



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 1220

2 AMENDMENT NO. _____. Amend House Bill 1220 on page 1, line
3 13, by changing "the removal" to "the investigation, arrest,
4 and detention of an offender, or the removal"; and

5 on page 1, line 14, after "vehicle.", by inserting "The
6 administrative fee imposed by the municipality may be in
7 addition to any fees charged for the towing and storage of an
8 impounded vehicle."; and

9 on page 3, line 13, by changing "Code." to "Code; or"; and

10 on page 3, by inserting after line 13 the following:

11 "(11) operation or use of a motor vehicle in the
12 commission of, or in the attempt to commit, an offense in
13 violation of Article 16 or 16A of the Criminal Code of
14 1961; or

15 "(12) operation or use of a motor vehicle in the

1 commission of, or in the attempt to commit, any other
2 misdemeanor or felony offense in violation of the Criminal
3 Code of 1961, when so provided by local ordinance."; and

4 on page 3, line 17, by changing "The fees shall" to "All
5 administrative fees and towing and storage charges shall"; and

6 on page 3, line 17, after "owner", by inserting "of the motor
7 vehicle"; and

8 on page 3, line 19, after "to", by inserting "(i)"; and

9 on page 3, line 21, after "violations", by inserting "; and
10 (ii) any towing or storage fees, or both, charged by the towing
11 company"; and

12 on page 3, by inserting after line 25 the following:

13 "(5) The towing or storage fees, or both, shall be
14 collected by and paid to the person, firm, or entity that
15 tows and stores the impounded vehicle."; and

16 on page 4, line 4, after "to", by inserting "the owner of
17 record, lessee, or"; and

18 on page 4, line 5, after "fees", by inserting "and towing and
19 storage fees"; and

1 on page 4, by inserting after line 5 the following:

2 "(e) Any ordinance establishing procedures for the
3 impoundment and release of vehicles under this Section shall
4 include the following provisions concerning notice of
5 impoundment:

6 (1) Whenever a police officer has cause to believe that
7 a motor vehicle is subject to impoundment, the officer
8 shall provide for the towing of the vehicle to a facility
9 authorized by the municipality.

10 (2) At the time the vehicle is towed, the municipality
11 shall notify or make a reasonable attempt to notify the
12 owner, lessee, or person identifying himself or herself as
13 the owner or lessee of the vehicle, or any person who is
14 found to be in control of the vehicle at the time of the
15 alleged offense, of the fact of the seizure, and of the
16 vehicle owner's or lessee's right to an administrative
17 hearing.

18 (3) The municipality shall also provide notice that the
19 motor vehicle will remain impounded pending the completion
20 of an administrative hearing, unless the owner or lessee of
21 the vehicle or a lienholder posts with the municipality a
22 bond equal to the administrative fee as provided by
23 ordinance and pays for all towing and storage charges.

24 (f) Any ordinance establishing procedures for the
25 impoundment and release of vehicles under this Section shall

1 include a provision providing that the registered owner or
2 lessee of the vehicle and any lienholder of record shall be
3 provided with a notice of hearing. The notice shall:

4 (1) be served upon the owner, lessee, and any
5 lienholder of record either by personal service or by first
6 class mail to the interested party's address as registered
7 with the Secretary of State;

8 (2) be served upon interested parties within 10 days
9 after a vehicle is impounded by the municipality; and

10 (3) contain the date, time, and location of the
11 administrative hearing. An initial hearing shall be
12 scheduled and convened no later than 45 days after the date
13 of the mailing of the notice of hearing.

14 (g) In addition to the requirements contained in
15 subdivision (b) (4) of Section 11-208.3 of this Code relating to
16 administrative hearings, any ordinance providing for the
17 impoundment and release of vehicles under this Section shall
18 include the following requirements concerning administrative
19 hearings:

20 (1) administrative hearings shall be conducted by a
21 hearing officer who is an attorney licensed to practice law
22 in this State for a minimum of 3 years;

23 (2) at the conclusion of the administrative hearing,
24 the hearing officer shall issue a written decision either
25 sustaining or overruling the vehicle impoundment;

26 (3) if the basis for the vehicle impoundment is

1 sustained by the administrative hearing officer, any
2 administrative fee posted to secure the release of the
3 vehicle shall be forfeited to the municipality;

4 (4) all final decisions of the administrative hearing
5 officer shall be subject to review under the provisions of
6 the Administrative Review Law; and

7 (5) unless the administrative hearing officer
8 overturns the basis for the vehicle impoundment, no vehicle
9 shall be released to the owner, lessee, or lienholder of
10 record until all administrative fees and towing and storage
11 charges are paid.

12 (h) Vehicles not retrieved from the towing facility or
13 storage facility within 35 days after the administrative
14 hearing officer issues a written decision shall be deemed
15 abandoned and disposed of in accordance with the provisions of
16 Article II of Chapter 4 this Code.

17 (i) Unless stayed by a court of competent jurisdiction, any
18 fine, penalty, or administrative fee imposed under this Section
19 which remains unpaid in whole or in part after the expiration
20 of the deadline for seeking judicial review under the
21 Administrative Review Law may be enforced in the same manner as
22 a judgment entered by a court of competent jurisdiction."