

# SB3751



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3751

Introduced 2/14/2020, by Sen. Antonio Muñoz

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203.5

Amends the Illinois Vehicle Code. Provides that if, while at the scene of a disabled vehicle, the law enforcement officer allows the owner or operator of the disabled vehicle to select a towing service to relocate the disabled vehicle, the selected towing service shall appear on the law enforcement agency's tow rotation list.

LRB101 18821 LNS 68278 b

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 4-203.5 as follows:

6 (625 ILCS 5/4-203.5)

7 Sec. 4-203.5. Tow rotation list.

8 (a) Each law enforcement agency whose duties include the  
9 patrol of highways in this State shall maintain a tow rotation  
10 list which shall be used by law enforcement officers  
11 authorizing the tow of a vehicle within the jurisdiction of the  
12 law enforcement agency. To ensure adequate response time, a law  
13 enforcement agency may maintain multiple tow rotation lists,  
14 with each tow rotation list covering tows authorized in  
15 different geographic locations within the jurisdiction of the  
16 law enforcement agency. A towing service may be included on  
17 more than one tow rotation list.

18 (b) Any towing service operating within the jurisdiction of  
19 a law enforcement agency may submit an application in a form  
20 and manner prescribed by the law enforcement agency for  
21 inclusion on the law enforcement agency's tow rotation list.  
22 The towing service does not need to be located within the  
23 jurisdiction of the law enforcement agency. To be included on a

1 tow rotation list the towing service must meet the following  
2 requirements:

3 (1) possess a license permitting the towing service to  
4 operate in every unit of local government in the law  
5 enforcement agency's jurisdiction that requires a license  
6 for the operation of a towing service;

7 (2) if required by the law enforcement agency for  
8 inclusion on that law enforcement agency's tow rotation  
9 list, each owner of the towing service and each person  
10 operating a vehicle on behalf of the towing service shall  
11 submit his or her fingerprints to the Department of State  
12 Police in the form and manner prescribed by the Department  
13 of State Police. These fingerprints should be transmitted  
14 through a live scan fingerprint vendor licensed by the  
15 Department of Financial and Professional Regulation. These  
16 fingerprints shall be checked against the fingerprint  
17 records now and hereafter filed in the Department of State  
18 Police and Federal Bureau of Investigation criminal  
19 history records databases. The Department of State Police  
20 shall charge a fee for conducting the criminal history  
21 record check, which shall be deposited in the State Police  
22 Services Fund and shall not exceed the actual cost of the  
23 State and national criminal history record check. The  
24 Department of State Police shall furnish, pursuant to  
25 positive identification, all Illinois conviction  
26 information to the law enforcement agency maintaining the

1 tow rotation list and shall forward the national criminal  
2 history record information to the law enforcement agency  
3 maintaining the tow rotation list. A person may not own a  
4 towing service or operate a vehicle on behalf of a towing  
5 service included on a tow rotation list if that person has  
6 been convicted during the 5 years preceding the application  
7 of a criminal offense involving one or more of the  
8 following:

9 (A) bodily injury or attempt to inflict bodily  
10 injury to another person;

11 (B) theft of property or attempted theft of  
12 property; or

13 (C) sexual assault or attempted sexual assault of  
14 any kind;

15 (3) each person operating a vehicle on behalf of the  
16 towing service must be classified for the type of towing  
17 operation he or she shall be performing and the vehicle he  
18 or she shall be operating;

19 (4) possess and maintain the following insurance in  
20 addition to any other insurance required by law:

21 (A) comprehensive automobile liability insurance  
22 with a minimum combined single limit coverage of  
23 \$1,000,000;

24 (B) commercial general liability insurance with  
25 limits of not less than \$1,000,000 per occurrence,  
26 \$100,000 minimum garage keepers legal liability

1 insurance, and \$100,000 minimum on-hook coverage or  
2 cargo insurance; and

3 (C) a worker's compensation policy covering every  
4 person operating a tow truck on behalf of the towing  
5 service, if required under current law;

