

1 AN ACT concerning State government.

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

4 Section 1. This Act may be referred to as Conor's Law.

5 Section 5. The Department of State Police Law of the Civil
6 Administrative Code of Illinois is amended by adding Section
7 2605-54 as follows:

8 (20 ILCS 2605/2605-54 new)

9 Sec. 2605-54. Training policy; persons arrested while
10 under the influence of alcohol or drugs. The Department shall
11 adopt a policy and provide training to State Police officers
12 concerning response and care for persons under the influence of
13 alcohol or drugs. The policy shall be consistent with the
14 Alcoholism and Other Drug Abuse and Dependency Act and shall
15 provide guidance for the arrest of persons under the influence
16 of alcohol or drugs, proper medical attention if warranted, and
17 care and release of those persons from custody. The policy
18 shall provide guidance concerning the release of persons
19 arrested under the influence of alcohol or drugs who are under
20 the age of 21 years of age which shall include, but not be
21 limited to, language requiring the arresting officer to make a
22 reasonable attempt to contact a responsible adult who is

1 willing to take custody of the person who is under the
2 influence of alcohol or drugs.

3 Section 10. The Illinois Police Training Act is amended by
4 adding Section 10.17-5 as follows:

5 (50 ILCS 705/10.17-5 new)

6 Sec. 10.17-5. Training policy; persons arrested while
7 under the influence of alcohol or drugs. The Board shall create
8 a model policy to train law enforcement officers to respond to
9 a person arrested who is under the influence of alcohol or
10 drugs and the eventual release of that person from custody. The
11 Board shall create a separate model policy for the release of
12 persons arrested under the influence of alcohol or drugs who
13 are under the age of 21 years of age. This policy shall
14 include, but not be limited to, language requiring the
15 arresting officer to make a reasonable attempt to contact a
16 responsible adult who is willing to take custody of the person
17 who is under the influence of alcohol or drugs.

18 Section 15. The Illinois Vehicle Code is amended by
19 changing Section 4-203 as follows:

20 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

21 Sec. 4-203. Removal of motor vehicles or other vehicles;
22 towing or hauling away.

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

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

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

13 (d) When an abandoned, unattended, wrecked, burned or
14 partially dismantled vehicle is creating a traffic hazard
15 because of its position in relation to the highway or its
16 physical appearance is causing the impeding of traffic, its
17 immediate removal from the highway or private property adjacent
18 to the highway by a towing service may be authorized by a law
19 enforcement agency having jurisdiction.

20 (e) Whenever a peace officer reasonably believes that a
21 person under arrest for a violation of Section 11-501 of this
22 Code or a similar provision of a local ordinance is likely,
23 upon release, to commit a subsequent violation of Section
24 11-501, or a similar provision of a local ordinance, the
25 arresting officer shall have the vehicle which the person was
26 operating at the time of the arrest impounded for a period of

1 ~~not more than~~ 12 hours after the time of arrest. However, such
2 vehicle may be released by the arresting law enforcement agency
3 prior to the end of the impoundment period if:

4 (1) the vehicle was not owned by the person under
5 arrest, and the lawful owner requesting such release
6 possesses a valid operator's license, proof of ownership,
7 and would not, as determined by the arresting law
8 enforcement agency, indicate a lack of ability to operate a
9 motor vehicle in a safe manner, or who would otherwise, by
10 operating such motor vehicle, be in violation of this Code;
11 or

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

20 (e-5) Whenever a registered owner of a vehicle is taken
21 into custody for operating the vehicle in violation of Section
22 11-501 of this Code or a similar provision of a local ordinance
23 or Section 6-303 of this Code, a law enforcement officer may
24 have the vehicle immediately impounded for a period not less
25 than:

26 (1) 24 hours for a second violation of Section 11-501

1 of this Code or a similar provision of a local ordinance or
2 Section 6-303 of this Code or a combination of these
3 offenses; or

4 (2) 48 hours for a third violation of Section 11-501 of
5 this Code or a similar provision of a local ordinance or
6 Section 6-303 of this Code or a combination of these
7 offenses.

