



Rep. Robyn Gabel

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10200HB3124ham001

LRB102 13122 LNS 36381 a

1 AMENDMENT TO HOUSE BILL 3124

2 AMENDMENT NO. _____. Amend House Bill 3124 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 Illinois State
19 Police in the form and manner prescribed by the Illinois
20 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 Illinois State
25 Police and Federal Bureau of Investigation criminal
26 history records databases. The Illinois State Police shall

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (9) comply with all other applicable federal, State,

1 and local laws; and

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

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

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

1 service is not available, the next listed towing service on
2 that tow rotation list shall be contacted.

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

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

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

1 subsection (c) of this Section.

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

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

10 (Source: P.A. 102-538, eff. 8-20-21.)".