



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 2185

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2185 by replacing  
3 everything after the enacting clause with the following:

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 consult with the Illinois Law Enforcement Training Standards  
12 Board to create a model policy for the Department to train law  
13 enforcement officers concerning persons arrested while under  
14 the influence of alcohol or drugs as established in Section  
15 10.17-5 of the Illinois Police Training Act.

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

3 (50 ILCS 705/10.17-5 new)

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

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

18 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

19 Sec. 4-203. Removal of motor vehicles or other vehicles;  
20 towing or hauling away.

21 (a) When a vehicle is abandoned, or left unattended, on a  
22 toll highway, interstate highway, or expressway for 2 hours or

1 more, its removal by a towing service may be authorized by a  
2 law enforcement agency having jurisdiction.

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

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

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

18 (e) Whenever a peace officer reasonably believes that a  
19 person under arrest for a violation of Section 11-501 of this  
20 Code or a similar provision of a local ordinance is likely,  
21 upon release, to commit a subsequent violation of Section  
22 11-501, or a similar provision of a local ordinance, the  
23 arresting officer shall have the vehicle which the person was  
24 operating at the time of the arrest impounded for a period of  
25 not less than 6 hours but not more than 12 hours after the time  
26 of arrest. However, such vehicle may be released by the

1 arresting law enforcement agency prior to the end of the  
2 impoundment period if:

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

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

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

25 (1) 24 hours for a second violation of Section 11-501  
26 of this Code or a similar provision of a local ordinance or

1 Section 6-303 of this Code or a combination of these  
2 offenses; or

3 (2) 48 hours for a third violation of Section 11-501 of  
4 this Code or a similar provision of a local ordinance or  
5 Section 6-303 of this Code or a combination of these  
6 offenses.

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

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

1 and restrictions:

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

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

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

23 4. The rebate or payment of money or any other valuable  
24 consideration from the towing service or its owners,  
25 managers or employees to the owners or operators of the  
26 premises from which the vehicles are towed or removed, for

1 the privilege of removing or towing those vehicles, is  
2 prohibited. Any individual who violates this paragraph  
3 shall be guilty of a Class A misdemeanor.

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

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

23 a.1. In a municipality with a population of less  
24 than 250,000, as an alternative to the requirement of  
25 subparagraph a of this subdivision (f)5, the notice for  
26 a parking lot contained within property used solely for

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

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

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

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

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



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

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

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

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

20          9.5. Except as authorized by a law enforcement officer,  
21          no towing service shall engage in the removal of a  
22          commercial motor vehicle that requires a commercial  
23          driver's license to operate by operating the vehicle under  
24          its own power on a highway.

25          10. When a vehicle has been towed or removed pursuant  
26          to this Section, it must be released to its owner or

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

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

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

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

25                 11. Towing companies shall also provide insurance  
26          coverage for areas where vehicles towed under the

1 provisions of this Chapter will be impounded or otherwise  
2 stored, and shall adequately cover loss by fire, theft or  
3 other risks.

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

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

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

18 (3) Vehicles removed from public or private property and  
19 stored by a commercial vehicle relocater or any other towing  
20 service authorized by a law enforcement agency in compliance  
21 with this Section and Sections 4-201 and 4-202 of this Code, or  
22 at the request of the vehicle owner or operator, shall be  
23 subject to a possessor lien for services pursuant to the Labor  
24 and Storage Lien (Small Amount) Act. The provisions of Section  
25 1 of that Act relating to notice and implied consent shall be  
26 deemed satisfied by compliance with Section 18a-302 and

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

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

26 (5) This paragraph (5) applies only in the case of a

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

24 (6) No lien under this subsection (g) shall: exceed \$2,000  
25 in its total amount; or be increased or altered to reflect any  
26 charge for services or materials rendered in addition to those

1 authorized by this Act.

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

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

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

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

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

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

24 (i) Except for vehicles exempted under subsection (b) of  
25 Section 7-601 of this Code, whenever a law enforcement officer  
26 issues a citation to a driver for a violation of Section 3-707

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

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