8 The vehicle may be released sooner if the vehicle is owned
9 by the person under arrest and the person under arrest gives
10 permission to another person to operate the vehicle and that
11 other person possesses a valid operator's license and would
12 not, as determined by the arresting law enforcement agency,
13 indicate a lack of ability to operate a motor vehicle in a safe
14 manner or would otherwise, by operating the motor vehicle, be
15 in violation of this Code.

16 (f) Except as provided in Chapter 18a of this Code, the
17 owner or lessor of privately owned real property within this
18 State, or any person authorized by such owner or lessor, or any
19 law enforcement agency in the case of publicly owned real
20 property may cause any motor vehicle abandoned or left
21 unattended upon such property without permission to be removed
22 by a towing service without liability for the costs of removal,
23 transportation or storage or damage caused by such removal,
24 transportation or storage. The towing or removal of any vehicle
25 from private property without the consent of the registered
26 owner or other legally authorized person in control of the

1 vehicle is subject to compliance with the following conditions
2 and restrictions:

3 1. Any towed or removed vehicle must be stored at the
4 site of the towing service's place of business. The site
5 must be open during business hours, and for the purpose of
6 redemption of vehicles, during the time that the person or
7 firm towing such vehicle is open for towing purposes.

8 2. The towing service shall within 30 minutes of
9 completion of such towing or removal, notify the law
10 enforcement agency having jurisdiction of such towing or
11 removal, and the make, model, color and license plate
12 number of the vehicle, and shall obtain and record the name
13 of the person at the law enforcement agency to whom such
14 information was reported.

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

24 4. The rebate or payment of money or any other valuable
25 consideration from the towing service or its owners,
26 managers or employees to the owners or operators of the

1 premises from which the vehicles are towed or removed, for
2 the privilege of removing or towing those vehicles, is
3 prohibited. Any individual who violates this paragraph
4 shall be guilty of a Class A misdemeanor.

5 5. Except for property appurtenant to and obviously a
6 part of a single family residence, and except for instances
7 where notice is personally given to the owner or other
8 legally authorized person in control of the vehicle that
9 the area in which that vehicle is parked is reserved or
10 otherwise unavailable to unauthorized vehicles and they
11 are subject to being removed at the owner or operator's
12 expense, any property owner or lessor, prior to towing or
13 removing any vehicle from private property without the
14 consent of the owner or other legally authorized person in
15 control of that vehicle, must post a notice meeting the
16 following requirements:

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

24 a.1. In a municipality with a population of less
25 than 250,000, as an alternative to the requirement of
26 subparagraph a of this subdivision (f)5, the notice for

1 a parking lot contained within property used solely for
2 a 2-family, 3-family, or 4-family residence may be
3 prominently placed at the perimeter of the parking lot,
4 in a position where the notice is visible to the
5 occupants of vehicles entering the lot.

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

10 c. The notice must also provide the name and
11 current telephone number of the towing service towing
12 or removing the vehicle.

13 d. The sign structure containing the required
14 notices must be permanently installed with the bottom
15 of the sign not less than 4 feet above ground level,
16 and must be continuously maintained on the property for
17 not less than 24 hours prior to the towing or removing
18 of any vehicle.

19 6. Any towing service that tows or removes vehicles and
20 proposes to require the owner, operator, or person in
21 control of the vehicle to pay the costs of towing and
22 storage prior to redemption of the vehicle must file and
23 keep on record with the local law enforcement agency a
24 complete copy of the current rates to be charged for such
25 services, and post at the storage site an identical rate
26 schedule and any written contracts with property owners,

1 lessors, or persons in control of property which authorize
2 them to remove vehicles as provided in this Section. The
3 towing and storage charges, however, shall not exceed the
4 maximum allowed by the Illinois Commerce Commission under
5 Section 18a-200.

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

11 8. No removal of a vehicle from private property shall
12 be done except upon express written instructions of the
13 owners or persons in charge of the private property upon
14 which the vehicle is said to be trespassing.

15 9. Vehicle entry for the purpose of removal shall be
16 allowed with reasonable care on the part of the person or
17 firm towing the vehicle. Such person or firm shall be
18 liable for any damages occasioned to the vehicle if such
19 entry is not in accordance with the standards of reasonable
20 care.

