



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3124

Introduced 2/19/2021, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18a-300.5 new

625 ILCS 5/18c-1204

625 ILCS 5/18d-137 new

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

Amends the Illinois Vehicle Code. Provides that the Transportation Division of the Illinois Commerce Commission shall establish a statewide database in which any licensed tow operator may enter information regarding vehicles towed for safety or relocation purposes. Provides that the database: shall allow each tow operator to have its own login in order to facilitate the entry of information via a mobile device; may integrate with existing law enforcement databases; may have a vehicle identification number validation feature to permit only valid vehicle identification numbers to be submitted to the database; shall include the name of the tow company that took possession of the vehicle; and shall be available to the public. Provides that, within one hour after a vehicle is relocated, a commercial or safety relocater shall notify the law enforcement agency having jurisdiction in the area from which the vehicle was relocated by electronically entering the information into the database. Provides that the commercial or safety relocater shall maintain records documenting the notification. Provides that a commercial or safety relocater in possession of a vehicle that has remained unclaimed for a period of 15 days after having been towed shall, within 5 days after the expiration of that period, report the vehicle as unclaimed by entering the information into the database. Provides that notification shall include specified information. Provides that a commercial or safety relocater that fails to enter the information into the database as required may not charge or collect any amount in connection with the relocation, processing, or storage of the vehicle or dispose of the unclaimed vehicle.

LRB102 13122 RAM 18465 b

FISCAL 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
5 changing Section 18c-1204 and by adding Sections 18a-300.5 and
6 18d-137 as follows:

7 (625 ILCS 5/18a-300.5 new)

8 Sec. 18a-300.5. Electronic notification.

9 (a) Not later than one hour after a vehicle is relocated,
10 the relocater shall electronically notify the law enforcement
11 agency having jurisdiction in the area from which the vehicle
12 was relocated by entering the information set forth in
13 subsection (c) into the statewide, publicly available database
14 created under subsection (4) of Section 18c-1204. Relocators
15 shall maintain records documenting the notification made under
16 this subsection.

17 (b) A relocater in possession of a vehicle that has
18 remained unclaimed for a period of 15 days after having been
19 towed shall report, within 5 days after the expiration of that
20 period, the vehicle as unclaimed by entering the information
21 into the statewide, publicly available database created under
22 subsection (4) of Section 18c-1204.

23 (c) The notification required by this Section shall

1 include the following:

2 (1) the name, address, and telephone number of the
3 relocator;

4 (2) the license number of the relocator;

5 (3) the color, make, model, vehicle identification
6 number, and license number of the vehicle relocated;

7 (4) the date and time of the relocation;

8 (5) the address of the property from which the vehicle
9 was relocated;

10 (6) the address to which the vehicle was relocated;

11 (7) other information as required by the Illinois
12 Commerce Commission.

13 (d) A relocator that fails to comply with this Section may
14 not:

15 (1) charge or collect any amount in connection with
16 the relocation, processing, or storage of the vehicle; or

17 (2) dispose of an unclaimed vehicle under Section
18 4-208 or 4-209.

19 (625 ILCS 5/18c-1204) (from Ch. 95 1/2, par. 18c-1204)

20 Sec. 18c-1204. Transportation Division.

21 (1) Establishment. There shall be established within the
22 staff of the Commission a Transportation Division in which
23 primary staff responsibility for the administration and
24 enforcement of this Chapter and Chapter 18a shall be vested.
25 The Transportation Division shall be headed by a division

1 manager responsible to the executive director.

2 (2) Structure. The Transportation Division shall consist
3 of 4 programs and 2 offices. The 4 programs shall be
4 Compliance, Review and Examination, Docketing and Processing,
5 and Rail Safety. Each program shall be headed by a program
6 director and responsible to the division manager, except that
7 in the Compliance Program the 3 staff supervisors shall each
8 be responsible to the division manager. The 2 offices shall be
9 the Office of Transportation Counsel and the Office of the
10 Division Manager. The Office of Transportation Counsel shall
11 be headed by a Chief Counsel responsible to the Division
12 Manager. The Division Manager shall coordinate the activities
13 and responsibilities of the Office of Transportation Counsel
14 with the executive director and the personal assistant serving
15 as staff counsel to the executive director in the office of the
16 executive director, and with the Commission.

17 (a) The Compliance Program.

18 (i) The Compliance Program shall consist of a
19 police staff, a rate auditing staff, and a civil
20 penalties staff. These staffs shall be headed by a
21 Chief of Police, a Supervisor of Tariffs and Audits,
22 and a Supervisor of Civil Penalties, respectively.

23 (ii) The police staff shall be divided into
24 districts with a field office in each district. Each
25 district shall be headed by a working supervisor
26 responsible to the Chief of Police. All staff

1 responsibility for enforcement of this Chapter, except
2 with regard to rail safety, shall be vested in the
3 Compliance Program.

