



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2921

by Rep. Justin Slaughter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1431

Amends the Illinois Vehicle Code. Provides that a tower or the employee or agent of a tower that is summoned, or is alleging it was summoned, to the scene of an accident or disabled or damaged vehicle shall possess specified information, in writing or in an electronic record, before arriving at the scene. Provides that the tower shall make the information available to law enforcement, upon request, from the time the tower appears at the scene until the time the vehicle is towed and released to a third party, and shall maintain that information for 3 years. Provides that the tower shall make the information available for inspection and copying within 48 hours of a written request by any law enforcement officer or law enforcement entity, the Illinois Commerce Commission, or the Attorney General. Provides that a tower shall furnish the vehicle's owner or operator with a written itemized estimate of all charges and services to be performed. Provides that a tower shall obtain the vehicle owner's or operator's signature on the itemized estimate and shall furnish a copy to the person who signed the estimate. Provides that a tower shall not charge a towing, clean-up, service, or vehicle storage fee that is excessive or unfairly discriminatory. In penalty provisions, provides that a person who knowingly violates (rather than violates) the provisions is guilty of a Class 4 felony. Effective immediately.

LRB101 10966 TAE 56143 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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 11-1431 as follows:

6 (625 ILCS 5/11-1431)

7 Sec. 11-1431. Solicitations at accident or disablement
8 scene ~~prohibited~~.

9 (a) A tower, as defined by Section 1-205.2 of this Code, or
10 an employee or agent of a tower may not: (i) stop at the scene
11 of a motor vehicle accident or at or near a damaged or disabled
12 vehicle for the purpose of soliciting the owner or operator of
13 the damaged or disabled vehicle to enter into a towing service
14 transaction; or (ii) stop at the scene of an accident or at or
15 near a damaged or disabled vehicle unless called to the
16 location by a law enforcement officer, the Illinois Department
17 of Transportation, the Illinois State Toll Highway Authority, a
18 local agency having jurisdiction over the highway, the owner or
19 operator of the damaged or disabled vehicle, or the owner or
20 operator's authorized agent, including his or her insurer or
21 motor club of which the owner or operator is a member. This
22 Section shall not apply to employees of the Department, the
23 Illinois State Toll Highway Authority, or local agencies when

1 engaged in their official duties. Nothing in this Section shall
2 prevent a tower from stopping at the scene of a motor vehicle
3 accident or at or near a damaged or disabled vehicle if the
4 owner or operator signals the tower for assistance from the
5 location of the motor vehicle accident or damaged or disabled
6 vehicle.

7 (a-1) A tower or the employee or agent of a tower that is
8 summoned, or is alleging it was summoned, to the scene of an
9 accident or disabled or damaged vehicle shall possess the
10 following information in writing before arriving at the scene:

11 (1) the first and last name and working telephone
12 number of the person who summoned it to the scene;

13 (2) the make, model, year, and license plate number of
14 the disabled vehicle;

15 (3) the date and time it was summoned to the scene; and

16 (4) the name of the person who obtained the information
17 in items (1), (2), and (3).

18 As used in this subsection, "in writing" includes an
19 electronic record.

20 (a-2) A tower shall make the written information described
21 in subsection (a-1) available to law enforcement, upon request,
22 from the time the tower appears at the scene until the time the
23 vehicle is towed and released to a third party, and shall
24 maintain the information for 3 years. The tower shall make the
25 information available for inspection and copying within 48
26 hours of a written request by any law enforcement officer or

1 law enforcement entity, the Illinois Commerce Commission, or
2 the Attorney General.

3 (a-3) Before attaching a vehicle to the tow truck, if the
4 vehicle owner or operator is present at the time and location
5 of the anticipated tow, the tower shall furnish the vehicle's
6 owner or operator with a written itemized estimate of all
7 charges and services to be performed. The estimate shall
8 include the following:

9 (1) the name, address, telephone number, and
10 commercial vehicle relocator's license number of the
11 tower;

12 (2) the license plate number of the tow truck
13 performing the tow;

14 (3) the first and last name of the towing operator,
15 and, if different than the towing operator, the first and
16 last name of the person from the towing company furnishing
17 the estimate; and

18 (4) a description and cost for all services, including,
19 but not limited to, charges for labor, special equipment,
20 mileage from dispatch to return, and storage fees,
21 expressed as a 24-hour rate.

22 The estimate may be furnished after the vehicle is attached
23 and removed to the nearest safe shoulder or street if done at
24 the request of a law enforcement or public agency and the
25 estimate is furnished before the removal of the vehicle from
26 the nearest safe shoulder or street.

1 (a-4) The tower shall obtain the vehicle owner's or
2 operator's signature on the itemized estimate provided under
3 subsection (a-3) and shall furnish a copy to the person who
4 signed the estimate.

5 (a-5) A tower shall not charge a towing, clean-up, service,
6 or vehicle storage fee that is excessive or unfairly
7 discriminatory.

8 (b) A person or company who knowingly violates this Section
9 is guilty of a Class 4 felony. A person convicted of violating
10 this Section shall also have his or her driver's license,
11 permit, or privileges suspended for 3 months. After the
12 expiration of the 3-month suspension, the person's driver's
13 license, permit, or privileges shall not be reinstated until he
14 or she has paid a reinstatement fee of \$100. If a person
15 violates this Section while his or her driver's license,
16 permit, or privileges are suspended under this subsection (b),
17 his or her driver's license, permit, or privileges shall be
18 suspended for an additional 6 months, and shall not be
19 reinstated after the expiration of the 6-month suspension until
20 he or she pays a reinstatement fee of \$100. A vehicle owner, or
21 his or her authorized agent or automobile insurer, may bring a
22 claim against a company or person who willfully and materially
23 violates this Section. A court may award the prevailing party
24 reasonable attorney's fees, costs, and expenses relating to
25 that action.

26 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;

1 100-201, eff. 8-18-17.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.