of towing and
15 storage prior to redemption of the vehicle must file and
16 keep on record with the local law enforcement agency a
17 complete copy of the current rates to be charged for such
18 services, and post at the storage site an identical rate
19 schedule and any written contracts with property owners,
20 lessors, or persons in control of property which authorize
21 them to remove vehicles as provided in this Section. The
22 towing and storage charges, however, shall not exceed the
23 maximum allowed by the Illinois Commerce Commission under
24 Section 18a-200.

25 7. No person shall engage in the removal of vehicles
26 from private property as described in this Section without

1 filing a notice of intent in each community where he
2 intends to do such removal, and such notice shall be filed
3 at least 7 days before commencing such towing.

4 8. No removal of a vehicle from private property shall
5 be done except upon express written instructions of the
6 owners or persons in charge of the private property upon
7 which the vehicle is said to be trespassing.

8 9. Vehicle entry for the purpose of removal shall be
9 allowed with reasonable care on the part of the person or
10 firm towing the vehicle. Such person or firm shall be
11 liable for any damages occasioned to the vehicle if such
12 entry is not in accordance with the standards of reasonable
13 care.

14 9.5. Except as authorized by a law enforcement officer,
15 no towing service shall engage in the removal of a
16 commercial motor vehicle that requires a commercial
17 driver's license to operate by operating the vehicle under
18 its own power on a highway.

19 10. When a vehicle has been towed or removed pursuant
20 to this Section, it must be released to its owner,
21 custodian, agent, or lienholder within one half hour after
22 requested, if such request is made during business hours.
23 Any vehicle owner, custodian, agent, or lienholder shall
24 have the right to inspect the vehicle before accepting its
25 return, and no release or waiver of any kind which would
26 release the towing service from liability for damages

1 incurred during the towing and storage may be required from
2 any vehicle owner or other legally authorized person as a
3 condition of release of the vehicle. A detailed, signed
4 receipt showing the legal name of the towing service must
5 be given to the person paying towing or storage charges at
6 the time of payment, whether requested or not.

7 This Section shall not apply to law enforcement,
8 firefighting, rescue, ambulance, or other emergency
9 vehicles which are marked as such or to property owned by
10 any governmental entity.

11 When an authorized person improperly causes a motor
12 vehicle to be removed, such person shall be liable to the
13 owner or lessee of the vehicle for the cost of removal,
14 transportation and storage, any damages resulting from the
15 removal, transportation and storage, attorney's fee and
16 court costs.

17 Any towing or storage charges accrued shall be payable
18 in cash or by cashier's check, certified check, debit card,
19 credit card, or wire transfer, at the option of the party
20 taking possession of the vehicle. If the towing service is
21 induced by any such payment to release a vehicle and the
22 payment subsequently fails, due to insufficient funds, a
23 chargeback, or for any other reason, and remains
24 unsatisfied for 30 calendar days after sending certified
25 mail notice to the person or entity having made the failed
26 payment and the registered owner, then the person having

1 made the failed payment and the registered owner shall be
2 jointly and severally liable to the towing service for the
3 amount of the failed payment plus a reasonable failed
4 payment fee and collection costs.

5 11. Towing companies shall also provide insurance
6 coverage for areas where vehicles towed under the
7 provisions of this Chapter will be impounded or otherwise
8 stored, and shall adequately cover loss by fire, theft or
9 other risks.

10 Any person who fails to comply with the conditions and
11 restrictions of this subsection shall be guilty of a Class C
12 misdemeanor and shall be fined not less than \$100 nor more than
13 \$500.

14 (g)(1) When a vehicle is determined to be a hazardous
15 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
16 Illinois Municipal Code or Section 5-12002.1 of the Counties
17 Code, its removal and impoundment by a towing service may be
18 authorized by a law enforcement agency with appropriate
19 jurisdiction.

20 (2) When a vehicle removal from either public or private
21 property is authorized by a law enforcement agency, the owner
22 of the vehicle shall be responsible for all towing and storage
23 charges.

