



Sen. Emil Jones, III

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10100SB1519sam001

LRB101 06089 TAE 58512 a

1 AMENDMENT TO SENATE BILL 1519

2 AMENDMENT NO. _____. Amend Senate Bill 1519 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-216 and 11-208.7 as follows:

6 (625 ILCS 5/4-216)

7 Sec. 4-216. Storage fees; notice to lienholder of record.

8 (a) Any commercial vehicle relocater or any other private
9 towing service providing removal or towing services pursuant to
10 this Code and seeking to impose fees in connection with the
11 furnishing of storage for a vehicle in the possession of the
12 commercial vehicle relocater or other private towing service
13 must provide written notice within 2 business days after the
14 vehicle is removed or towed, by certified mail, return receipt
15 requested, to the lienholder of record, regardless of whether
16 the commercial vehicle relocater or other private towing

1 service enforces a lien under the Labor and Storage Lien Act or
2 the Labor and Storage Lien (Small Amount) Act. The notice shall
3 be effective upon mailing and include the rate at which fees
4 will be incurred, and shall provide the lienholder of record
5 with an opportunity to inspect the vehicle on the premises
6 where the vehicle is stored within 2 business days of the
7 lienholder of record's ~~lienholder's~~ request. The date on which
8 the assessment and accrual of storage fees may commence is the
9 date of the impoundment of the vehicle, subject to any
10 applicable limitations set forth by a municipality authorizing
11 the vehicle removal. Payment of the storage fees by the
12 lienholder of record may be made in cash or by cashier's check,
13 certified check, debit card, credit card, or wire transfer, at
14 the option of the lienholder of record taking possession of the
15 vehicle. The commercial vehicle relocater or other private
16 towing service shall furnish a copy of the certified mail
17 receipt to the lienholder of record upon request.

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

1 without the payment of any storage fees.

2 (c) If the notification required under subsection (a) was
3 not sent and a lienholder of record discovers its collateral is
4 in the possession of a commercial vehicle relocater or other
5 private towing service by means other than the notification
6 required in subsection (a) of this Section, the lienholder of
7 record is entitled to recover any storage fees paid to the
8 commercial vehicle relocater or other private towing service to
9 reclaim possession of its collateral.

10 (d) An action under this Section may be brought by the
11 lienholder of record against the commercial vehicle locator or
12 other private towing service in the circuit court.

13 (e) Notwithstanding any provision to the contrary in this
14 Code, a commercial vehicle relocater or other private towing
15 service seeking to impose storage fees for a vehicle in its
16 possession may not foreclose or otherwise enforce its claim for
17 payment of storage services or any lien relating to the claim
18 pursuant to this Code or other applicable law unless it first
19 complies with the lienholder of record notification
20 requirements set forth in subsection (a) of this Section.

21 (f) If the vehicle that is removed or towed is registered
22 in a state other than Illinois, the assessment and accrual of
23 storage fees may commence on the date that the request for
24 lienholder of record information is filed by the commercial
25 vehicle relocater or other private towing service with the
26 applicable administrative agency or office in that state if:

1 (i) the commercial vehicle relocater or other private towing
2 service furnishes the lienholder of record with a copy or proof
3 of filing of the request for lienholder of record information;
4 (ii) the commercial vehicle relocater or other private towing
5 service provides to the lienholder of record the notification
6 required by this Section within one business day after
7 receiving the requested lienholder of record information; and
8 (iii) the assessment of storage fees complies with any
9 applicable limitations set forth by a municipality authorizing
10 the vehicle removal.

11 (Source: P.A. 100-311, eff. 11-23-17; 100-863, eff. 8-14-18.)

12 (625 ILCS 5/11-208.7)

13 Sec. 11-208.7. Administrative fees and procedures for
14 impounding vehicles for specified violations.

15 (a) Any county or municipality may, consistent with this
16 Section, provide by ordinance procedures for the release of
17 properly impounded vehicles and for the imposition of a
18 reasonable administrative fee related to its administrative
19 and processing costs associated with the investigation,
20 arrest, and detention of an offender, or the removal,
21 impoundment, storage, and release of the vehicle. The
22 administrative fee imposed by the county or municipality may be
23 in addition to any fees charged for the towing and storage of
24 an impounded vehicle. The administrative fee shall be waived by
25 the county or municipality upon verifiable proof that the

1 vehicle was stolen at the time the vehicle was impounded.

