



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2394

Introduced 2/10/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/4-203.5	
625 ILCS 5/4-204	from Ch. 95 1/2, par. 4-204
625 ILCS 5/4-208	from Ch. 95 1/2, par. 4-208
625 ILCS 5/4-209	from Ch. 95 1/2, par. 4-209
625 ILCS 5/4-214	from Ch. 95 1/2, par. 4-214

Amends the Illinois Vehicle Code. Provides that no vehicle shall be removed from private property by a towing service or person unless the towing service or person is licensed by and in good standing with the Illinois Commerce Commission. Requires towing services to keep records of express written instructions from the owners or persons in charge of the private property upon which the vehicle is said to be trespassing. Provides that any towing service or person that violates certain provisions shall surrender the license plates for one year. Makes other changes. Effective immediately.

LRB103 26377 MXP 52739 b

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 Sections 4-203, 4-203.5, 4-204, 4-208, 4-209, and
6 4-214 as follows:

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 (Text of Section before amendment by P.A. 102-982)

9 Sec. 4-203. Removal of motor vehicles or other vehicles;
10 towing or hauling away.

11 (a) When a vehicle is abandoned, or left unattended, on a
12 toll highway, interstate highway, or expressway for 2 hours or
13 more, its removal by a towing service may be authorized by a
14 law enforcement agency having jurisdiction.

15 (b) When a vehicle is abandoned on a highway in an urban
16 district for 10 hours or more, its removal by a towing service
17 may be authorized by a law enforcement agency having
18 jurisdiction.

19 (c) When a vehicle is abandoned or left unattended on a
20 highway other than a toll highway, interstate highway, or
21 expressway, outside of an urban district for 24 hours or more,
22 its removal by a towing service may be authorized by a law
23 enforcement agency having jurisdiction.

1 (d) When an abandoned, unattended, wrecked, burned, or
2 partially dismantled vehicle is creating a traffic hazard
3 because of its position in relation to the highway or its
4 physical appearance is causing the impeding of traffic, its
5 immediate removal from the highway or private property
6 adjacent to the highway by a towing service may be authorized
7 by a law enforcement agency having jurisdiction.

8 (e) Whenever a peace officer reasonably believes that a
9 person under arrest for a violation of Section 11-501 of this
10 Code or a similar provision of a local ordinance is likely,
11 upon release, to commit a subsequent violation of Section
12 11-501, or a similar provision of a local ordinance, the
13 arresting officer shall have the vehicle which the person was
14 operating at the time of the arrest impounded for a period of
15 12 hours after the time of arrest. However, such vehicle may be
16 released by the arresting law enforcement agency prior to the
17 end of the impoundment period if:

18 (1) the vehicle was not owned by the person under
19 arrest, and the lawful owner requesting such release
20 possesses a valid operator's license, proof of ownership,
21 and would not, as determined by the arresting law
22 enforcement agency, indicate a lack of ability to operate
23 a motor vehicle in a safe manner, or who would otherwise,
24 by operating such motor vehicle, be in violation of this
25 Code; or

26 (2) the vehicle is owned by the person under arrest,

1 and the person under arrest gives permission to another
2 person to operate such vehicle, provided however, that the
3 other person possesses a valid operator's license and
4 would not, as determined by the arresting law enforcement
5 agency, indicate a lack of ability to operate a motor
6 vehicle in a safe manner or who would otherwise, by
7 operating such motor vehicle, be in violation of this
8 Code.

9 (e-5) Whenever a registered owner of a vehicle is taken
10 into custody for operating the vehicle in violation of Section
11 11-501 of this Code or a similar provision of a local ordinance
12 or Section 6-303 of this Code, a law enforcement officer may
13 have the vehicle immediately impounded for a period not less
14 than:

15 (1) 24 hours for a second violation of Section 11-501
16 of this Code or a similar provision of a local ordinance or
17 Section 6-303 of this Code or a combination of these
18 offenses; or

19 (2) 48 hours for a third violation of Section 11-501
20 of this Code or a similar provision of a local ordinance or
21 Section 6-303 of this Code or a combination of these
22 offenses.

23 The vehicle may be released sooner if the vehicle is owned
24 by the person under arrest and the person under arrest gives
25 permission to another person to operate the vehicle and that
26 other person possesses a valid operator's license and would

1 not, as determined by the arresting law enforcement agency,
2 indicate a lack of ability to operate a motor vehicle in a safe
3 manner or would otherwise, by operating the motor vehicle, be
4 in violation of this Code.

5 (f) Except as provided in Chapter 18a of this Code, the
6 owner or lessor of privately owned real property within this
7 State, or any person authorized by such owner or lessor, or any
8 law enforcement agency in the case of publicly owned real
9 property may cause any motor vehicle abandoned or left
10 unattended upon such property without permission to be removed
11 by a towing service without liability for the costs of
12 removal, transportation or storage or damage caused by such
13 removal, transportation or storage. The towing or removal of
14 any vehicle from private property without the consent of the
15 registered owner or other legally authorized person in control
16 of the vehicle is subject to compliance with the following
17 conditions and restrictions:

18 1. Any towed or removed vehicle must be stored at the
19 site of the towing service's place of business. The site
20 must be open during business hours, and for the purpose of
21 redemption of vehicles, during the time that the person or
22 firm towing such vehicle is open for towing purposes.

23 2. The towing service shall within 30 minutes of
24 completion of such towing or removal, notify the law
25 enforcement agency having jurisdiction of such towing or
26 removal, and the make, model, color, and license plate

1 number of the vehicle, and shall obtain and record the
2 name of the person at the law enforcement agency to whom
3 such information was reported.