24 (3) Vehicles removed from public or private property and
25 stored by a commercial vehicle relocator or any other towing
26 service authorized by a law enforcement agency in compliance

1 with this Section and Sections 4-201 and 4-202 of this Code, or
2 at the request of the vehicle owner or operator, shall be
3 subject to a possessor lien for services pursuant to the Labor
4 and Storage Lien (Small Amount) Act. The provisions of Section
5 1 of that Act relating to notice and implied consent shall be
6 deemed satisfied by compliance with Section 18a-302 and
7 subsection (6) of Section 18a-300. In no event shall such lien
8 be greater than the rate or rates established in accordance
9 with subsection (6) of Section 18a-200 of this Code. In no
10 event shall such lien be increased or altered to reflect any
11 charge for services or materials rendered in addition to those
12 authorized by this Code Act. Every such lien shall be payable
13 in cash or by cashier's check, certified check, debit card,
14 credit card, or wire transfer, at the option of the party
15 taking possession of the vehicle. If the towing service is
16 induced by any such payment to release a vehicle and the
17 payment subsequently fails, due to insufficient funds, a
18 chargeback, or for any other reason, and remains unsatisfied
19 for 30 calendar days after sending certified mail notice to the
20 person or entity having made the failed payment and the
21 registered owner, then the person having made the failed
22 payment and the registered owner shall be jointly and severally
23 liable to the towing service for the amount of the failed
24 payment plus a reasonable failed payment fee and collection
25 costs.

26 (4) Any personal property belonging to the vehicle owner in

1 a vehicle subject to a lien under this subsection (g) shall
2 likewise be subject to that lien, excepting only: child
3 restraint systems as defined in Section 4 of the Child
4 Passenger Protection Act and other child booster seats;
5 eyeglasses; food; medicine; perishable property; any
6 operator's licenses; any cash, credit cards, or checks or
7 checkbooks; any wallet, purse, or other property containing any
8 operator's license or other identifying documents or
9 materials, cash, credit cards, checks, or checkbooks; and any
10 personal property belonging to a person other than the vehicle
11 owner if that person provides adequate proof that the personal
12 property belongs to that person. The spouse, child, mother,
13 father, brother, or sister of the vehicle owner may claim
14 personal property excepted under this paragraph (4) if the
15 person claiming the personal property provides the commercial
16 vehicle relocater or towing service with the authorization of
17 the vehicle owner.

18 (5) This paragraph (5) applies only in the case of a
19 vehicle that is towed as a result of being involved in an
20 accident. In addition to the personal property excepted under
21 paragraph (4), all other personal property in a vehicle subject
22 to a lien under this subsection (g) is exempt from that lien
23 and may be claimed by the vehicle owner if the vehicle owner
24 provides the commercial vehicle relocater or towing service
25 with proof that the vehicle owner has an insurance policy
26 covering towing and storage fees. The spouse, child, mother,

1 father, brother, or sister of the vehicle owner may claim
2 personal property in a vehicle subject to a lien under this
3 subsection (g) if the person claiming the personal property
4 provides the commercial vehicle relocater or towing service
5 with the authorization of the vehicle owner and proof that the
6 vehicle owner has an insurance policy covering towing and
7 storage fees. The regulation of liens on personal property and
8 exceptions to those liens in the case of vehicles towed as a
9 result of being involved in an accident are exclusive powers
10 and functions of the State. A home rule unit may not regulate
11 liens on personal property and exceptions to those liens in the
12 case of vehicles towed as a result of being involved in an
13 accident. This paragraph (5) is a denial and limitation of home
14 rule powers and functions under subsection (h) of Section 6 of
15 Article VII of the Illinois Constitution.

16 (6) No lien under this subsection (g) shall: exceed \$2,000
17 in its total amount; or be increased or altered to reflect any
18 charge for services or materials rendered in addition to those
19 authorized by this Code Act.