4 (b) The Review and Examination Program.

5 (i) Staff responsibility for review of all
6 nonhearing matters under this Chapter and Chapter 18a
7 and examination of all matters assigned for hearing
8 under this Chapter and Chapter 18a shall be vested in
9 the Review and Examination Program, except as
10 otherwise provided in Section 18c-1204b.

11 (ii) Hearing examiners in the program shall have
12 responsibility for developing a full, complete and
13 impartial record on all issues to be decided in a
14 proceeding; recommending disposition of the issues or
15 making an initial decision on them, as provided in
16 this Chapter; and setting forth in writing the basis
17 for their recommendations or initial decisions. The
18 program director shall be the chief hearing examiner
19 for matters under this Chapter and Chapter 18a with
20 responsibility to insure consistency of
21 recommendations and initial decisions.

22 (c) The Processing and Docketing Program. All staff
23 responsibility for docketing and processing filings,
24 accounting of receipts and expenditures, issuing, file
25 maintenance and other processing functions under this
26 Chapter and Chapter 18a shall be vested in the Processing

1 Program.

2 (d) The Rail Safety Program. Staff responsibility for
3 administration and enforcement of the rail safety
4 provisions of this Chapter shall be vested in the Rail
5 Safety Program.

6 (e) The Office of Transportation Counsel.

7 (i) All Commission staff responsibility for
8 provision of legal services in connection with any
9 matter under this Chapter, excepting any matter under
10 subchapters 7 and 8 of this Chapter, or in connection
11 with any matter under Chapter 18a shall, except with
12 regard to functions vested in the review and
13 examination program under paragraph (b) of this
14 subsection, be vested exclusively in the Office of
15 Transportation Counsel.

16 (ii) The Office of Transportation Counsel shall,
17 when directed through the division manager to do so,
18 represent the Commission or Commission staff in
19 administrative or judicial proceedings and render
20 staff advisory opinions to the executive director and
21 the Commission.

22 (f) Levels of Administration. No additional levels of
23 administration, supervision or authority shall be
24 superimposed, or remain superimposed, between levels
25 prescribed under this Section, and no organizational units
26 may be created within the Transportation Division except

1 as prescribed under this Section.

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

6 The staff shall prepare and distribute to the General
7 Assembly, in April of each year, a report on railway accidents
8 in Illinois which involve hazardous materials. The report
9 shall include the location, substance involved, amounts
10 involved, and the suspected reason for each accident. The
11 report shall also reveal the rail line and point of origin of
12 the hazardous material involved in each accident.

13 (4) Towed Vehicle Database. The Transportation Division
14 shall establish a statewide database in which any licensed tow
15 operator may enter information regarding vehicles towed for
16 safety or relocation purposes. The database shall allow each
17 tow operator to have its own login in order to facilitate the
18 entry of information via a mobile device. The database may
19 integrate with existing law enforcement databases. The
20 database may have a vehicle identification number validation
21 feature to permit only valid vehicle identification numbers to
22 be submitted to the database. The database shall include the
23 name of the tow company that took possession of the vehicle.
24 The database shall be available to the public.

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

1 (625 ILCS 5/18d-137 new)

2 Sec. 18d-137. Electronic notification.

3 (a) Not later than one hour after a vehicle is relocated,
4 the safety relocater shall electronically notify the law
5 enforcement agency having jurisdiction in the area from which
6 the vehicle was relocated by entering the information set
7 forth in subsection (c) into the statewide, publicly available
8 database created under subsection (4) of Section 18c-1204.
9 Safety relocators shall maintain records documenting the
10 notification made under this subsection.

11 (b) A safety relocater in possession of a vehicle that has
12 remained unclaimed for a period of 15 days after having been
13 towed shall report, within 5 days after the expiration of that
14 period, the vehicle as unclaimed by entering the information
15 into the statewide, publicly available database created under
16 subsection (4) of Section 18c-1204.

17 (c) The notification required by this Section shall
18 include the following:

19 (1) the name, address, and telephone number of the
20 safety relocater;

21 (2) the license number of the safety relocater;

22 (3) the color, make, model, vehicle identification
23 number, and license number of the vehicle relocated;

24 (4) the date and time of the relocation;

25 (5) the address of the property from which the vehicle
26 was relocated;

- 1 (6) the address to which the vehicle was relocated;
2 (7) the name, mailing address and telephone number of
3 the person giving the authorization;
4 (8) the date and time authorization was given; and
5 (9) other information as required by the Illinois
6 Commerce Commission.

7 (d) A relocater that fails to comply with this Section may
8 not:

- 9 (1) charge or collect any amount in connection with
10 the relocation, processing, or storage of the vehicle; or
11 (2) dispose of an unclaimed vehicle under Section
12 4-208 or 4-209.