21 9.5. Except as authorized by a law enforcement officer,
22 no towing service shall engage in the removal of a
23 commercial motor vehicle that requires a commercial
24 driver's license to operate by operating the vehicle under
25 its own power on a highway.

26 10. When a vehicle has been towed or removed pursuant

1 to this Section, it must be released to its owner or
2 custodian within one half hour after requested, if such
3 request is made during business hours. Any vehicle owner or
4 custodian or agent shall have the right to inspect the
5 vehicle before accepting its return, and no release or
6 waiver of any kind which would release the towing service
7 from liability for damages incurred during the towing and
8 storage may be required from any vehicle owner or other
9 legally authorized person as a condition of release of the
10 vehicle. A detailed, signed receipt showing the legal name
11 of the towing service must be given to the person paying
12 towing or storage charges at the time of payment, whether
13 requested or not.

14 This Section shall not apply to law enforcement,
15 firefighting, rescue, ambulance, or other emergency vehicles
16 which are marked as such or to property owned by any
17 governmental entity.

18 When an authorized person improperly causes a motor vehicle
19 to be removed, such person shall be liable to the owner or
20 lessee of the vehicle for the cost or removal, transportation
21 and storage, any damages resulting from the removal,
22 transportation and storage, attorney's fee and court costs.

23 Any towing or storage charges accrued shall be payable by
24 the use of any major credit card, in addition to being payable
25 in cash.

26 11. Towing companies shall also provide insurance

1 coverage for areas where vehicles towed under the
2 provisions of this Chapter will be impounded or otherwise
3 stored, and shall adequately cover loss by fire, theft or
4 other risks.

5 Any person who fails to comply with the conditions and
6 restrictions of this subsection shall be guilty of a Class C
7 misdemeanor and shall be fined not less than \$100 nor more than
8 \$500.

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

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

19 (3) Vehicles removed from public or private property and
20 stored by a commercial vehicle relocater or any other towing
21 service authorized by a law enforcement agency in compliance
22 with this Section and Sections 4-201 and 4-202 of this Code, or
23 at the request of the vehicle owner or operator, shall be
24 subject to a possessor lien for services pursuant to the Labor
25 and Storage Lien (Small Amount) Act. The provisions of Section
26 1 of that Act relating to notice and implied consent shall be

1 deemed satisfied by compliance with Section 18a-302 and
2 subsection (6) of Section 18a-300. In no event shall such lien
3 be greater than the rate or rates established in accordance
4 with subsection (6) of Section 18a-200 of this Code. In no
5 event shall such lien be increased or altered to reflect any
6 charge for services or materials rendered in addition to those
7 authorized by this Act. Every such lien shall be payable by use
8 of any major credit card, in addition to being payable in cash.

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

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

25 (6) No lien under this subsection (g) shall: exceed \$2,000
26 in its total amount; or be increased or altered to reflect any

1 charge for services or materials rendered in addition to those
2 authorized by this Act.

3 (h) Whenever a peace officer issues a citation to a driver
4 for a violation of subsection (a) of Section 11-506 of this
5 Code, the arresting officer may have the vehicle which the
6 person was operating at the time of the arrest impounded for a
7 period of 5 days after the time of arrest. An impounding agency
8 shall release a motor vehicle impounded under this subsection
9 (h) to the registered owner of the vehicle under any of the
10 following circumstances:

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

12 (2) If the person ticketed for a violation of
13 subsection (a) of Section 11-506 of this Code was not
14 authorized by the registered owner of the vehicle to
15 operate the vehicle at the time of the violation; or

16 (3) If the registered owner of the vehicle was neither
17 the driver nor a passenger in the vehicle at the time of
18 the violation or was unaware that the driver was using the
19 vehicle to engage in street racing; or

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

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

25 (i) Except for vehicles exempted under subsection (b) of
26 Section 7-601 of this Code, whenever a law enforcement officer

1 issues a citation to a driver for a violation of Section 3-707
2 of this Code, and the driver has a prior conviction for a
3 violation of Section 3-707 of this Code in the past 12 months,
4 the arresting officer shall authorize the removal and
5 impoundment of the vehicle by a towing service.

6 (Source: P.A. 99-438, eff. 1-1-16.)