

1 AN ACT concerning civil law.

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 Section 4-203 and adding Section 4-216 as follows:

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

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

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

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

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

21 (d) When an abandoned, unattended, wrecked, burned or
22 partially dismantled vehicle is creating a traffic hazard
23 because of its position in relation to the highway or its

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

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

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

23 (2) the vehicle is owned by the person under arrest,
24 and the person under arrest gives permission to another
25 person to operate such vehicle, provided however, that the
26 other person possesses a valid operator's license and would

1 not, as determined by the arresting law enforcement agency,
2 indicate a lack of ability to operate a motor vehicle in a
3 safe manner or who would otherwise, by operating such motor
4 vehicle, be in violation of this Code.

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

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

15 (2) 48 hours for a third violation of Section 11-501 of
16 this Code or a similar provision of a local ordinance or
17 Section 6-303 of this Code or a combination of these
18 offenses.

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

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

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

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

26 3. If the registered owner or legally authorized person

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

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

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

1 following requirements:

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

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

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

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

24 d. The sign structure containing the required
25 notices must be permanently installed with the bottom
26 of the sign not less than 4 feet above ground level,

1 and must be continuously maintained on the property for
2 not less than 24 hours prior to the towing or removing
3 of any vehicle.

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

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

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

26 9. Vehicle entry for the purpose of removal shall be

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

6 9.5. Except as authorized by a law enforcement officer,
7 no towing service shall engage in the removal of a
8 commercial motor vehicle that requires a commercial
9 driver's license to operate by operating the vehicle under
10 its own power on a highway.

11 10. When a vehicle has been towed or removed pursuant
12 to this Section, it must be released to its owner, ~~or~~
13 custodian, agent, or lienholder within one half hour after
14 requested, if such request is made during business hours.
15 Any vehicle owner, ~~or~~ custodian, or agent, or lienholder
16 shall have the right to inspect the vehicle before
17 accepting its return, and no release or waiver of any kind
18 which would release the towing service from liability for
19 damages incurred during the towing and storage may be
20 required from any vehicle owner or other legally authorized
21 person as a condition of release of the vehicle. A
22 detailed, signed receipt showing the legal name of the
23 towing service must be given to the person paying towing or
24 storage charges at the time of payment, whether requested
25 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. ~~by the use of any major credit card,~~
13 ~~in addition to being payable in cash.~~

14 11. Towing companies shall also provide insurance
15 coverage for areas where vehicles towed under the
16 provisions of this Chapter will be impounded or otherwise
17 stored, and shall adequately cover loss by fire, theft or
18 other risks.

19 Any person who fails to comply with the conditions and
20 restrictions of this subsection shall be guilty of a Class C
21 misdemeanor and shall be fined not less than \$100 nor more than
22 \$500.

23 (g) (1) When a vehicle is determined to be a hazardous
24 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
25 Illinois Municipal Code or Section 5-12002.1 of the Counties
26 Code, its removal and impoundment by a towing service may be

1 authorized by a law enforcement agency with appropriate
2 jurisdiction.

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

7 (3) Vehicles removed from public or private property and
8 stored by a commercial vehicle relocater or any other towing
9 service authorized by a law enforcement agency in compliance
10 with this Section and Sections 4-201 and 4-202 of this Code, or
11 at the request of the vehicle owner or operator, shall be
12 subject to a possessor lien for services pursuant to the Labor
13 and Storage Lien (Small Amount) Act. The provisions of Section
14 1 of that Act relating to notice and implied consent shall be
15 deemed satisfied by compliance with Section 18a-302 and
16 subsection (6) of Section 18a-300. In no event shall such lien
17 be greater than the rate or rates established in accordance
18 with subsection (6) of Section 18a-200 of this Code. In no
19 event shall such lien be increased or altered to reflect any
20 charge for services or materials rendered in addition to those
21 authorized by this Act. Every such lien shall be payable in
22 cash or by cashier's check, certified check, debit card, credit
23 card, or wire transfer, at the option of the party taking
24 possession of the vehicle. ~~by use of any major credit card, in~~
25 ~~addition to being payable in cash.~~

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 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.)

