

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 1. Short title. This Act may be cited as the Tow
5 Notice Act.

6 Section 5. Private parking agreements; removal of vehicles
7 at property owner's request.

8 (a) As used in this Section, "personal notice" means the
9 owner or other person in lawful possession or control of real
10 property, or his or her authorized agent, making all
11 reasonable efforts to provide a vehicle owner or other legally
12 authorized person in control of the vehicle notice prior to
13 removal of the vehicle. "Personal notice" includes, at a
14 minimum, the following:

15 (1) a telephone call or text message or email sent to
16 the vehicle owner or other legally authorized person in
17 control of the vehicle at the vehicle owner's most
18 recently available contact information or contact
19 information included in the written agreement; and

20 (2) a response from the vehicle owner or other legally
21 authorized person in control of the vehicle indicating
22 receipt of the notice or other proof of receipt indicating
23 that the vehicle owner or other legally authorized person

1 in control of the vehicle received the notice.

2 (b) If a vehicle owner or other legally authorized person
3 in control of the vehicle has a written agreement with a
4 property owner or other person in lawful possession or control
5 of the property, or his or her authorized agent, permitting
6 the vehicle to be parked on the property, the property owner or
7 other person in lawful possession or control of the property,
8 or his or her authorized agent, prior to requesting that a
9 commercial vehicle relocater remove the vehicle from the
10 property, shall give personal notice to the owner or other
11 legally authorized person in control of the vehicle that the
12 vehicle is subject to being towed. Personal notice must be
13 provided at least 3 hours prior to the removal of the vehicle.
14 This Section applies to a relocation performed pursuant to a
15 specific request to remove the vehicle from a property owner
16 or other person in lawful possession or control of the
17 property, or his or her authorized agent.

18 (c) A vehicle owner or other legally authorized person in
19 control of the vehicle who is aggrieved by a violation of this
20 Section may commence a civil action in the appropriate circuit
21 court not later than 2 years after the date of the vehicle
22 relocation and may recover from the property owner or other
23 person in possession or control of the property, or his or her
24 authorized agent, damages resulting from the violation,
25 including, but not limited to: towing charges and storage
26 charges accrued in connection with the relocated vehicle; loss

1 of the vehicle; and costs and attorney's fees.

2 (d) This Act applies only to vehicles that are operable.

3 (e) This Act does not create liability for an owner or
4 other person in lawful possession or control of real property,
5 or his or her authorized agent, who moves a vehicle covered
6 under this Act as required to respond to an emergency or for
7 maintenance of the property, if the vehicle is returned to the
8 property upon resolution of the emergency or completion of the
9 maintenance project at the expense of the owner or other
10 person in lawful possession or control of real property, or
11 his or her authorized agent.