20 (h) Whenever a peace officer issues a citation to a driver
21 for a violation of subsection (a) of Section 11-506 of this
22 Code, the arresting officer may have the vehicle which the
23 person was operating at the time of the arrest impounded for a
24 period of 5 days after the time of arrest. An impounding agency
25 shall release a motor vehicle impounded under this subsection
26 (h) to the registered owner of the vehicle under any of the

1 following circumstances:

2 (1) If the vehicle is a stolen vehicle; or

3 (2) If the person ticketed for a violation of
4 subsection (a) of Section 11-506 of this Code was not
5 authorized by the registered owner of the vehicle to
6 operate the vehicle at the time of the violation; or

7 (3) If the registered owner of the vehicle was neither
8 the driver nor a passenger in the vehicle at the time of
9 the violation or was unaware that the driver was using the
10 vehicle to engage in street racing; or

11 (4) If the legal owner or registered owner of the
12 vehicle is a rental car agency; or

13 (5) If, prior to the expiration of the impoundment
14 period specified above, the citation is dismissed or the
15 defendant is found not guilty of the offense.

16 (i) Except for vehicles exempted under subsection (b) of
17 Section 7-601 of this Code, whenever a law enforcement officer
18 issues a citation to a driver for a violation of Section 3-707
19 of this Code, and the driver has a prior conviction for a
20 violation of Section 3-707 of this Code in the past 12 months,
21 the arresting officer shall authorize the removal and
22 impoundment of the vehicle by a towing service.

23 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
24 100-537, eff. 6-1-18; revised 10-10-17.)

25 (625 ILCS 5/4-216)

1 Sec. 4-216. Storage fees; notice to lienholder of record.

2 (a) Any commercial vehicle relocater or any other private
3 towing service providing removal or towing services pursuant to
4 this Code and seeking to impose fees in connection with the
5 furnishing of storage for a vehicle in the possession of the
6 commercial vehicle relocater or other private towing service
7 must provide written notice within 2 business days after the
8 vehicle is removed or towed, by certified mail, return receipt
9 requested, to the lienholder of record, regardless of whether
10 the commercial vehicle relocater or other private towing
11 service enforces a lien under the Labor and Storage Lien Act or
12 the Labor and Storage Lien (Small Amount) Act. The notice shall
13 be effective upon mailing and include the rate at which fees
14 will be incurred, and shall provide the lienholder with an
15 opportunity to inspect the vehicle on the premises where the
16 vehicle is stored within 2 business days of the lienholder's
17 request. The date on which the assessment and accrual of
18 storage fees may commence is the date of the impoundment of the
19 vehicle, subject to any applicable limitations set forth by a
20 municipality authorizing the vehicle removal. Payment of the
21 storage fees by the lienholder may be made in cash or by
22 cashier's check, certified check, debit card, credit card, or
23 wire transfer, at the option of the lienholder taking
24 possession of the vehicle. If the towing service is induced by
25 any such payment to release a vehicle and the payment
26 subsequently fails, due to insufficient funds, a chargeback, or

1 for any other reason, and remains unsatisfied for 30 calendar
2 days after sending certified mail notice to the person or
3 entity having made the failed payment and the registered owner,
4 then the person having made the failed payment and the
5 registered owner shall be jointly and severally liable to the
6 towing service for the amount of the failed payment plus a
7 reasonable failed payment fee and collection costs. The
8 commercial vehicle relocater or other private towing service
9 shall furnish a copy of the certified mail receipt to the
10 lienholder upon request.

11 (b) The notification requirements in subsection (a) of this
12 Section apply in addition to any lienholder notice requirements
13 under this Code relating to the removal or towing of an
14 abandoned, lost, stolen, or unclaimed vehicle. If the
15 commercial vehicle relocater or other private towing service
16 fails to comply with the notification requirements set forth in
17 subsection (a) of this Section, storage fees shall not be
18 assessed and collected and the lienholder shall be entitled to
19 injunctive relief for possession of the vehicle without the
20 payment of any storage fees.

21 (c) If the notification required under subsection (a) was
22 not sent and a lienholder discovers its collateral is in the
23 possession of a commercial vehicle relocater or other private
24 towing service by means other than the notification required in
25 subsection (a) of this Section, the lienholder is entitled to
26 recover any storage fees paid to the commercial vehicle

1 relocator or other private towing service to reclaim possession
2 of its collateral.