24 (625 ILCS 5/4-216 new)

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

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

26 (b) The notification requirements in subsection (a) of this

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

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

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

21 (e) Notwithstanding any provision to the contrary in this
22 Act or the Illinois Vehicle Code, a commercial vehicle
23 relocater or other private towing service seeking to impose
24 storage fees for a vehicle in its possession may not foreclose
25 or otherwise enforce its claim for payment of storage services
26 or any lien relating to the claim pursuant to this Code or

1 other applicable law unless it first complies with the
2 lienholder notification requirements set forth in subsection
3 (a) of this Section.

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

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

21 (770 ILCS 45/1.5)

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

23 (a) Any person, firm, or private corporation seeking to
24 impose fees in connection with the furnishing of storage for a

1 vehicle in the person's, firm's, or corporation's possession
2 must provide written notice, by certified mail, return receipt
3 requested, to the lienholder of record prior to the assessment
4 and accrual of such fees, regardless of whether it enforces a
5 lien under this Act. The notice shall be effective upon mailing
6 and include the rate at which fees will be incurred, and shall
7 provide the lienholder with an opportunity to inspect the
8 vehicle on the premises where the vehicle is stored within 2
9 business days of the lienholder's request. For impounded
10 vehicles, the date on which the assessment and accrual of
11 storage fees may commence is the date of the impoundment of the
12 vehicle, subject to any applicable limitations set forth by a
13 municipality authorizing the vehicle removal, if the
14 notification required under this Section is sent to the
15 lienholder of record within 2 business days. Payment of the
16 storage fees by the lienholder may be made in cash or by
17 cashier's check, certified check, debit card, credit card, or
18 wire transfer, at the option of the lienholder taking
19 possession of the vehicle. The person, firm, or private
20 corporation seeking to impose storage fees shall furnish a copy
21 of the certified mail receipt to the lienholder upon request.

22 (b) The notification requirements in subsection (a) of this
23 Section apply in addition to any lienholder notice requirements
24 under the Illinois Vehicle Code relating to the removal or
25 towing of an abandoned, lost, stolen, or unclaimed vehicle. If
26 a person, firm, or private corporation fails to comply with the

1 notification requirements set forth in subsection (a) of this
2 Section, storage fees shall not be assessed and collected and
3 the lienholder shall be entitled to injunctive relief for
4 possession of the vehicle without the payment of any storage
5 fees.

6 (c) If the notification required under subsection (a) was
7 not sent and a lienholder discovers its collateral is in the
8 possession of a person, firm, or private corporation by means
9 other than the notification required in subsection (a) of this
10 Section, the lienholder is entitled to recover any storage fees
11 paid to the person, firm, or private corporation to reclaim
12 possession of its collateral.

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

16 (e) Notwithstanding any provision to the contrary in this
17 Act or the Illinois Vehicle Code, a person, firm, or private
18 corporation seeking to impose storage fees for a vehicle in its
19 possession may not foreclose or otherwise enforce its lien
20 under this Act unless it first complies with the lienholder
21 notification requirements set forth in subsection (a) of this
22 Section.

23 (f) If the vehicle that is incurring storage fees is
24 registered in a state other than Illinois, the assessment and
25 accrual of storage fees may commence on the date that the
26 request for lienholder information is filed with the applicable

1 administrative agency or office in that state by the person,
2 firm, or private corporation seeking to impose fees, if the
3 following conditions are met: (i) the person, firm, or private
4 corporation furnishes the lienholder with a copy or proof of
5 filing of the request for lienholder information; (ii) the
6 person, firm, or private corporation provides to the lienholder
7 of record the notification required by this Section within one
8 business day after receiving the requested lienholder
9 information; and (iii) the assessment of storage fees complies
10 with any applicable limitations set forth by a municipality
11 authorizing the vehicle removal.