4 3. If the registered owner or legally authorized
5 person entitled to possession of the vehicle shall arrive
6 at the scene prior to actual removal or towing of the
7 vehicle, the vehicle shall be disconnected from the tow
8 truck and that person shall be allowed to remove the
9 vehicle without interference, upon the payment of a
10 reasonable service fee of not more than one-half ~~one-half~~
11 the posted rate of the towing service as provided in
12 paragraph 6 of this subsection, for which a receipt shall
13 be given.

14 4. The rebate or payment of money or any other
15 valuable consideration from the towing service or its
16 owners, managers, or employees to the owners or operators
17 of the premises from which the vehicles are towed or
18 removed, for the privilege of removing or towing those
19 vehicles, is prohibited. Any individual who violates this
20 paragraph shall be guilty of a Class A misdemeanor.

21 5. Except for property appurtenant to and obviously a
22 part of a single family residence, and except for
23 instances where notice is personally given to the owner or
24 other legally authorized person in control of the vehicle
25 that the area in which that vehicle is parked is reserved
26 or otherwise unavailable to unauthorized vehicles and they

1 are subject to being removed at the owner or operator's
2 expense, any property owner or lessor, prior to towing or
3 removing any vehicle from private property without the
4 consent of the owner or other legally authorized person in
5 control of that vehicle, must post a notice meeting the
6 following requirements:

7 a. Except as otherwise provided in subparagraph
8 a.1 of this subdivision (f)5, the notice must be
9 prominently placed at each driveway access or curb cut
10 allowing vehicular access to the property within 5
11 feet from the public right-of-way line. If there are
12 no curbs or access barriers, the sign must be posted
13 not less than one sign each 100 feet of lot frontage.

14 a.1. In a municipality with a population of less
15 than 250,000, as an alternative to the requirement of
16 subparagraph a of this subdivision (f)5, the notice
17 for a parking lot contained within property used
18 solely for a 2-family, 3-family, or 4-family residence
19 may be prominently placed at the perimeter of the
20 parking lot, in a position where the notice is visible
21 to the occupants of vehicles entering the lot.

22 b. The notice must indicate clearly, in not less
23 than 2 inch high light-reflective letters on a
24 contrasting background, that unauthorized vehicles
25 will be towed away at the owner's expense.

26 c. The notice must also provide the name and

1 current telephone number of the towing service towing
2 or removing the vehicle.

3 d. The sign structure containing the required
4 notices must be permanently installed with the bottom
5 of the sign not less than 4 feet above ground level,
6 and must be continuously maintained on the property
7 for not less than 24 hours prior to the towing or
8 removing of any vehicle.

9 6. Any towing service that tows or removes vehicles
10 and proposes to require the owner, operator, or person in
11 control of the vehicle to pay the costs of towing and
12 storage prior to redemption of the vehicle must file and
13 keep on record with the local law enforcement agency a
14 complete copy of the current rates to be charged for such
15 services, and post at the storage site an identical rate
16 schedule and any written contracts with property owners,
17 lessors, or persons in control of property which authorize
18 them to remove vehicles as provided in this Section. The
19 towing and storage charges, however, shall not exceed the
20 maximum allowed by the Illinois Commerce Commission under
21 Section 18a-200.

22 7. No person shall engage in the removal of vehicles
23 from private property as described in this Section without
24 filing a notice of intent in each community where he
25 intends to do such removal, and such notice shall be filed
26 at least 7 days before commencing such towing.

1 8. No removal of a vehicle from private property shall
2 be done by a towing service unless it is licensed and in
3 good standing with the Illinois Commerce Commission.
4 Express ~~except upon express~~ written instructions of the
5 owners or persons in charge of the private property upon
6 which the vehicle is said to be trespassing shall be kept
7 by the towing service.

8 9. Vehicle entry for the purpose of removal shall be
9 allowed with reasonable care on the part of the person or
10 firm towing the vehicle. Such person or firm shall be
11 liable for any damages occasioned to the vehicle if such
12 entry is not in accordance with the standards of
13 reasonable care.

14 9.5. Except as authorized by a law enforcement
15 officer, no towing service shall engage in the removal of
16 a commercial motor vehicle that requires a commercial
17 driver's license to operate by operating the vehicle under
18 its own power on a highway.

19 10. When a vehicle has been towed or removed pursuant
20 to this Section, it must be released to its owner,
21 custodian, agent, or lienholder within one-half ~~one-half~~
22 hour after requested, if such request is made during
23 business hours. Any vehicle owner, custodian, agent, or
24 lienholder shall have the right to inspect the vehicle
25 before accepting its return, and no release or waiver of
26 any kind which would release the towing service from

1 liability for damages incurred during the towing and
2 storage may be required from any vehicle owner or other
3 legally authorized person as a condition of release of the
4 vehicle. A detailed, signed receipt showing the legal name
5 of the towing service must be given to the person paying
6 towing or storage charges at the time of payment, whether
7 requested or not.

8 This Section shall not apply to law enforcement,
9 firefighting, rescue, ambulance, or other emergency
10 vehicles which are marked as such or to property owned by
11 any governmental entity.

12 When an authorized person improperly causes a motor
13 vehicle to be removed, such person shall be liable to the
14 owner or lessee of the vehicle for the cost of ~~or~~ removal,
15 transportation and storage, any damages resulting from the
16 removal, transportation and storage, attorney's fees ~~fee~~
17 and court costs.

18 Any towing or storage charges accrued shall be payable
19 in cash or by cashier's check, certified check, debit
20 card, credit card, or wire transfer, at the option of the
21 party taking possession of the vehicle.

22 11. Towing companies shall also provide insurance
23 coverage for areas where vehicles towed under the
24 provisions of this Chapter will be impounded or otherwise
25 stored, and shall adequately cover loss by fire, theft, or
26 other risks.