3 (d) An action under this Section may be brought by the
4 lienholder against the commercial vehicle locator or other
5 private towing service in the circuit court.

6 (e) Notwithstanding any provision to the contrary in this
7 ~~Code Act or the Illinois Vehicle Code~~, a commercial vehicle
8 relocator or other private towing service seeking to impose
9 storage fees for a vehicle in its possession may not foreclose
10 or otherwise enforce its claim for payment of storage services
11 or any lien relating to the claim pursuant to this Code or
12 other applicable law unless it first complies with the
13 lienholder notification requirements set forth in subsection
14 (a) of this Section.

15 (f) If the vehicle that is removed or towed is registered
16 in a state other than Illinois, the assessment and accrual of
17 storage fees may commence on the date that the request for
18 lienholder information is filed by the commercial vehicle
19 relocator or other private towing service with the applicable
20 administrative agency or office in that state if: (i) the
21 commercial vehicle relocator or other private towing service
22 furnishes the lienholder with a copy or proof of filing of the
23 request for lienholder information; (ii) the commercial
24 vehicle relocator or other private towing service provides to
25 the lienholder of record the notification required by this
26 Section within one business day after receiving the requested

1 lienholder information; and (iii) the assessment of storage
2 fees complies with any applicable limitations set forth by a
3 municipality authorizing the vehicle removal.

4 (Source: P.A. 100-311, eff. 11-23-17; revised 10-10-17.)

5 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

6 Sec. 18a-501. Liens against relocated vehicles.
7 Unauthorized vehicles removed and stored by a commercial
8 vehicle relocater in compliance with this Chapter shall be
9 subject to a possessory lien for services pursuant to the Labor
10 and Storage Lien (Small Amount) Act, and the provisions of
11 Section 1 of that Act relating to notice and implied consent
12 shall be deemed satisfied by compliance with Section 18a-302
13 and item (10) of Section 18a-300. In no event shall such lien
14 be greater than the rate or rates established in accordance
15 with item (6) of Section 18a-200. In no event shall such lien
16 be increased or altered to reflect any charge for services or
17 materials rendered in addition to those authorized by this Act.
18 Every such lien shall be payable by use of any major credit
19 card, in addition to being payable in cash. If the towing
20 service is induced by any such payment to release a vehicle and
21 the payment subsequently fails, due to insufficient funds, a
22 chargeback, or for any other reason, and remains unsatisfied
23 for 30 calendar days after sending certified mail notice to the
24 person or entity having made the failed payment and the
25 registered owner, then the person having made the failed

1 payment and the registered owner shall be jointly and severally
2 liable to the towing service for the amount of the failed
3 payment plus a reasonable failed payment fee and collection
4 costs. ~~Upon receipt of a properly signed credit card receipt, a~~
5 ~~relocator shall become a holder in due course, and neither the~~
6 ~~holder of the credit card nor the company which issued the~~
7 ~~credit card may thereafter refuse to remit payment in the~~
8 ~~amount shown on the credit card receipt minus the ordinary~~
9 ~~charge assessed by the credit card company for processing the~~
10 ~~charge.~~ The Commission may adopt regulations governing
11 acceptance of credit cards by a relocater.

12 (Source: P.A. 91-357, eff. 7-29-99.)

13 Section 10. The Labor and Storage Lien Act is amended by
14 changing Section 1.5 as follows:

15 (770 ILCS 45/1.5)

16 Sec. 1.5. Storage fees; notice to lienholder of record.

17 (a) Any person, firm, or private corporation seeking to
18 impose fees in connection with the furnishing of storage for a
19 vehicle in the person's, firm's, or corporation's possession
20 must provide written notice, by certified mail, return receipt
21 requested, to the lienholder of record prior to the assessment
22 and accrual of such fees, regardless of whether it enforces a
23 lien under this Act. The notice shall be effective upon mailing
24 and include the rate at which fees will be incurred, and shall