2 (b) An ordinance establishing procedures for the release of
3 properly impounded vehicles under this Section may impose fees
4 only for the following violations:

5 (1) operation or use of a motor vehicle in the
6 commission of, or in the attempt to commit, an offense for
7 which a motor vehicle may be seized and forfeited pursuant
8 to Section 36-1 of the Criminal Code of 2012; or

9 (2) driving under the influence of alcohol, another
10 drug or drugs, an intoxicating compound or compounds, or
11 any combination thereof, in violation of Section 11-501 of
12 this Code; or

13 (3) operation or use of a motor vehicle in the
14 commission of, or in the attempt to commit, a felony or in
15 violation of the Cannabis Control Act; or

16 (4) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, an offense in
18 violation of the Illinois Controlled Substances Act; or

19 (5) operation or use of a motor vehicle in the
20 commission of, or in the attempt to commit, an offense in
21 violation of Section 24-1, 24-1.5, or 24-3.1 of the
22 Criminal Code of 1961 or the Criminal Code of 2012; or

23 (6) driving while a driver's license, permit, or
24 privilege to operate a motor vehicle is suspended or
25 revoked pursuant to Section 6-303 of this Code; except that
26 vehicles shall not be subjected to seizure or impoundment

1 if the suspension is for an unpaid citation (parking or
2 moving) or due to failure to comply with emission testing;
3 or

4 (7) operation or use of a motor vehicle while
5 soliciting, possessing, or attempting to solicit or
6 possess cannabis or a controlled substance, as defined by
7 the Cannabis Control Act or the Illinois Controlled
8 Substances Act; or

9 (8) operation or use of a motor vehicle with an expired
10 driver's license, in violation of Section 6-101 of this
11 Code, if the period of expiration is greater than one year;
12 or

13 (9) operation or use of a motor vehicle without ever
14 having been issued a driver's license or permit, in
15 violation of Section 6-101 of this Code, or operating a
16 motor vehicle without ever having been issued a driver's
17 license or permit due to a person's age; or

18 (10) operation or use of a motor vehicle by a person
19 against whom a warrant has been issued by a circuit clerk
20 in Illinois for failing to answer charges that the driver
21 violated Section 6-101, 6-303, or 11-501 of this Code; or

22 (11) operation or use of a motor vehicle in the
23 commission of, or in the attempt to commit, an offense in
24 violation of Article 16 or 16A of the Criminal Code of 1961
25 or the Criminal Code of 2012; or

26 (12) operation or use of a motor vehicle in the

1 commission of, or in the attempt to commit, any other
2 misdemeanor or felony offense in violation of the Criminal
3 Code of 1961 or the Criminal Code of 2012, when so provided
4 by local ordinance; or

5 (13) operation or use of a motor vehicle in violation
6 of Section 11-503 of this Code:

7 (A) while the vehicle is part of a funeral
8 procession; or

9 (B) in a manner that interferes with a funeral
10 procession.

11 (c) The following shall apply to any fees imposed for
12 administrative and processing costs pursuant to subsection
13 (b):

14 (1) All administrative fees and towing and storage
15 charges shall be imposed on the registered owner of the
16 motor vehicle or the agents of that owner.

17 (2) The fees shall be in addition to (i) any other
18 penalties that may be assessed by a court of law for the
19 underlying violations; and (ii) any towing or storage fees,
20 or both, charged by the towing company.

21 (3) The fees shall be uniform for all similarly
22 situated vehicles.

23 (4) The fees shall be collected by and paid to the
24 county or municipality imposing the fees.

25 (5) The towing or storage fees, or both, shall be
26 collected by and paid to the person, firm, or entity that

1 tows and stores the impounded vehicle.

2 (d) Any ordinance establishing procedures for the release
3 of properly impounded vehicles under this Section shall provide
4 for an opportunity for a hearing, as provided in subdivision
5 (b) (4) of Section 11-208.3 of this Code, and for the release of
6 the vehicle to the owner of record, lessee, or a lienholder of
7 record upon payment of all administrative fees and towing and
8 storage fees.

9 (e) Any ordinance establishing procedures for the
10 impoundment and release of vehicles under this Section shall
11 include the following provisions concerning notice of
12 impoundment:

13 (1) Whenever a police officer has cause to believe that
14 a motor vehicle is subject to impoundment, the officer
15 shall provide for the towing of the vehicle to a facility
16 authorized by the county or municipality.