1 Any person who fails to comply with the conditions and
2 restrictions of this subsection shall be guilty of a Class C
3 misdemeanor and shall be fined not less than \$100 nor more than
4 \$500. Any towing service found guilty shall surrender its
5 license plates for one year.

6 (g)(1) When a vehicle is determined to be a hazardous
7 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
8 Illinois Municipal Code or Section 5-12002.1 of the Counties
9 Code, its removal and impoundment by a towing service may be
10 authorized by a law enforcement agency with appropriate
11 jurisdiction.

12 (2) When a vehicle removal from either public or private
13 property is authorized by a law enforcement agency, the owner
14 of the vehicle shall be responsible for all towing and storage
15 charges.

16 (3) Vehicles removed from public or private property and
17 stored by a commercial vehicle relocater or any other towing
18 service authorized by a law enforcement agency in compliance
19 with this Section and Sections 4-201 and 4-202 of this Code, or
20 at the request of the vehicle owner or operator, shall be
21 subject to a possessor lien for services pursuant to the Labor
22 and Storage Lien (Small Amount) Act. The provisions of Section
23 1 of that Act relating to notice and implied consent shall be
24 deemed satisfied by compliance with Section 18a-302 and
25 subsection (6) of Section 18a-300. In no event shall such lien
26 be greater than the rate or rates established in accordance

1 with subsection (6) of Section 18a-200 of this Code. In no
2 event shall such lien be increased or altered to reflect any
3 charge for services or materials rendered in addition to those
4 authorized by this Code. Every such lien shall be payable in
5 cash or by cashier's check, certified check, debit card,
6 credit card, or wire transfer, at the option of the party
7 taking possession of the vehicle.

8 (4) Any personal property belonging to the vehicle owner
9 in a vehicle subject to a lien under this subsection (g) shall
10 likewise be subject to that lien, excepting only: child
11 restraint systems as defined in Section 4 of the Child
12 Passenger Protection Act and other child booster seats;
13 eyeglasses; food; medicine; perishable property; any
14 operator's licenses; any cash, credit cards, or checks or
15 checkbooks; any wallet, purse, or other property containing
16 any operator's license or other identifying documents or
17 materials, cash, credit cards, checks, or checkbooks; and any
18 personal property belonging to a person other than the vehicle
19 owner if that person provides adequate proof that the personal
20 property belongs to that person. The spouse, child, mother,
21 father, brother, or sister of the vehicle owner may claim
22 personal property excepted under this paragraph (4) if the
23 person claiming the personal property provides the commercial
24 vehicle relocater or towing service with the authorization of
25 the vehicle owner.

26 (5) This paragraph (5) applies only in the case of a

1 vehicle that is towed as a result of being involved in an
2 accident. In addition to the personal property excepted under
3 paragraph (4), all other personal property in a vehicle
4 subject to a lien under this subsection (g) is exempt from that
5 lien and may be claimed by the vehicle owner if the vehicle
6 owner provides the commercial vehicle relocater or towing
7 service with proof that the vehicle owner has an insurance
8 policy covering towing and storage fees. The spouse, child,
9 mother, father, brother, or sister of the vehicle owner may
10 claim personal property in a vehicle subject to a lien under
11 this subsection (g) if the person claiming the personal
12 property provides the commercial vehicle relocater or towing
13 service with the authorization of the vehicle owner and proof
14 that the vehicle owner has an insurance policy covering towing
15 and storage fees. The regulation of liens on personal property
16 and exceptions to those liens in the case of vehicles towed as
17 a result of being involved in an accident are exclusive powers
18 and functions of the State. A home rule unit may not regulate
19 liens on personal property and exceptions to those liens in
20 the case of vehicles towed as a result of being involved in an
21 accident. This paragraph (5) is a denial and limitation of
22 home rule powers and functions under subsection (h) of Section
23 6 of Article VII of the Illinois Constitution.

24 (6) No lien under this subsection (g) shall: exceed \$2,000
25 in its total amount; or be increased or altered to reflect any
26 charge for services or materials rendered in addition to those

1 authorized by this Code.

2 (h) Whenever a peace officer issues a citation to a driver
3 for a violation of subsection (a) of Section 11-506 of this
4 Code, the arresting officer may have the vehicle which the
5 person was operating at the time of the arrest impounded for a
6 period of 5 days after the time of arrest. An impounding agency
7 shall release a motor vehicle impounded under this subsection
8 (h) to the registered owner of the vehicle under any of the
9 following circumstances:

10 (1) if ~~if~~ the vehicle is a stolen vehicle; or

11 (2) if ~~if~~ the person ticketed for a violation of
12 subsection (a) of Section 11-506 of this Code was not
13 authorized by the registered owner of the vehicle to
14 operate the vehicle at the time of the violation; or

15 (3) if ~~if~~ the registered owner of the vehicle was
16 neither the driver nor a passenger in the vehicle at the
17 time of the violation or was unaware that the driver was
18 using the vehicle to engage in street racing; or

19 (4) if ~~if~~ the legal owner or registered owner of the
20 vehicle is a rental car agency; or

21 (5) if ~~if~~, prior to the expiration of the impoundment
22 period specified above, the citation is dismissed or the
23 defendant is found not guilty of the offense.

24 (i) Except for vehicles exempted under subsection (b) of
25 Section 7-601 of this Code, whenever a law enforcement officer
26 issues a citation to a driver for a violation of Section 3-707

1 of this Code, and the driver has a prior conviction for a
2 violation of Section 3-707 of this Code in the past 12 months,
3 the arresting officer shall authorize the removal and
4 impoundment of the vehicle by a towing service.