1 provide the lienholder with an opportunity to inspect the
2 vehicle on the premises where the vehicle is stored within 2
3 business days of the lienholder's request. For impounded
4 vehicles, the date on which the assessment and accrual of
5 storage fees may commence is the date of the impoundment of the
6 vehicle, subject to any applicable limitations set forth by a
7 municipality authorizing the vehicle removal, if the
8 notification required under this Section is sent to the
9 lienholder of record within 2 business days. Payment of the
10 storage fees by the lienholder may be made in cash or by
11 cashier's check, certified check, debit card, credit card, or
12 wire transfer, at the option of the lienholder taking
13 possession of the vehicle. If the towing service or other
14 person or entity is induced by any such payment to release a
15 vehicle or other property and the payment subsequently fails,
16 due to insufficient funds, a chargeback, or for any other
17 reason, and remains unsatisfied for 30 calendar days after
18 sending certified mail notice to the person or entity having
19 made the failed payment and the registered owner or the person
20 who requested labor or storage services, then the person or
21 entity having made the failed payment and the registered owner
22 or the person or entity who requested labor or storage services
23 shall be jointly and severally liable to the towing service for
24 the amount of the failed payment plus a reasonable failed
25 payment fee and collection costs. The person, firm, or private
26 corporation seeking to impose storage fees shall furnish a copy

1 of the certified mail receipt to the lienholder upon request.

2 (b) The notification requirements in subsection (a) of this
3 Section apply in addition to any lienholder notice requirements
4 under the Illinois Vehicle Code relating to the removal or
5 towing of an abandoned, lost, stolen, or unclaimed vehicle. If
6 a person, firm, or private corporation fails to comply with the
7 notification requirements set forth in subsection (a) of this
8 Section, storage fees shall not be assessed and collected and
9 the lienholder shall be entitled to injunctive relief for
10 possession of the vehicle without the payment of any storage
11 fees.

12 (c) If the notification required under subsection (a) was
13 not sent and a lienholder discovers its collateral is in the
14 possession of a person, firm, or private corporation by means
15 other than the notification required in subsection (a) of this
16 Section, the lienholder is entitled to recover any storage fees
17 paid to the person, firm, or private corporation to reclaim
18 possession of its collateral.

19 (d) An action under this Section may be brought by the
20 lienholder against the person, firm, or private corporation in
21 the circuit court.

22 (e) Notwithstanding any provision to the contrary in this
23 Act or the Illinois Vehicle Code, a person, firm, or private
24 corporation seeking to impose storage fees for a vehicle in its
25 possession may not foreclose or otherwise enforce its lien
26 under this Act unless it first complies with the lienholder

1 notification requirements set forth in subsection (a) of this
2 Section.

3 (f) If the vehicle that is incurring storage fees is
4 registered in a state other than Illinois, the assessment and
5 accrual of storage fees may commence on the date that the
6 request for lienholder information is filed with the applicable
7 administrative agency or office in that state by the person,
8 firm, or private corporation seeking to impose fees, if the
9 following conditions are met: (i) the person, firm, or private
10 corporation furnishes the lienholder with a copy or proof of
11 filing of the request for lienholder information; (ii) the
12 person, firm, or private corporation provides to the lienholder
13 of record the notification required by this Section within one
14 business day after receiving the requested lienholder
15 information; and (iii) the assessment of storage fees complies
16 with any applicable limitations set forth by a municipality
17 authorizing the vehicle removal.

18 (g) This Section does not apply to a municipality with
19 1,000,000 or more inhabitants that is seeking to impose storage
20 fees for a vehicle in its possession.

21 (Source: P.A. 99-759, eff. 8-12-16; 100-311, eff. 11-23-17.)