12 (g) This Section does not apply to a municipality with
13 1,000,000 or more inhabitants that is seeking to impose storage
14 fees for a vehicle in its possession.

15 (Source: P.A. 99-759, eff. 8-12-16.)

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

18 (770 ILCS 50/1.5)

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

20 (a) Any person, firm, or private corporation seeking to
21 impose fees in connection with the furnishing of storage for a
22 vehicle in the person's, firm's, or corporation's possession
23 must provide written notice, by certified mail, return receipt
24 requested, to the lienholder of record prior to the assessment

1 and accrual of such fees, regardless of whether it enforces a
2 lien under this Act. The notice shall be effective upon mailing
3 and include the rate at which fees will be incurred, and shall
4 provide the lienholder with an opportunity to inspect the
5 vehicle on the premises where the vehicle is stored within 2
6 business days of the lienholder's request. For impounded
7 vehicles, the date on which the assessment and accrual of
8 storage fees may commence is the date of the impoundment of the
9 vehicle, subject to any applicable limitations set forth by a
10 municipality authorizing the vehicle removal, if the
11 notification required under this Section is sent to the
12 lienholder of record within 2 business days. Payment of the
13 storage fees by the lienholder may be made in cash or by
14 cashier's check, certified check, debit card, credit card, or
15 wire transfer, at the option of the lienholder taking
16 possession of the vehicle. The person, firm, or private
17 corporation seeking to impose storage fees shall furnish a copy
18 of the certified mail receipt to the lienholder upon request.

19 (b) The notification requirements in subsection (a) of this
20 Section apply in addition to any lienholder notice requirements
21 under the Illinois Vehicle Code relating to the removal or
22 towing of an abandoned, lost, stolen, or unclaimed vehicle. If
23 a person, firm, or private corporation fails to comply with the
24 notification requirements set forth in subsection (a) of this
25 Section, storage fees shall not be assessed and collected and
26 the lienholder shall be entitled to injunctive relief for

1 possession of the vehicle without the payment of any storage
2 fees.

3 (c) If the notification required under subsection (a) was
4 not sent and a lienholder discovers its collateral is in the
5 possession of a person, firm, or private corporation by means
6 other than the notification required in subsection (a) of this
7 Section, the lienholder is entitled to recover any storage fees
8 paid to the person, firm, or private corporation to reclaim
9 possession of its collateral.

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

13 (e) Notwithstanding any provision to the contrary in this
14 Act or the Illinois Vehicle Code, a person, firm, or private
15 corporation seeking to impose storage fees for a vehicle in its
16 possession may not foreclose or otherwise enforce its lien
17 under this Act unless it first complies with the lienholder
18 notification requirements set forth in subsection (a) of this
19 Section.

20 (f) If the vehicle that is incurring storage fees is
21 registered in a state other than Illinois, the assessment and
22 accrual of storage fees may commence on the date that the
23 request for lienholder information is filed with the applicable
24 administrative agency or office in that state by the person,
25 firm, or private corporation seeking to impose fees, if the
26 following conditions are met: (i) the person, firm, or private

1 corporation furnishes the lienholder with a copy or proof of
2 filing of the request for lienholder information; (ii) the
3 person, firm, or private corporation provides to the lienholder
4 of record the notification required by this Section within one
5 business day after receiving the requested lienholder
6 information; and (iii) the assessment of storage fees complies
7 with any applicable limitations set forth by a municipality
8 authorizing the vehicle removal.

9 (g) This Section does not apply to a municipality with
10 1,000,000 or more inhabitants that is seeking to impose storage
11 fees for a vehicle in its possession.

12 (Source: P.A. 99-759, eff. 8-12-16.)

13 Section 99. Effective date. This Act takes effect 90 days
14 after becoming law.