17 (2) At the time the vehicle is towed, the county or
18 municipality shall notify, as soon as practicable, or make
19 a reasonable attempt to notify the owner, lessee, or person
20 identifying himself or herself as the owner or lessee of
21 the vehicle, or any person who is found to be in control of
22 the vehicle at the time of the alleged offense, of the fact
23 of the seizure, and of the vehicle owner's or lessee's
24 right to an administrative hearing. Notice shall be given
25 by the towing company to the lienholder of record pursuant
26 to Section 4-216 of this Code.

1 (3) The county or municipality shall also provide
2 notice that the motor vehicle will remain impounded pending
3 the completion of an administrative hearing, unless the
4 owner or lessee of the vehicle or a lienholder posts with
5 the county or municipality a bond equal to the
6 administrative fee as provided by ordinance and pays for
7 all towing and storage charges.

8 (f) Any ordinance establishing procedures for the
9 impoundment and release of vehicles under this Section shall
10 include a provision providing that the registered owner or
11 lessee of the vehicle and any lienholder of record shall be
12 provided with a notice of hearing. The notice shall:

13 (1) be served upon the owner, lessee, and any
14 lienholder of record either by personal service or by first
15 class mail to the interested party's address as registered
16 with the Secretary of State;

17 (2) be served upon interested parties within 10 days
18 after a vehicle is impounded by the municipality; and

19 (3) contain the date, time, and location of the
20 administrative hearing. An initial hearing shall be
21 scheduled and convened no later than 45 days after the date
22 of the mailing of the notice of hearing.

23 (g) In addition to the requirements contained in
24 subdivision (b) (4) of Section 11-208.3 of this Code relating to
25 administrative hearings, any ordinance providing for the
26 impoundment and release of vehicles under this Section shall

1 include the following requirements concerning administrative
2 hearings:

3 (1) administrative hearings shall be conducted by a
4 hearing officer who is an attorney licensed to practice law
5 in this State for a minimum of 3 years;

6 (2) at the conclusion of the administrative hearing,
7 the hearing officer shall issue a written decision either
8 sustaining or overruling the vehicle impoundment;

9 (3) if the basis for the vehicle impoundment is
10 sustained by the administrative hearing officer, any
11 administrative fee posted to secure the release of the
12 vehicle shall be forfeited to the county or municipality;

13 (4) all final decisions of the administrative hearing
14 officer shall be subject to review under the provisions of
15 the Administrative Review Law, unless the county or
16 municipality allows in the enabling ordinance for direct
17 appeal to the circuit court having jurisdiction over the
18 county or municipality;

19 (5) unless the administrative hearing officer
20 overturns the basis for the vehicle impoundment, no vehicle
21 shall be released to the owner, lessee, or lienholder of
22 record until all administrative fees and towing and storage
23 charges are paid; and

24 (6) if the administrative hearing officer finds that a
25 county or municipality that impounds a vehicle exceeded its
26 authority under this Code, the county or municipality shall

1 be liable to the registered owner or lessee of the vehicle
2 for the cost of storage fees and reasonable attorney's
3 fees.

4 (h) Vehicles not retrieved from the towing facility or
5 storage facility within 35 days after the administrative
6 hearing officer issues a written decision shall be deemed
7 abandoned and disposed of in accordance with the provisions of
8 Article II of Chapter 4 of this Code.

9 (i) Unless stayed by a court of competent jurisdiction, any
10 fine, penalty, or administrative fee imposed under this Section
11 which remains unpaid in whole or in part after the expiration
12 of the deadline for seeking judicial review under the
13 Administrative Review Law may be enforced in the same manner as
14 a judgment entered by a court of competent jurisdiction.

15 (j) The fee limits in subsection (b), the exceptions in
16 paragraph (6) of subsection (b), and all of paragraph (6) of
17 subsection (g) of this Section shall not apply to a home rule
18 unit that tows a vehicle on a public way if a circumstance
19 requires the towing of the vehicle or if the vehicle is towed
20 due to a violation of a statute or local ordinance, and the
21 home rule unit:

22 (1) owns and operates a towing facility within its
23 boundaries for the storage of towed vehicles; and

24 (2) owns and operates tow trucks or enters into a
25 contract with a third party vendor to operate tow trucks.

26 (k) Pursuant to Section 4-216 of this Code, the lienholder

1 of record shall have an opportunity to view the vehicle within
2 2 business days of the request.

3 (Source: P.A. 98-518, eff. 8-22-13; 98-734, eff. 1-1-15;
4 98-756, eff. 7-16-14; 99-848, eff. 8-19-16.)

5 Section 99. Effective date. This Act takes effect 90 days
6 after becoming law."