22 Section 15. The Labor and Storage Lien (Small Amount) Act
23 is amended by changing Section 1.5 as follows:

24 (770 ILCS 50/1.5)

1 Sec. 1.5. Storage fees; notice to lienholder of record.

2 (a) Any person, firm, or private corporation seeking to
3 impose fees in connection with the furnishing of storage for a
4 vehicle in the person's, firm's, or corporation's possession
5 must provide written notice, by certified mail, return receipt
6 requested, to the lienholder of record prior to the assessment
7 and accrual of such fees, regardless of whether it enforces a
8 lien under this Act. The notice shall be effective upon mailing
9 and include the rate at which fees will be incurred, and shall
10 provide the lienholder with an opportunity to inspect the
11 vehicle on the premises where the vehicle is stored within 2
12 business days of the lienholder's request. For impounded
13 vehicles, the date on which the assessment and accrual of
14 storage fees may commence is the date of the impoundment of the
15 vehicle, subject to any applicable limitations set forth by a
16 municipality authorizing the vehicle removal, if the
17 notification required under this Section is sent to the
18 lienholder of record within 2 business days. Payment of the
19 storage fees by the lienholder may be made in cash or by
20 cashier's check, certified check, debit card, credit card, or
21 wire transfer, at the option of the lienholder taking
22 possession of the vehicle. If the towing service or other
23 person or entity is induced by any such payment to release a
24 vehicle or other property and the payment subsequently fails,
25 due to insufficient funds, a chargeback, or for any other
26 reason, and remains unsatisfied for 30 calendar days after

1 sending certified mail notice to the person or entity having
2 made the failed payment and the registered owner or the person
3 who requested labor or storage services, then the person or
4 entity having made the failed payment and the registered owner
5 or the person or entity who requested labor or storage services
6 shall be jointly and severally liable to the towing service for
7 the amount of the failed payment plus a reasonable failed
8 payment fee and collection costs. The person, firm, or private
9 corporation seeking to impose storage fees shall furnish a copy
10 of the certified mail receipt to the lienholder upon request.

11 (b) The notification requirements in subsection (a) of this
12 Section apply in addition to any lienholder notice requirements
13 under the Illinois Vehicle Code relating to the removal or
14 towing of an abandoned, lost, stolen, or unclaimed vehicle. If
15 a person, firm, or private corporation fails to comply with the
16 notification requirements set forth in subsection (a) of this
17 Section, storage fees shall not be assessed and collected and
18 the lienholder shall be entitled to injunctive relief for
19 possession of the vehicle without the payment of any storage
20 fees.

21 (c) If the notification required under subsection (a) was
22 not sent and a lienholder discovers its collateral is in the
23 possession of a person, firm, or private corporation by means
24 other than the notification required in subsection (a) of this
25 Section, the lienholder is entitled to recover any storage fees
26 paid to the person, firm, or private corporation to reclaim

1 possession of its collateral.

2 (d) An action under this Section may be brought by the
3 lienholder against the person, firm, or private corporation in
4 the circuit court.

5 (e) Notwithstanding any provision to the contrary in this
6 Act or the Illinois Vehicle Code, a person, firm, or private
7 corporation seeking to impose storage fees for a vehicle in its
8 possession may not foreclose or otherwise enforce its lien
9 under this Act unless it first complies with the lienholder
10 notification requirements set forth in subsection (a) of this
11 Section.

12 (f) If the vehicle that is incurring storage fees is
13 registered in a state other than Illinois, the assessment and
14 accrual of storage fees may commence on the date that the
15 request for lienholder information is filed with the applicable
16 administrative agency or office in that state by the person,
17 firm, or private corporation seeking to impose fees, if the
18 following conditions are met: (i) the person, firm, or private
19 corporation furnishes the lienholder with a copy or proof of
20 filing of the request for lienholder information; (ii) the
21 person, firm, or private corporation provides to the lienholder
22 of record the notification required by this Section within one
23 business day after receiving the requested lienholder
24 information; and (iii) the assessment of storage fees complies
25 with any applicable limitations set forth by a municipality
26 authorizing the vehicle removal.

1 (g) This Section does not apply to a municipality with
2 1,000,000 or more inhabitants that is seeking to impose storage
3 fees for a vehicle in its possession.

4 (Source: P.A. 99-759, eff. 8-12-16; 100-311, eff. 11-23-17.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.