



Rep. Robyn Gabel

Filed: 4/19/2021

10200HB1687ham001

LRB102 03746 RAM 25266 a

1 AMENDMENT TO HOUSE BILL 1687

2 AMENDMENT NO. _____. Amend House Bill 1687 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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
12 the law enforcement agency. To ensure adequate response time,
13 a law enforcement agency may maintain multiple tow rotation
14 lists, 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

1 more than one tow rotation list.

2 (b) Any towing service operating within the jurisdiction
3 of a law enforcement agency may submit an application in a form
4 and manner prescribed by the law enforcement agency for
5 inclusion on the law enforcement agency's tow rotation list.
6 The towing service does not need to be located within the
7 jurisdiction of the law enforcement agency. To be included on
8 a tow rotation list the towing service must meet the following
9 requirements:

10 (1) possess a license permitting the towing service to
11 operate in every unit of local government in the law
12 enforcement agency's jurisdiction that requires a license
13 for the operation of a towing service;

14 (2) if required by the law enforcement agency for
15 inclusion on that law enforcement agency's tow rotation
16 list, each owner of the towing service and each person
17 operating a vehicle on behalf of the towing service shall
18 submit his or her fingerprints to the Department of State
19 Police in the form and manner prescribed by the Department
20 of State Police. These fingerprints should be transmitted
21 through a live scan fingerprint vendor licensed by the
22 Department of Financial and Professional Regulation. These
23 fingerprints shall be checked against the fingerprint
24 records now and hereafter filed in the Department of State
25 Police and Federal Bureau of Investigation criminal
26 history records databases. The Department of State Police

1 shall charge a fee for conducting the criminal history
2 record check, which shall be deposited in the State Police
3 Services Fund and shall not exceed the actual cost of the
4 State and national criminal history record check. The
5 Department of State Police shall furnish, pursuant to
6 positive identification, all Illinois conviction
7 information to the law enforcement agency maintaining the
8 tow rotation list and shall forward the national criminal
9 history record information to the law enforcement agency
10 maintaining the tow rotation list. A person may not own a
11 towing service or operate a vehicle on behalf of a towing
12 service included on a tow rotation list if that person has
13 been convicted during the 5 years preceding the
14 application of a criminal offense involving one or more of
15 the following:

16 (A) bodily injury or attempt to inflict bodily
17 injury to another person;

18 (B) theft of property or attempted theft of
19 property; or

20 (C) sexual assault or attempted sexual assault of
21 any kind;

22 (3) each person operating a vehicle on behalf of the
23 towing service must be classified for the type of towing
24 operation he or she shall be performing and the vehicle he
25 or she shall be operating;

26 (4) possess and maintain the following insurance in

1 addition to any other insurance required by law:

2 (A) comprehensive automobile liability insurance
3 with a minimum combined single limit coverage of
4 \$1,000,000;

5 (B) commercial general liability insurance with
6 limits of not less than \$1,000,000 per occurrence,
7 \$100,000 minimum garage keepers legal liability
8 insurance, and \$100,000 minimum on-hook coverage or
9 cargo insurance; and

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

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

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

21 (7) every person operating a towing or recovery
22 vehicle on behalf of the towing service must have
23 completed a Traffic Incident Management Training Program
24 approved by the Department of Transportation;

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

1 (9) comply with all other applicable federal, State,
2 and local laws; and

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

5 The law enforcement agency may select which towing
6 services meeting the requirements of this subsection (b) shall
7 be included on a tow rotation list. The law enforcement agency
8 may choose to have only one towing service on its tow rotation
9 list. Complaints regarding the process for inclusion on a tow
10 rotation list or the use of a tow rotation list may be referred
11 in writing to the head of the law enforcement agency
12 administering that tow rotation list. The head of the law
13 enforcement agency shall make the final determination as to
14 which qualified towing services shall be included on a tow
15 rotation list, and shall not be held liable for the exclusion
16 of any towing service from a tow rotation list.

17 (c) Whenever a law enforcement officer initiates a tow of
18 a vehicle, the officer shall contact his or her law
19 enforcement agency and inform the agency that a tow has been
20 authorized. The law enforcement agency shall then select a
21 towing service from the law enforcement agency's tow rotation
22 list corresponding to the geographical area where the tow was
23 authorized, and shall contact that towing service directly by
24 phone, computer, or similar means. Towing services shall be
25 contacted in the order listed on the appropriate tow rotation
26 list, at which point the towing service shall be placed at the

1 end of that tow rotation list. In the event a listed towing
2 service is not available, the next listed towing service on
3 that tow rotation list shall be contacted.

4 (d) A law enforcement agency may deviate from the order
5 listed on a tow rotation list if the towing service next on
6 that tow rotation list is, in the judgment of the authorizing
7 officer or the law enforcement agency making the selection,
8 incapable of or not properly equipped for handling a specific
9 task related to the tow that requires special skills or
10 equipment. A deviation from the order listed on the tow
11 rotation list for this reason shall not cause a loss of
12 rotation turn by the towing service determined to be incapable
13 or not properly equipped for handling the request.

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

18 (f) If the owner or operator of a disabled vehicle is
19 present at the scene of the disabled vehicle, is not under
20 arrest, and does not abandon his or her vehicle, and in the law
21 enforcement officer's opinion the disabled vehicle is not
22 impeding or obstructing traffic, illegally parked, or posing a
23 security or safety risk, the law enforcement officer shall
24 allow the owner of the vehicle to specify a towing service to
25 relocate the disabled vehicle. If the owner chooses not to
26 specify a towing service, the law enforcement agency shall

1 select a towing service for the vehicle as provided in
2 subsection (c) of this Section.

3 (g) If a tow operator is present or arrives where a tow is
4 needed and it has not been requested by the law enforcement
5 agency or the owner or operator, the law enforcement officer,
6 unless acting under Section 11-1431 of this Code, shall advise
7 the tow operator to leave the scene.

8 (h) (Blank). ~~Nothing contained in this Section shall apply~~
9 ~~to a law enforcement agency having jurisdiction solely over a~~
10 ~~municipality with a population over 1,000,000.~~

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