5 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;
6 100-537, eff. 6-1-18; 100-863, eff. 8-14-18; revised 8-26-22.)

7 (Text of Section after amendment by P.A. 102-982)

8 Sec. 4-203. Removal of motor vehicles or other vehicles;
9 towing or hauling away.

10 (a) When a vehicle is abandoned, or left unattended, on a
11 toll highway, interstate highway, or expressway for 2 hours or
12 more, its removal by a towing service may be authorized by a
13 law enforcement agency having jurisdiction.

14 (b) When a vehicle is abandoned on a highway in an urban
15 district for 10 hours or more, its removal by a towing service
16 may be authorized by a law enforcement agency having
17 jurisdiction.

18 (c) When a vehicle is abandoned or left unattended on a
19 highway other than a toll highway, interstate highway, or
20 expressway, outside of an urban district for 24 hours or more,
21 its removal by a towing service may be authorized by a law
22 enforcement agency having jurisdiction.

23 (d) When an abandoned, unattended, wrecked, burned, l or
24 partially dismantled vehicle is creating a traffic hazard
25 because of its position in relation to the highway or its

1 physical appearance is causing the impeding of traffic, its
2 immediate removal from the highway or private property
3 adjacent to the highway by a towing service may be authorized
4 by a law enforcement agency having jurisdiction.

5 (e) Whenever a peace officer reasonably believes that a
6 person under arrest for a violation of Section 11-501 of this
7 Code or a similar provision of a local ordinance is likely,
8 upon release, to commit a subsequent violation of Section
9 11-501, or a similar provision of a local ordinance, the
10 arresting officer shall have the vehicle which the person was
11 operating at the time of the arrest impounded for a period of
12 12 hours after the time of arrest. However, such vehicle may be
13 released by the arresting law enforcement agency prior to the
14 end of the impoundment period if:

15 (1) the vehicle was not owned by the person under
16 arrest, and the lawful owner requesting such release
17 possesses a valid operator's license, proof of ownership,
18 and would not, as determined by the arresting law
19 enforcement agency, indicate a lack of ability to operate
20 a motor vehicle in a safe manner, or who would otherwise,
21 by operating such motor vehicle, be in violation of this
22 Code; or

23 (2) the vehicle is owned by the person under arrest,
24 and the person under arrest gives permission to another
25 person to operate such vehicle, provided however, that the
26 other person possesses a valid operator's license and

1 would not, as determined by the arresting law enforcement
2 agency, indicate a lack of ability to operate a motor
3 vehicle in a safe manner or who would otherwise, by
4 operating such motor vehicle, be in violation of this
5 Code.

6 (e-5) Whenever a registered owner of a vehicle is taken
7 into custody for operating the vehicle in violation of Section
8 11-501 of this Code or a similar provision of a local ordinance
9 or Section 6-303 of this Code, a law enforcement officer may
10 have the vehicle immediately impounded for a period not less
11 than:

12 (1) 24 hours for a second violation of Section 11-501
13 of this Code or a similar provision of a local ordinance or
14 Section 6-303 of this Code or a combination of these
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501
17 of this Code or a similar provision of a local ordinance or
18 Section 6-303 of this Code or a combination of these
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned
21 by the person under arrest and the person under arrest gives
22 permission to another person to operate the vehicle and that
23 other person possesses a valid operator's license and would
24 not, as determined by the arresting law enforcement agency,
25 indicate a lack of ability to operate a motor vehicle in a safe
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the
3 owner or lessor of privately owned real property within this
4 State, or any person authorized by such owner or lessor, or any
5 law enforcement agency in the case of publicly owned real
6 property may cause any motor vehicle abandoned or left
7 unattended upon such property without permission to be removed
8 by a towing service without liability for the costs of
9 removal, transportation or storage or damage caused by such
10 removal, transportation or storage. The towing or removal of
11 any vehicle from private property without the consent of the
12 registered owner or other legally authorized person in control
13 of the vehicle is subject to compliance with the following
14 conditions and restrictions:

15 1. Any towed or removed vehicle must be stored at the
16 site of the towing service's place of business. The site
17 must be open during business hours, and for the purpose of
18 redemption of vehicles, during the time that the person or
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of
21 completion of such towing or removal, notify the law
22 enforcement agency having jurisdiction of such towing or
23 removal, and the make, model, color, and license plate
24 number of the vehicle, and shall obtain and record the
25 name of the person at the law enforcement agency to whom
26 such information was reported.

1 3. If the registered owner or legally authorized
2 person entitled to possession of the vehicle shall arrive
3 at the scene prior to actual removal or towing of the
4 vehicle, the vehicle shall be disconnected from the tow
5 truck and that person shall be allowed to remove the
6 vehicle without interference, upon the payment of a
7 reasonable service fee of not more than one-half ~~one-half~~
8 the posted rate of the towing service as provided in
9 paragraph 6 of this subsection, for which a receipt shall
10 be given.

11 4. The rebate or payment of money or any other
12 valuable consideration from the towing service or its
13 owners, managers, l or employees to the owners or operators
14 of the premises from which the vehicles are towed or
15 removed, for the privilege of removing or towing those
16 vehicles, is prohibited. Any individual who violates this
17 paragraph shall be guilty of a Class A misdemeanor.

18 5. Except for property appurtenant to and obviously a
19 part of a single family residence, and except for
20 instances where notice is personally given to the owner or
21 other legally authorized person in control of the vehicle
22 that the area in which that vehicle is parked is reserved
23 or otherwise unavailable to unauthorized vehicles and they
24 are subject to being removed at the owner or operator's
25 expense, any property owner or lessor, prior to towing or
26 removing any vehicle from private property without the

1 consent of the owner or other legally authorized person in
2 control of that vehicle, must post a notice meeting the
3 following requirements:

4 a. Except as otherwise provided in subparagraph
5 a.1 of this subdivision (f)5, the notice must be
6 prominently placed at each driveway access or curb cut
7 allowing vehicular access to the property within 5
8 feet from the public right-of-way line. If there are
9 no curbs or access barriers, the sign must be posted
10 not less than one sign each 100 feet of lot frontage.

