



Sen. Bill Cunningham

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10300SB2654sam002

LRB103 35598 RTM 71873 a

1 AMENDMENT TO SENATE BILL 2654

2 AMENDMENT NO. _____. Amend Senate Bill 2654, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 4-203 and 4-204 as follows:

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

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

1 jurisdiction.

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

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

14 (e) Whenever a peace officer reasonably believes that a
15 person under arrest for a violation of Section 11-501 of this
16 Code or a similar provision of a local ordinance is likely,
17 upon release, to commit a subsequent violation of Section
18 11-501, or a similar provision of a local ordinance, the
19 arresting officer shall have the vehicle which the person was
20 operating at the time of the arrest impounded for a period of
21 12 hours after the time of arrest. However, such vehicle may be
22 released by the arresting law enforcement agency prior to the
23 end of the impoundment period if:

24 (1) the vehicle was not owned by the person under
25 arrest, and the lawful owner requesting such release
26 possesses a valid operator's license, proof of ownership,

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

6 (2) the vehicle is owned by the person under arrest,
7 and the person under arrest gives permission to another
8 person to operate such vehicle, provided however, that the
9 other person possesses a valid operator's license and
10 would not, as determined by the arresting law enforcement
11 agency, indicate a lack of ability to operate a motor
12 vehicle in a safe manner or who would otherwise, by
13 operating such motor vehicle, be in violation of this
14 Code.

15 (e-5) Whenever a registered owner of a vehicle is taken
16 into custody for operating the vehicle in violation of Section
17 11-501 of this Code or a similar provision of a local ordinance
18 or Section 6-303 of this Code, a law enforcement officer may
19 have the vehicle immediately impounded for a period not less
20 than:

21 (1) 24 hours for a second violation of Section 11-501
22 of this Code or a similar provision of a local ordinance or
23 Section 6-303 of this Code or a combination of these
24 offenses; or

25 (2) 48 hours for a third violation of Section 11-501
26 of this Code or a similar provision of a local ordinance or

1 Section 6-303 of this Code or a combination of these
2 offenses.

3 The vehicle may be released sooner if the vehicle is owned
4 by the person under arrest and the person under arrest gives
5 permission to another person to operate the vehicle and that
6 other person possesses a valid operator's license and would
7 not, as determined by the arresting law enforcement agency,
8 indicate a lack of ability to operate a motor vehicle in a safe
9 manner or would otherwise, by operating the motor vehicle, be
10 in violation of this Code.

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

24 1. Any towed or removed vehicle must be stored at the
25 site of the towing service's place of business. The site
26 must be open during business hours, and for the purpose of

1 redemption of vehicles, during the time that the person or
2 firm towing such vehicle is open for towing purposes.

3 2. The towing service shall within 30 minutes of
4 completion of such towing or removal, notify the law
5 enforcement agency having jurisdiction of such towing or
6 removal, and the make, model, color, and license plate
7 number of the vehicle, and shall obtain and record the
8 name of the person at the law enforcement agency to whom
9 such information was reported.

10 3. If the registered owner or legally authorized
11 person entitled to possession of the vehicle shall arrive
12 at the scene prior to actual removal or towing of the
13 vehicle, the vehicle shall be disconnected from the tow
14 truck and that person shall be allowed to remove the
15 vehicle without interference, upon the payment of a
16 reasonable service fee of not more than one-half the
17 posted rate of the towing service as provided in paragraph
18 6 of this subsection, for which a receipt shall be given.

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

26 5. Except for property appurtenant to and obviously a

1 part of a single family residence, and except for
2 instances where notice is personally given to the owner or
3 other legally authorized person in control of the vehicle
4 that the area in which that vehicle is parked is reserved
5 or otherwise unavailable to unauthorized vehicles and they
6 are subject to being removed at the owner or operator's
7 expense, any property owner or lessor, prior to towing or
8 removing any vehicle from private property without the
9 consent of the owner or other legally authorized person in
10 control of that vehicle, must post a notice meeting the
11 following requirements:

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

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

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

5 c. The notice must also provide the name and
6 current telephone number of the towing service towing
7 or removing the vehicle.

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

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

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

6 8. No removal of a vehicle from private property shall
7 be done except upon express written instructions of the
8 owners or persons in charge of the private property upon
9 which the vehicle is said to be trespassing.

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

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

21 10. When a vehicle has been towed or removed pursuant
22 to this Section, it must be released to its owner,
23 custodian, agent, or lienholder within one-half hour after
24 requested, if such request is made during business hours.
25 Any vehicle owner, custodian, agent, or lienholder shall
26 have the right to inspect the vehicle before accepting its

1 return, and no release or waiver of any kind which would
2 release the towing service from liability for damages
3 incurred during the towing and storage may be required
4 from any vehicle owner or other legally authorized person
5 as a condition of release of the vehicle. A detailed,
6 signed receipt showing the legal name of the towing
7 service must be given to the person paying towing or
8 storage charges at the time of payment, whether requested
9 or not.

