

1 AN ACT to amend the Illinois Vehicle Code by changing
2 Section 4-203.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Illinois Vehicle Code is amended by
6 changing Section 4-203 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
12 or more, its removal by a towing service may be authorized by
13 a law enforcement agency having jurisdiction.

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

23 (d) When an abandoned, unattended, wrecked, burned or
24 partially dismantled vehicle is creating a traffic hazard
25 because of its position in relation to the highway or its
26 physical appearance is causing the impeding of traffic, its
27 immediate removal from the highway or private property
28 adjacent to the highway by a towing service may be authorized
29 by a law enforcement agency having jurisdiction.

30 (e) Whenever a peace officer reasonably believes that a
31 person under arrest for a violation of Section 11-501 of this

1 Code or a similar provision of a local ordinance is likely,
2 upon release, to commit a subsequent violation of Section
3 11-501, or a similar provision of a local ordinance, the
4 arresting officer shall have the vehicle which the person was
5 operating at the time of the arrest impounded for a period of
6 not more than 12 hours after the time of arrest. However,
7 such vehicle may be released by the arresting law enforcement
8 agency prior to the end of the impoundment period if:

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

17 (2) the vehicle is owned by the person under
18 arrest, and the person under arrest gives permission to
19 another person to operate such vehicle, provided however,
20 that the other person possesses a valid operator's
21 license 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.

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

32 (1) 24 hours for a second violation of Section
33 11-501 of this Code or a similar provision of a local
34 ordinance or Section 6-303 of this Code or a combination

1 of these offenses; or

2 (2) 48 hours for a third violation of Section
3 11-501 of this Code or a similar provision of a local
4 ordinance or Section 6-303 of this Code or a combination
5 of these offenses.

6 The vehicle may be released sooner if the vehicle is
7 owned by the person under arrest and the person under arrest
8 gives permission to another person to operate the vehicle and
9 that 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 vehicle
12 in a safe manner or would otherwise, by operating the motor
13 vehicle, be in violation of this Code.

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

27 1. Any towed or removed vehicle must be stored at
28 the site of the towing service's place of business. The
29 site must be open during business hours, and for the
30 purpose of redemption of vehicles, during the time that
31 the person or firm towing such vehicle is open for towing
32 purposes.

33 2. The towing service shall within 30 minutes of
34 completion of such towing or removal, notify the law

1 enforcement agency having jurisdiction of such towing or
2 removal, and the make, model, color and license plate
3 number of the vehicle, and shall obtain and record the
4 name of the person at the law enforcement agency to whom
5 such information was reported.

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

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

23 5. Except for property appurtenant to and obviously
24 a part of a single family residence, and except for
25 instances where notice is personally given to the owner
26 or other legally authorized person in control of the
27 vehicle that the area in which that vehicle is parked is
28 reserved or otherwise unavailable to unauthorized
29 vehicles and they are subject to being removed at the
30 owner or operator's expense, any property owner or
31 lessor, prior to towing or removing any vehicle from
32 private property without the consent of the owner or
33 other legally authorized person in control of that
34 vehicle, must post a notice meeting the following

1 requirements:

2 a. The notice must be prominently placed at
3 each driveway access or curb cut allowing vehicular
4 access to the property within 5 feet from the public
5 right-of-way line. If there are no curbs or access
6 barriers, the sign must be posted not less than one
7 sign each 100 feet of lot frontage.

8 b. The notice must: be at least 6 inches by 12
9 inches in size; indicate clearly, in not less than 2
10 inch high light-reflective, brightly colored letters
11 on a contrasting background, that unauthorized
12 vehicles will be towed away at the owner's expense;
13 and include the words "Tow Zone" in a bright color
14 different than the color used for other lettering.

15 c. The notice must also provide the name and
16 current telephone number of the towing service
17 towing or removing the vehicle.

18 d. The sign structure containing the required
19 notices must be permanently installed with the
20 bottom of the sign not less than 4 feet above ground
21 level, and must be continuously maintained on the
22 property for not less than 24 hours prior to the
23 towing or removing of any vehicle.

24 6. Any towing service that tows or removes vehicles
25 and proposes to require the owner, operator, or person in
26 control of the vehicle to pay the costs of towing and
27 storage prior to redemption of the vehicle must file and
28 keep on record with the local law enforcement agency a
29 complete copy of the current rates to be charged for such
30 services, and post at the storage site an identical rate
31 schedule and any written contracts with property owners,
32 lessors, or persons in control of property which
33 authorize them to remove vehicles as provided in this
34 Section.

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

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

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

17 10. When a vehicle has been towed or removed
18 pursuant to this Section, it must be released to its
19 owner or custodian within one half hour after requested,
20 if such request is made during business hours. Any
21 vehicle owner or custodian or agent shall have the right
22 to inspect the vehicle before accepting its return, and
23 no release or waiver of any kind which would release the
24 towing service from liability for damages incurred during
25 the towing and storage may be required from any vehicle
26 owner or other legally authorized person as a condition
27 of release of the vehicle. A detailed, signed receipt
28 showing the legal name of the towing service must be
29 given to the person paying towing or storage charges at
30 the time of payment, whether requested or not.

31 This Section shall not apply to law enforcement,
32 firefighting, rescue, ambulance, or other emergency vehicles
33 which are marked as such or to property owned by any
34 governmental entity.

1 When an authorized person improperly causes a motor
2 vehicle to be removed, such person shall be liable to the
3 owner or lessee of the vehicle for the cost or removal,
4 transportation and storage, any damages resulting from the
5 removal, transportation and storage, attorney's fee and court
6 costs.

7 Any towing or storage charges accrued shall be payable by
8 the use of any major credit card, in addition to being
9 payable in cash.

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

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

19 (g) When a vehicle is determined to be a hazardous
20 dilapidated motor vehicle pursuant to Section 11-40-3.1 of
21 the Illinois Municipal Code, its removal and impoundment by a
22 towing service may be authorized by a law enforcement agency
23 with appropriate jurisdiction.

24 When a vehicle removal from either public or private
25 property is authorized by a law enforcement agency, the owner
26 of the vehicle shall be responsible for all towing and
27 storage charges.

28 Vehicles removed from public or private property and
29 stored by a commercial vehicle relocater or any other towing
30 service in compliance with this Section and Sections 4-201
31 and 4-202 of this Code, shall be subject to a possessor lien
32 for services pursuant to "An Act concerning liens for labor,
33 services, skill or materials furnished upon or storage
34 furnished for chattels", filed July 24, 1941, as amended, and

1 the provisions of Section 1 of that Act relating to notice
2 and implied consent shall be deemed satisfied by compliance
3 with Section 18a-302 and subsection (6) of Section 18a-300.
4 In no event shall such lien be greater than the rate or rates
5 established in accordance with subsection (6) of Section
6 18a-200 of this Code. In no event shall such lien be
7 increased or altered to reflect any charge for services or
8 materials rendered in addition to those authorized by this
9 Act. Every such lien shall be payable by use of any major
10 credit card, in addition to being payable in cash.
11 (Source: P.A. 90-738, eff. 1-1-99.)