11 a.1. In a municipality with a population of less
12 than 250,000, as an alternative to the requirement of
13 subparagraph a of this subdivision (f)5, the notice
14 for a parking lot contained within property used
15 solely for a 2-family, 3-family, or 4-family residence
16 may be prominently placed at the perimeter of the
17 parking lot, in a position where the notice is visible
18 to the occupants of vehicles entering the lot.

19 b. The notice must indicate clearly, in not less
20 than 2 inch high light-reflective letters on a
21 contrasting background, that unauthorized vehicles
22 will be towed away at the owner's expense.

23 c. The notice must also provide the name and
24 current telephone number of the towing service towing
25 or removing the vehicle.

26 d. The sign structure containing the required

1 notices must be permanently installed with the bottom
2 of the sign not less than 4 feet above ground level,
3 and must be continuously maintained on the property
4 for not less than 24 hours prior to the towing or
5 removing of any vehicle.

6 6. Any towing service that tows or removes vehicles
7 and proposes to require the owner, operator, or person in
8 control of the vehicle to pay the costs of towing and
9 storage prior to redemption of the vehicle must file and
10 keep on record with the local law enforcement agency a
11 complete copy of the current rates to be charged for such
12 services, and post at the storage site an identical rate
13 schedule and any written contracts with property owners,
14 lessors, or persons in control of property which authorize
15 them to remove vehicles as provided in this Section. The
16 towing and storage charges, however, shall not exceed the
17 maximum allowed by the Illinois Commerce Commission under
18 Section 18a-200.

19 7. No person shall engage in the removal of vehicles
20 from private property as described in this Section without
21 having an Illinois Commerce Commission license in good
22 standing and shall file ~~filing~~ a notice of intent in each
23 community where he intends to do such removal, and such
24 notice shall be filed at least 7 days before commencing
25 such towing.

26 8. No removal of a vehicle from private property shall

1 be done except upon express written instructions of the
2 owners or persons in charge of the private property upon
3 which the vehicle is said to be trespassing. The express
4 written instructions shall be kept by the towing service.

5 9. Vehicle entry for the purpose of removal shall be
6 allowed with reasonable care on the part of the person or
7 firm towing the vehicle. Such person or firm shall be
8 liable for any damages occasioned to the vehicle if such
9 entry is not in accordance with the standards of
10 reasonable care.

11 9.5. Except as authorized by a law enforcement
12 officer, no towing service shall engage in the removal of
13 a commercial motor vehicle that requires a commercial
14 driver's license to operate by operating the vehicle under
15 its own power on a highway.

16 10. When a vehicle has been towed or removed pursuant
17 to this Section, it must be released to its owner,
18 custodian, agent, or lienholder within one-half ~~one half~~
19 hour after requested, if such request is made during
20 business hours. Any vehicle owner, custodian, agent, or
21 lienholder shall have the right to inspect the vehicle
22 before accepting its return, and no release or waiver of
23 any kind which would release the towing service from
24 liability for damages incurred during the towing and
25 storage may be required from any vehicle owner or other
26 legally authorized person as a condition of release of the

1 vehicle. A detailed, signed receipt showing the legal name
2 of the towing service must be given to the person paying
3 towing or storage charges at the time of payment, whether
4 requested or not.

5 This Section shall not apply to law enforcement,
6 firefighting, rescue, ambulance, or other emergency
7 vehicles which are marked as such or to property owned by
8 any governmental entity.

9 When an authorized person improperly causes a motor
10 vehicle to be removed, such person shall be liable to the
11 owner or lessee of the vehicle for the cost of ~~or~~ removal,
12 transportation and storage, any damages resulting from the
13 removal, transportation and storage, attorney's fees ~~fee~~
14 and court costs.

15 Any towing or storage charges accrued shall be payable
16 in cash or by cashier's check, certified check, debit
17 card, credit card, or wire transfer, at the option of the
18 party taking possession of the vehicle.

19 11. Towing companies shall also provide insurance
20 coverage for areas where vehicles towed under the
21 provisions of this Chapter will be impounded or otherwise
22 stored, and shall adequately cover loss by fire, theft, or
23 other risks.

24 Any person who fails to comply with the conditions and
25 restrictions of this subsection shall be guilty of a Class C
26 misdemeanor and shall be fined not less than \$100 nor more than

1 \$500. Any towing service found guilty shall surrender its
2 license plates for one year.

3 (g)(1) When a vehicle is determined to be a hazardous
4 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
5 Illinois Municipal Code or Section 5-12002.1 of the Counties
6 Code, its removal and impoundment by a towing service may be
7 authorized by a law enforcement agency with appropriate
8 jurisdiction.

9 (2) When a vehicle removal from either public or private
10 property is authorized by a law enforcement agency, the owner
11 of the vehicle shall be responsible for all towing and storage
12 charges.

13 (3) Vehicles removed from public or private property and
14 stored by a commercial vehicle relocator or any other towing
15 service authorized by a law enforcement agency in compliance
16 with this Section and Sections 4-201 and 4-202 of this Code, or
17 at the request of the vehicle owner or operator, shall be
18 subject to a possessor lien for services pursuant to the Labor
19 and Storage Lien (Small Amount) Act. The provisions of Section
20 1 of that Act relating to notice and implied consent shall be
21 deemed satisfied by compliance with Section 18a-302 and
22 subsection (6) of Section 18a-300. In no event shall such lien
23 be greater than the rate or rates established in accordance
24 with subsection (6) of Section 18a-200 of this Code. In no
25 event shall such lien be increased or altered to reflect any
26 charge for services or materials rendered in addition to those

1 authorized by this Code. Every such lien shall be payable in
2 cash or by cashier's check, certified check, debit card,
3 credit card, or wire transfer, at the option of the party
4 taking possession of the vehicle.