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

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

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

24 11. Towing companies shall also provide insurance
25 coverage for areas where vehicles towed under the
26 provisions of this Chapter will be impounded or otherwise

1 stored, and shall adequately cover loss by fire, theft, or
2 other risks.

3 Any person who fails to comply with the conditions and
4 restrictions of this subsection shall be guilty of a Class C
5 misdemeanor and shall be fined not less than \$100 nor more than
6 \$500.

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

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

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

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

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

1 claiming the personal property provides the commercial vehicle
2 relocater or towing service with the authorization of the
3 vehicle owner.

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

1 the Illinois Constitution.

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

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

14 (1) if the vehicle is a stolen vehicle; or

15 (2) if the person ticketed for a violation of
16 subsection (a) of Section 11-506 of this Code was not
17 authorized by the registered owner of the vehicle to
18 operate the vehicle at the time of the violation; or

19 (3) if the registered owner of the vehicle was neither
20 the driver nor a passenger in the vehicle at the time of
21 the violation or was unaware that the driver was using the
22 vehicle to engage in street racing; or

23 (4) if the legal owner or registered owner of the
24 vehicle is a rental car agency; or

25 (5) if, prior to the expiration of the impoundment
26 period specified above, the citation is dismissed or the

1 defendant is found not guilty of the offense.

2 (i) Except for vehicles exempted under subsection (b) of
3 Section 7-601 of this Code, whenever a law enforcement officer
4 issues a citation to a driver for a violation of Section 3-707
5 of this Code, and the driver has a prior conviction for a
6 violation of Section 3-707 of this Code in the past 12 months,
7 the arresting officer shall authorize the removal and
8 impoundment of the vehicle by a towing service.

9 (j) Notwithstanding any other provision of law, if a
10 person has indicated in a timely filed report to the
11 appropriate law enforcement agency that a vehicle towed
12 pursuant to this Section has been stolen or hijacked then:

13 (1) the person shall not be liable for any
14 governmentally imposed fees, fines, or penalties; and

15 (2) if a vehicle towed pursuant to this Section is
16 registered in Illinois and the name and address of the
17 registered owner of the vehicle is provided or made
18 available to the towing service at the time of the tow,
19 then the towing service must provide written notice of the
20 tow to the registered owner within 2 business days after
21 the vehicle is towed by certified mail, return receipt
22 requested. No storage charges shall accrue if the vehicle
23 is reclaimed by paying recovery and towing charges at the
24 posted rates of the towing service as provided by
25 paragraph 6 of subsection (f) within 7 days after such
26 notice is mailed. If the vehicle is registered in a state

1 other than Illinois, then no storage charges shall accrue
2 if the vehicle is reclaimed by paying recovery and towing
3 charges at the posted rates of the towing service as
4 provided by paragraph 6 of subsection (f) within 7 days
5 after a request for registered owner information is mailed
6 by the towing service, certified mail, return receipt
7 requested, to the applicable administrative agency or
8 office in that state.

9 The towing service shall enjoy a lien to secure payment of
10 charges accrued in compliance with this subsection.

11 (Source: P.A. 102-982, eff. 7-1-23; 103-154, eff. 6-30-23.)

12 (625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

13 Sec. 4-204. Police tows; reports, release of vehicles,
14 payment. When a vehicle is authorized to be towed away as
15 provided in Section 4-202 or 4-203:

16 (a) A copy of the authorization shall be provided to
17 the towing company within one hour of the authorization.
18 The authorization shall include the name of the registered
19 owner of the vehicle, the mailing address of the
20 registered owner of the vehicle on file with the Secretary
21 of State, any hold order, and any release, except to the
22 extent such information is made available under written
23 agreement with the Secretary of State ~~The authorization,~~
24 ~~any hold order, and any release shall be in writing, or~~
25 ~~confirmed in writing, with a copy given to the towing~~

1 ~~service.~~

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

13 (c) The owner, operator, or other legally entitled
14 person shall be responsible to the towing service for
15 payment of applicable removal, towing, storage, and
16 processing charges and collection costs associated with a
17 vehicle towed or held under order or authorization of a
18 law enforcement agency. If a vehicle towed or held under
19 order or authorization of a law enforcement agency is
20 seized by the ordering or authorizing agency or any other
21 law enforcement or governmental agency and sold, any
22 unpaid removal, towing, storage, and processing charges
23 and collection costs shall be paid to the towing service
24 from the proceeds of the sale. If applicable law provides
25 that the proceeds are to be paid into the treasury of the
26 appropriate civil jurisdiction, then any unpaid removal,

1 towing, storage, and processing charges and collection
2 costs shall be paid to the towing service from the
3 treasury of the civil jurisdiction. That payment shall
4 not, however, exceed the amount of proceeds from the sale,
5 with the balance to be paid by the owner, operator, or
6 other legally entitled person.

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

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