



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5854

Introduced 11/10/2020, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-1204

from Ch. 95 1/2, par. 18c-1204

Amends the Illinois Commercial Transportation Law of the Illinois Vehicle Code. Provides that the Transportation Division of the Illinois Commerce Commission shall establish a statewide database of all towed vehicles. Provides that: the database shall integrate with existing law enforcement databases; the database shall have a vehicle identification number validation feature to permit only valid vehicle identification numbers to be submitted to the database; the database shall include the name of the tow company that took possession of the vehicle; and the database shall be available to the public. Provides that, before taking possession of a vehicle, a tow company shall submit electronically to the towed vehicle database the vehicle identification number and license plate number of the vehicle. Provides that a tow company that fails to comply may not collect any fees related to the vehicle. Provides that a tow company that commits a third violation is subject to the revocation of its license.

LRB101 22241 HEP 73475 b

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 18c-1204 as follows:

6 (625 ILCS 5/18c-1204) (from Ch. 95 1/2, par. 18c-1204)
7 Sec. 18c-1204. Transportation Division.

8 (1) Establishment. There shall be established within the
9 staff of the Commission a Transportation Division in which
10 primary staff responsibility for the administration and
11 enforcement of this Chapter and Chapter 18a shall be vested.
12 The Transportation Division shall be headed by a division
13 manager responsible to the executive director.

14 (2) Structure. The Transportation Division shall consist
15 of 4 programs and 2 offices. The 4 programs shall be
16 Compliance, Review and Examination, Docketing and Processing,
17 and Rail Safety. Each program shall be headed by a program
18 director and responsible to the division manager, except that
19 in the Compliance Program the 3 staff supervisors shall each be
20 responsible to the division manager. The 2 offices shall be the
21 Office of Transportation Counsel and the Office of the Division
22 Manager. The Office of Transportation Counsel shall be headed
23 by a Chief Counsel responsible to the Division Manager. The

1 Division Manager shall coordinate the activities and
2 responsibilities of the Office of Transportation Counsel with
3 the executive director and the personal assistant serving as
4 staff counsel to the executive director in the office of the
5 executive director, and with the Commission.

6 (a) The Compliance Program.

7 (i) The Compliance Program shall consist of a
8 police staff, a rate auditing staff, and a civil
9 penalties staff. These staffs shall be headed by a
10 Chief of Police, a Supervisor of Tariffs and Audits,
11 and a Supervisor of Civil Penalties, respectively.

12 (ii) The police staff shall be divided into
13 districts with a field office in each district. Each
14 district shall be headed by a working supervisor
15 responsible to the Chief of Police. All staff
16 responsibility for enforcement of this Chapter, except
17 with regard to rail safety, shall be vested in the
18 Compliance Program.

19 (b) The Review and Examination Program.

20 (i) Staff responsibility for review of all
21 nonhearing matters under this Chapter and Chapter 18a
22 and examination of all matters assigned for hearing
23 under this Chapter and Chapter 18a shall be vested in
24 the Review and Examination Program, except as
25 otherwise provided in Section 18c-1204b.

26 (ii) Hearing examiners in the program shall have

1 responsibility for developing a full, complete and
2 impartial record on all issues to be decided in a
3 proceeding; recommending disposition of the issues or
4 making an initial decision on them, as provided in this
5 Chapter; and setting forth in writing the basis for
6 their recommendations or initial decisions. The
7 program director shall be the chief hearing examiner
8 for matters under this Chapter and Chapter 18a with
9 responsibility to insure consistency of
10 recommendations and initial decisions.

11 (c) The Processing and Docketing Program. All staff
12 responsibility for docketing and processing filings,
13 accounting of receipts and expenditures, issuing, file
14 maintenance and other processing functions under this
15 Chapter and Chapter 18a shall be vested in the Processing
16 Program.

17 (d) The Rail Safety Program. Staff responsibility for
18 administration and enforcement of the rail safety
19 provisions of this Chapter shall be vested in the Rail
20 Safety Program.

21 (e) The Office of Transportation Counsel.

22 (i) All Commission staff responsibility for
23 provision of legal services in connection with any
24 matter under this Chapter, excepting any matter under
25 subchapters 7 and 8 of this Chapter, or in connection
26 with any matter under Chapter 18a shall, except with

1 regard to functions vested in the review and
2 examination program under paragraph (b) of this
3 subsection, be vested exclusively in the Office of
4 Transportation Counsel.

5 (ii) The Office of Transportation Counsel shall,
6 when directed through the division manager to do so,
7 represent the Commission or Commission staff in
8 administrative or judicial proceedings and render
9 staff advisory opinions to the executive director and
10 the Commission.

11 (f) Levels of Administration. No additional levels of
12 administration, supervision or authority shall be
13 superimposed, or remain superimposed, between levels
14 prescribed under this Section, and no organizational units
15 may be created within the Transportation Division except as
16 prescribed under this Section.

17 (3) Additional Functions. Staff functions relating to
18 rulemaking, policy recommendations and advisory committees
19 under this Chapter and Chapter 18a shall be vested in the
20 Transportation Division.

21 The staff shall prepare and distribute to the General
22 Assembly, in April of each year, a report on railway accidents
23 in Illinois which involve hazardous materials. The report shall
24 include the location, substance involved, amounts involved,
25 and the suspected reason for each accident. The report shall
26 also reveal the rail line and point of origin of the hazardous

1 material involved in each accident.

2 (4) The Transportation Division shall establish a
3 statewide database of all towed vehicles. The database shall
4 integrate with existing law enforcement databases. The
5 database shall have a vehicle identification number validation
6 feature to permit only valid vehicle identification numbers to
7 be submitted to the database. The database shall include the
8 name of the tow company that took possession of the vehicle.
9 The database shall be available to the public. Before taking
10 possession of a vehicle, a tow company shall submit
11 electronically to the towed vehicle database the vehicle
12 identification number and license plate number of the vehicle.
13 A tow company that violates this subsection may not collect any
14 fees related to the vehicle that is the subject of the
15 violation. A tow company that commits a third violation of this
16 subsection is subject to the revocation of its license.

17 (Source: P.A. 88-415.)