5 (4) Any personal property belonging to the vehicle owner
6 in a vehicle subject to a lien under this subsection (g) shall
7 likewise be subject to that lien, excepting only: child
8 restraint systems as defined in Section 4 of the Child
9 Passenger Protection Act and other child booster seats;
10 eyeglasses; food; medicine; perishable property; any
11 operator's licenses; any cash, credit cards, or checks or
12 checkbooks; any wallet, purse, or other property containing
13 any operator's license or other identifying documents or
14 materials, cash, credit cards, checks, or checkbooks; and any
15 personal property belonging to a person other than the vehicle
16 owner if that person provides adequate proof that the personal
17 property belongs to that person. The spouse, child, mother,
18 father, brother, or sister of the vehicle owner may claim
19 personal property excepted under this paragraph (4) if the
20 person claiming the personal property provides the commercial
21 vehicle relocater or towing service with the authorization of
22 the vehicle owner.

23 (5) This paragraph (5) applies only in the case of a
24 vehicle that is towed as a result of being involved in a crash.
25 In addition to the personal property excepted under paragraph
26 (4), all other personal property in a vehicle subject to a lien

1 under this subsection (g) is exempt from that lien and may be
2 claimed by the vehicle owner if the vehicle owner provides the
3 commercial vehicle relocater or towing service with proof that
4 the vehicle owner has an insurance policy covering towing and
5 storage fees. The spouse, child, mother, father, brother, or
6 sister of the vehicle owner may claim personal property in a
7 vehicle subject to a lien under this subsection (g) if the
8 person claiming the personal property provides the commercial
9 vehicle relocater or towing service with the authorization of
10 the vehicle owner and proof that the vehicle owner has an
11 insurance policy covering towing and storage fees. The
12 regulation of liens on personal property and exceptions to
13 those liens in the case of vehicles towed as a result of being
14 involved in a crash are exclusive powers and functions of the
15 State. A home rule unit may not regulate liens on personal
16 property and exceptions to those liens in the case of vehicles
17 towed as a result of being involved in a crash. This paragraph
18 (5) is a denial and limitation of home rule powers and
19 functions under subsection (h) of Section 6 of Article VII of
20 the Illinois Constitution.

21 (6) No lien under this subsection (g) shall: exceed \$2,000
22 in its total amount; or be increased or altered to reflect any
23 charge for services or materials rendered in addition to those
24 authorized by this Code.

25 (h) Whenever a peace officer issues a citation to a driver
26 for a violation of subsection (a) of Section 11-506 of this

1 Code, the arresting officer may have the vehicle which the
2 person was operating at the time of the arrest impounded for a
3 period of 5 days after the time of arrest. An impounding agency
4 shall release a motor vehicle impounded under this subsection
5 (h) to the registered owner of the vehicle under any of the
6 following circumstances:

7 (1) if ~~if~~ the vehicle is a stolen vehicle; or

8 (2) if ~~if~~ the person ticketed for a violation of
9 subsection (a) of Section 11-506 of this Code was not
10 authorized by the registered owner of the vehicle to
11 operate the vehicle at the time of the violation; or

12 (3) if ~~if~~ the registered owner of the vehicle was
13 neither the driver nor a passenger in the vehicle at the
14 time of the violation or was unaware that the driver was
15 using the vehicle to engage in street racing; or

16 (4) if ~~if~~ the legal owner or registered owner of the
17 vehicle is a rental car agency; or

18 (5) if ~~if~~, prior to the expiration of the impoundment
19 period specified above, the citation is dismissed or the
20 defendant is found not guilty of the offense.

21 (i) Except for vehicles exempted under subsection (b) of
22 Section 7-601 of this Code, whenever a law enforcement officer
23 issues a citation to a driver for a violation of Section 3-707
24 of this Code, and the driver has a prior conviction for a
25 violation of Section 3-707 of this Code in the past 12 months,
26 the arresting officer shall authorize the removal and

1 impoundment of the vehicle by a towing service.

2 (Source: P.A. 102-982, eff. 7-1-23; revised 8-26-22.)

3 (625 ILCS 5/4-203.5)

4 Sec. 4-203.5. Tow rotation list.

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

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

23 (1) possess a license permitting the towing service to
24 operate in every unit of local government in the law
25 enforcement agency's jurisdiction that requires a license

1 for the operation of a towing service;

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

1 during the 5 years preceding the application of a criminal
2 offense involving one or more of the following:

3 (A) bodily injury or attempt to inflict bodily
4 injury to another person;

5 (B) theft of property or attempted theft of
6 property; or

7 (C) sexual assault or attempted sexual assault of
8 any kind;

9 (3) each person operating a vehicle on behalf of the
10 towing service must be classified for the type of towing
11 operation he or she shall be performing and the vehicle he
12 or she shall be operating;

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

15 (A) comprehensive automobile liability insurance
16 with a minimum combined single limit coverage of
17 \$1,000,000;

18 (B) commercial general liability insurance with
19 limits of not less than \$1,000,000 per occurrence,
20 \$100,000 minimum garage keepers legal liability
21 insurance, and \$100,000 minimum on-hook coverage or
22 cargo insurance; and

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

26 (5) possess a secure parking lot used for short-term

1 vehicle storage after a vehicle is towed that is open
2 during business hours and is equipped with security
3 features as required by the law enforcement agency;

