



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1694

Introduced 2/9/2017, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

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

Amends the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act. Provides that a person, firm, or private corporation seeking to impose fees in connection with the furnishing of storage for a vehicle shall provide notice of the fees to the vehicle owner of record as well as to the lienholder of record. Provides that notice shall be given regardless of whether the person seeking to impose fees enforces a lien. Provides that the notification requirements apply in addition to any owner and lienholder notice requirements under the Illinois Vehicle Code relating to the removal or towing of an abandoned, lost, stolen, or unclaimed vehicle. Provides penalties for noncompliance. Provides that notwithstanding any provision to the contrary, a person, firm, or private corporation seeking to impose storage fees for a vehicle in its possession may not foreclose or otherwise enforce its lien unless it first complies with specified notification requirements. Provides that storage fees may be paid by, among other methods, debit card and credit card. Makes corresponding changes in the Illinois Vehicle Code. Further amends the Illinois Vehicle Code. Provides that a towed vehicle must be returned to, among other entities, a lienholder, within 30 minutes if requested during business hours. Effective immediately.

LRB100 08752 HEP 21695 b

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 vehicle owner and

1 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, by certified mail, to the vehicle  
8 owner and lienholder of record prior to the assessment and  
9 accrual of such fees, regardless of whether the commercial  
10 vehicle relocater or other private towing service enforces a  
11 lien under the Labor and Storage Lien Act or the Labor and  
12 Storage Lien (Small Amount) Act. The notice shall include the  
13 rate at which fees will be incurred, and shall provide the  
14 lienholder with an opportunity to inspect the vehicle on the  
15 premises where the vehicle is stored. Payment of the storage  
16 fees by the vehicle owner or lienholder may be made in cash or  
17 by cashier's check, certified check, debit card, credit card,  
18 or wire transfer, at the option of the vehicle owner or  
19 lienholder taking possession of the vehicle.

20 (b) The notification requirements in subsection (a) of this  
21 Section apply in addition to any owner and lienholder notice  
22 requirements under this Code relating to the removal or towing  
23 of an abandoned, lost, stolen, or unclaimed vehicle. If the  
24 commercial vehicle relocater or other private towing service  
25 fails to comply with the notification requirements set forth in  
26 subsection (a) of this Section, storage fees shall not be

1 assessed and collected and the vehicle owner or lienholder  
2 shall be entitled to injunctive relief for possession of the  
3 vehicle without the payment of any storage fees.

4 (c) A lienholder that discovers its collateral is in the  
5 possession of a commercial vehicle relocater or other private  
6 towing service by means other than the notification required in  
7 subsection (a) of this Section is entitled to recover any  
8 storage fees paid by the lienholder to the commercial vehicle  
9 relocater or other private towing service to reclaim possession  
10 of its collateral.

11 (d) In addition to any other penalty, a commercial vehicle  
12 relocater or other private towing service seeking to impose  
13 storage fees for a vehicle in its possession that fails to  
14 provide the notification required in subsection (a) of this  
15 Section shall be liable for reasonable attorney's fees and  
16 court costs incurred by the vehicle owner or lienholder, or  
17 both, in enforcing the rights of the vehicle owner or  
18 lienholder, or both, under this Section. An action under this  
19 Section may be brought in small claims court or in any other  
20 appropriate 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 owner  
2 and lienholder notification requirements set forth in  
3 subsection (a) of this Section.

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

6 (770 ILCS 45/1.5)

7 Sec. 1.5. Storage fees; notice to vehicle owner and  
8 lienholder of record.

9 (a) Any person, firm, or private corporation seeking to  
10 impose fees in connection with the furnishing of storage for a  
11 vehicle in the person's, firm's, or corporation's possession  
12 must provide written notice, by certified mail, to the vehicle  
13 owner and lienholder of record prior to the assessment and  
14 accrual of such fees, regardless of whether it enforces a lien  
15 under this Act. The notice shall include the rate at which fees  
16 will be incurred, and shall provide the lienholder with an  
17 opportunity to inspect the vehicle on the premises where the  
18 vehicle is stored. Payment of the storage fees by the vehicle  
19 owner or lienholder may be made in cash or by cashier's check,  
20 certified check, debit card, credit card, or wire transfer, at  
21 the option of the vehicle owner or lienholder taking possession  
22 of the vehicle.

23 (b) The notification requirements in subsection (a) of this  
24 Section apply in addition to any owner and lienholder notice

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

9 (c) A lienholder that discovers its collateral is in the  
10 possession of a person, firm, or private corporation by means  
11 other than the notification required in subsection (a) of this  
12 Section is entitled to recover any storage fees paid by the  
13 lienholder to the person, firm, or private corporation to  
14 reclaim possession of its collateral.

15 (d) In addition to any other penalty, a person, firm, or  
16 private corporation seeking to impose storage fees for a  
17 vehicle in its possession that fails to provide the  
18 notification required in subsection (a) of this Section shall  
19 be liable for reasonable attorney's fees and court costs  
20 incurred by the vehicle owner or lienholder, or both, in  
21 enforcing the rights of the vehicle owner or lienholder, or  
22 both, under this Section. An action under this Section may be  
23 brought in small claims court or in any other appropriate  
24 court.

25 (e) Notwithstanding any provision to the contrary in this  
26 Act or the Illinois Vehicle Code, a person, firm, or private

1 corporation seeking to impose storage fees for a vehicle in its  
2 possession may not foreclose or otherwise enforce its lien  
3 under this Act unless it first complies with the owner and  
4 lienholder notification requirements set forth in subsection  
5 (a) of this Section.

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

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

9 (770 ILCS 50/1.5)

10 Sec. 1.5. Storage fees; notice to vehicle owner and  
11 lienholder of record.

12 (a) Any person, firm, or private corporation seeking to  
13 impose fees in connection with the furnishing of storage for a  
14 vehicle in the person's, firm's, or corporation's possession  
15 must provide written notice, by certified mail, to the vehicle  
16 owner and lienholder of record prior to the assessment and  
17 accrual of such fees, regardless of whether it enforces a lien  
18 under this Act. The notice shall include the rate at which fees  
19 will be incurred, and shall provide the lienholder with an  
20 opportunity to inspect the vehicle on the premises where the  
21 vehicle is stored. Payment of the storage fees by the vehicle  
22 owner or lienholder may be made in cash or by cashier's check,  
23 certified check, debit card, credit card, or wire transfer, at  
24 the option of the vehicle owner or lienholder taking possession

1 of the vehicle.

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

12 (c) A lienholder that discovers its collateral is in the  
13 possession of a person, firm, or private corporation by means  
14 other than the notification required in subsection (a) of this  
15 Section is entitled to recover any storage fees paid by the  
16 lienholder to the person, firm, or private corporation to  
17 reclaim possession of its collateral.

18 (d) In addition to any other penalty, a person, firm, or  
19 private corporation seeking to impose storage fees for a  
20 vehicle in its possession that fails to provide the  
21 notification required in subsection (a) of this Section shall  
22 be liable for reasonable attorney's fees and court costs  
23 incurred by the vehicle owner or lienholder, or both, in  
24 enforcing the rights of the vehicle owner or lienholder, or  
25 both, under this Section. An action under this Section may be  
26 brought in small claims court or in any other appropriate

1 court.

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

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

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.