6 (5) possess a secure parking lot used for short-term  
7 vehicle storage after a vehicle is towed that is open  
8 during business hours and is equipped with security  
9 features as required by the law enforcement agency;

10 (6) utilize only vehicles that possess a valid vehicle  
11 registration, display a valid Illinois license plate in  
12 accordance with Section 5-202 of this Code, and comply with  
13 the weight requirements of this Code;

14 (7) every person operating a towing or recovery vehicle  
15 on behalf of the towing service must have completed a  
16 Traffic Incident Management Training Program approved by  
17 the Department of Transportation;

18 (8) hold a valid authority issued to it by the Illinois  
19 Commerce Commission;

20 (9) comply with all other applicable federal, State,  
21 and local laws; and

22 (10) comply with any additional requirements the  
23 applicable law enforcement agency deems necessary.

24 The law enforcement agency may select which towing services  
25 meeting the requirements of this subsection (b) shall be  
26 included on a tow rotation list. The law enforcement agency may

1 choose to have only one towing service on its tow rotation  
2 list. Complaints regarding the process for inclusion on a tow  
3 rotation list or the use of a tow rotation list may be referred  
4 in writing to the head of the law enforcement agency  
5 administering that tow rotation list. The head of the law  
6 enforcement agency shall make the final determination as to  
7 which qualified towing services shall be included on a tow  
8 rotation list, and shall not be held liable for the exclusion  
9 of any towing service from a tow rotation list.

10 (c) Whenever a law enforcement officer initiates a tow of a  
11 vehicle, the officer shall contact his or her law enforcement  
12 agency and inform the agency that a tow has been authorized.  
13 The law enforcement agency shall then select a towing service  
14 from the law enforcement agency's tow rotation list  
15 corresponding to the geographical area where the tow was  
16 authorized, and shall contact that towing service directly by  
17 phone, computer, or similar means. Towing services shall be  
18 contacted in the order listed on the appropriate tow rotation  
19 list, at which point the towing service shall be placed at the  
20 end of that tow rotation list. In the event a listed towing  
21 service is not available, the next listed towing service on  
22 that tow rotation list shall be contacted.

23 (d) A law enforcement agency may deviate from the order  
24 listed on a tow rotation list if the towing service next on  
25 that tow rotation list is, in the judgment of the authorizing  
26 officer or the law enforcement agency making the selection,

1 incapable of or not properly equipped for handling a specific  
2 task related to the tow that requires special skills or  
3 equipment. A deviation from the order listed on the tow  
4 rotation list for this reason shall not cause a loss of  
5 rotation turn by the towing service determined to be incapable  
6 or not properly equipped for handling the request.

7 (e) In the event of an emergency a law enforcement officer  
8 or agency, taking into account the safety and location of the  
9 situation, may deviate from the order of the tow rotation list  
10 and obtain towing service from any source deemed appropriate.

11 (f) If the owner or operator of a disabled vehicle is  
12 present at the scene of the disabled vehicle, is not under  
13 arrest, and does not abandon his or her vehicle, and in the law  
14 enforcement officer's opinion the disabled vehicle is not  
15 impeding or obstructing traffic, illegally parked, or posing a  
16 security or safety risk, the law enforcement officer shall  
17 allow the owner of the vehicle to specify a towing service to  
18 relocate the disabled vehicle, but the selected towing service  
19 shall appear on the law enforcement agency's tow rotation list.

20 If the owner chooses not to specify a towing service, the law  
21 enforcement agency shall select a towing service for the  
22 vehicle as provided in subsection (c) of this Section.

23 (g) If a tow operator is present or arrives where a tow is  
24 needed and it has not been requested by the law enforcement  
25 agency or the owner or operator, the law enforcement officer,  
26 unless acting under Section 11-1431 of this Code, shall advise

1 the tow operator to leave the scene.

2 (h) Nothing contained in this Section shall apply to a law  
3 enforcement agency having jurisdiction solely over a  
4 municipality with a population over 1,000,000.

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