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

8 (7) every person operating a towing or recovery
9 vehicle on behalf of the towing service must have
10 completed a Traffic Incident Management Training Program
11 approved by the Department of Transportation;

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

14 (9) comply with all other applicable federal, State,
15 and local laws; and

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

18 The law enforcement agency may select which towing
19 services meeting the requirements of this subsection (b) shall
20 be included on a tow rotation list. The law enforcement agency
21 may choose to have only one towing service on its tow rotation
22 list. Complaints regarding the process for inclusion on a tow
23 rotation list or the use of a tow rotation list may be referred
24 in writing to the head of the law enforcement agency
25 administering that tow rotation list. The head of the law
26 enforcement agency shall make the final determination as to

1 which qualified towing services shall be included on a tow
2 rotation list, and shall not be held liable for the exclusion
3 of any towing service from a tow rotation list.

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

17 (d) A law enforcement agency may deviate from the order
18 listed on a tow rotation list if the towing service next on
19 that tow rotation list is, in the judgment of the authorizing
20 officer or the law enforcement agency making the selection,
21 incapable of or not properly equipped for handling a specific
22 task related to the tow that requires special skills or
23 equipment. A deviation from the order listed on the tow
24 rotation list for this reason shall not cause a loss of
25 rotation turn by the towing service determined to be incapable
26 or not properly equipped for handling the request.

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

5 (f) If the owner or operator of a disabled vehicle is
6 present at the scene of the disabled vehicle, is not under
7 arrest, and does not abandon his or her vehicle, and in the law
8 enforcement officer's opinion the disabled vehicle is not
9 impeding or obstructing traffic, illegally parked, or posing a
10 security or safety risk, the law enforcement officer shall
11 allow the owner of the vehicle to specify a towing service to
12 relocate the disabled vehicle. If the owner chooses not to
13 specify a towing service, the law enforcement agency shall
14 select a towing service for the vehicle as provided in
15 subsection (c) of this Section.

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

21 (h) (Blank).

22 (Source: P.A. 102-538, eff. 8-20-21; 102-759, eff. 1-1-23.)

23 (625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

24 Sec. 4-204. Police tows; reports, release of vehicles,
25 payment. When a vehicle is authorized to be towed away as

1 provided in Section 4-202 or 4-203:

2 (a) The authorization, any hold order, and any release
3 shall be in writing, or confirmed in writing, with a copy
4 given to the towing service.

5 (b) The police headquarters or office of the law
6 officer authorizing the towing shall keep and maintain a
7 record of the vehicle towed, listing the color, year of
8 manufacture, manufacturer's trade name, manufacturer's
9 series name, body style, Vehicle Identification Number,
10 license plate or digital license plate year and number and
11 registration sticker or digital registration sticker year
12 and number displayed on the vehicle. The record shall also
13 include the date and hour of tow, location towed from,
14 location towed to, reason for towing, ~~and~~ the name of the
15 officer authorizing the tow, the towing service, Illinois
16 Commerce Commission number, and tow truck plate number..

17 (c) The owner, operator, or other legally entitled
18 person shall be responsible to the towing service for
19 payment of applicable removal, towing, storage, and
20 processing charges and collection costs associated with a
21 vehicle towed or held under order or authorization of a
22 law enforcement agency. If a vehicle towed or held under
23 order or authorization of a law enforcement agency is
24 seized by the ordering or authorizing agency or any other
25 law enforcement or governmental agency and sold, any
26 unpaid removal, towing, storage, and processing charges

1 and collection costs shall be paid to the towing service
2 from the proceeds of the sale. If applicable law provides
3 that the proceeds are to be paid into the treasury of the
4 appropriate civil jurisdiction, then any unpaid removal,
5 towing, storage, and processing charges and collection
6 costs shall be paid to the towing service from the
7 treasury of the civil jurisdiction. That payment shall
8 not, however, exceed the amount of proceeds from the sale,
9 with the balance to be paid by the owner, operator, or
10 other legally entitled person.

11 (d) Upon delivery of a written release order to the
12 towing service, a vehicle subject to a hold order shall be
13 released to the owner, operator, or other legally entitled
14 person upon proof of ownership or other entitlement and
15 upon payment of applicable removal, towing, storage, and
16 processing charges and collection costs.

17 (Source: P.A. 101-395, eff. 8-16-19.)

18 (625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

19 Sec. 4-208. Disposal of unclaimed vehicles.

20 (a) In cities having a population of more than 500,000,
21 whenever an abandoned, lost, stolen or unclaimed vehicle, or
22 vehicle determined to be a hazardous dilapidated motor vehicle
23 pursuant to Section 11-40-3.1 of the Illinois Municipal Code,
24 remains unclaimed by the registered owner, lienholder or other
25 legally entitled person for a period of 18 days after notice

1 has been given under Sections 4-205 and 4-206 of this Code, if
2 during that 18 days the possessor of the vehicle has sent an
3 additional notice by first class mail to the registered owner,
4 lienholder, or other legally entitled person, the vehicle
5 shall be disposed, pursuant to the provisions of the
6 "Municipal purchasing act for cities of 500,000 or more
7 population", to a person licensed as an automotive parts
8 recycler,~~rebuilder~~ or scrap processor under Chapter 5 of this
9 Code. With respect to any vehicle that has been booted,
10 impounded, or both in accordance with subsection (c) of
11 Section 11-208.3, a city with a population over 500,000 may
12 establish a program whereby the registered owner, lienholder,
13 or other legally entitled person is entitled to any proceeds
14 from the disposition of the vehicle, less any reasonable
15 storage charges, administrative fees, booting fees, towing
16 fees, and parking and compliance fines and penalties.

17 (b) Except as provided in Section 4-208 for cities with
18 more than 500,000 inhabitants, when an abandoned, lost, stolen
19 or unclaimed vehicle 7 years of age or newer remains unclaimed
20 by the registered owner, lienholder or other legally entitled
21 persons for a period of 30 days after notice has been given as
22 provided in Sections 4-205 and 4-206 of this Code, the law
23 enforcement agency or towing service having possession of the
24 vehicle shall cause it to be sold at public auction to a person
25 licensed as an automotive parts recycler,~~rebuilder~~ or scrap
26 processor under Chapter 5 of this Code ~~or the towing operator~~

1 ~~which towed the vehicle.~~ Notice of the time and place of the
2 sale shall be posted in a conspicuous place for at least 10
3 days prior to the sale on the premises where the vehicle has
4 been impounded. At least 10 days prior to the sale, the law
5 enforcement agency where the vehicle is impounded, or the
6 towing service where the vehicle is impounded, shall cause a
7 notice of the time and place of the sale to be sent by
8 certified mail to the registered owner, lienholder, or other
9 legally entitled persons. Notice as provided in Sections 4-205
10 and 4-206 of this Code and as provided in this subsection (b)
11 shall state the time and place of sale and shall contain a
12 complete description of the vehicle to be sold and what steps
13 must be taken by any legally entitled person to reclaim the
14 vehicle.

15 (c) If an abandoned, lost, stolen, or unclaimed vehicle
16 displays dealer plates, notice under this Section and Section
17 4-209 of this Code shall be sent to both the dealer and the
18 registered owner, lienholder, or other legally entitled
19 persons.

20 (d) In those instances where the certified notification
21 specified in Sections 4-205 and 4-206 of this Code has been
22 returned by the postal authorities to the law enforcement
23 agency or towing service, the sending of a second certified
24 notice will not be required.

25 (Source: P.A. 94-650, eff. 1-1-06.)

1 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

2 Sec. 4-209. Disposal of unclaimed vehicles more than 7
3 years of age; disposal of abandoned or unclaimed vehicles
4 without notice.

5 (a) When the identity of the registered owner, lienholder,
6 or other legally entitled persons of an abandoned, lost, or
7 unclaimed vehicle of 7 years of age or newer cannot be
8 determined by any means provided for in this Chapter, the
9 vehicle may be sold as provided in Section 4-208 without
10 notice to any person whose identity cannot be determined.

11 (b) When an abandoned vehicle of more than 7 years of age
12 is impounded as specified by this Chapter, or when any such
13 vehicle is towed at the request or with the consent of the
14 owner or operator and is subsequently abandoned, it will be
15 kept in custody or storage for a minimum of 10 days for the
16 purpose of determining the identity of the registered owner,
17 lienholder, or other legally entitled persons and contacting
18 the registered owner, lienholder, or other legally entitled
19 persons by the U. S. Mail, public service or in person for a
20 determination of disposition; and, an examination of the
21 Illinois State Police stolen vehicle files for theft and
22 wanted information. At the expiration of the 10 day period,
23 without the benefit of disposition information being received
24 from the registered owner, lienholder, or other legally
25 entitled persons, the vehicle may be disposed of in either of
26 the following ways:

1 (1) The law enforcement agency having jurisdiction
2 will authorize the disposal of the vehicle as junk ~~or~~
3 ~~salvage~~.

4 (2) The towing service may sell the vehicle in the
5 manner provided in Section 4-208 of this Code, provided
6 that this paragraph (2) shall not apply to vehicles towed
7 by order or authorization of a law enforcement agency.

8 (c) A vehicle classified as an antique vehicle,
9 expanded-use antique vehicle, custom vehicle, or street rod
10 may however be sold to a person desiring to restore it.

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

12 (625 ILCS 5/4-214) (from Ch. 95 1/2, par. 4-214)

13 Sec. 4-214. Violations of Section 4-201.

14 (a) Any person who violates Section 4-201 of this Code or
15 who aids and abets in that violation:

16 (1) shall be subject to a mandatory fine of \$200 and
17 shall surrender the person's Illinois Commission Commerce
18 license and tow truck plates for one year; and

19 (2) shall be required by the court to make a
20 disposition on the abandoned or unclaimed vehicle and pay
21 all towing, storage, and processing charges and collection
22 costs pursuant to Section 4-203, subsections (a) and (e).

23 (b) When a vehicle is abandoned, it shall be presumed that
24 the last registered owner is responsible for the abandonment
25 and shall be liable for all towing, storage, and processing

1 charges and collection costs, less any amounts realized in the
2 disposal of the vehicle. The last registered owner's liability
3 for storage fees may not exceed a maximum of 30 days' storage
4 fees.

5 The presumption established under this subsection may be
6 rebutted by a showing that, prior to the time of the tow:

7 (1) a report of vehicle theft was filed with respect
8 to the vehicle; or

9 (2) the vehicle was sold or transferred and the last
10 registered owner provides the towing service with the
11 correct identity and address of the new owner at the time
12 of the sale or transfer.

13 If the presumption established under this subsection is
14 rebutted, the person responsible for theft of the vehicle or
15 to whom the vehicle was sold or transferred is liable for all
16 towing, storage, and processing charges and collection costs.

17 (Source: P.A. 89-433, eff. 12-15-95.)

18 Section 95. No acceleration or delay. Where this Act makes
19 changes in a statute that is represented in this Act by text
20 that is not yet or no longer in effect (for example, a Section
21 represented by multiple versions), the use of that text does
22 not accelerate or delay the taking effect of (i) the changes
23 made by this Act or (ii) provisions derived from any other
24 Public Act.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.