



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**SB2348**

Introduced 1/28/2004, by Terry Link

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/4-203

from Ch. 95 1/2, par. 4-203

Amends the Illinois Vehicle Code. Provides that vehicles that are towed or relocated at the request of the owner or operator (as well as those towed or relocated because they are abandoned, lost, stolen, or unclaimed) are subject to a lien under the Labor and Storage Lien (Small Amount) Act. Provides that the provisions of that Act regarding the maximum amount of the lien do not apply to liens covered by the Vehicle Code provision. Provides that with certain enumerated exceptions, personal property in a vehicle subject to a lien under the Code provision is also subject to that lien. Limits the amounts of liens under the provision. Provides that a relocater or other towing service that accepts a properly signed credit card receipt becomes a holder in due course, and neither the holder of the credit card nor the company that issued the credit card may refuse to pay the amount charged, minus the processing charge assessed by the credit card company. Effective immediately.

LRB093 16385 DRH 42023 b

1 AN ACT concerning vehicles.

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 changing  
5 Section 4-203 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

7 Sec. 4-203. Removal of motor vehicles or other vehicles;  
8 Towing or hauling away.

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

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

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

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

28 (e) Whenever a peace officer reasonably believes that a  
29 person under arrest for a violation of Section 11-501 of this  
30 Code or a similar provision of a local ordinance is likely,  
31 upon release, to commit a subsequent violation of Section  
32 11-501, or a similar provision of a local ordinance, the

1 arresting officer shall have the vehicle which the person was  
2 operating at the time of the arrest impounded for a period of  
3 not more than 12 hours after the time of arrest. However, such  
4 vehicle may be released by the arresting law enforcement agency  
5 prior to the end of the impoundment period if:

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

14 (2) the vehicle is owned by the person under arrest,  
15 and the person under arrest gives permission to another  
16 person to operate such vehicle, provided however, that the  
17 other person possesses a valid operator's license and would  
18 not, as determined by the arresting law enforcement agency,  
19 indicate a lack of ability to operate a motor vehicle in a  
20 safe manner or who would otherwise, by operating such motor  
21 vehicle, be in violation of this Code.

22 (e-5) Whenever a registered owner of a vehicle is taken  
23 into custody for operating the vehicle in violation of Section  
24 11-501 of this Code or a similar provision of a local ordinance  
25 or Section 6-303 of this Code, a law enforcement officer may  
26 have the vehicle immediately impounded for a period not less  
27 than:

28 (1) 24 hours for a second violation of Section 11-501  
29 of this Code or a similar provision of a local ordinance or  
30 Section 6-303 of this Code or a combination of these  
31 offenses; or

32 (2) 48 hours for a third violation of Section 11-501 of  
33 this Code or a similar provision of a local ordinance or  
34 Section 6-303 of this Code or a combination of these  
35 offenses.

36 The vehicle may be released sooner if the vehicle is owned

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

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

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

26 2. The towing service shall within 30 minutes of  
27 completion of such towing or removal, notify the law  
28 enforcement agency having jurisdiction of such towing or  
29 removal, and the make, model, color and license plate  
30 number of the vehicle, and shall obtain and record the name  
31 of the person at the law enforcement agency to whom such  
32 information was reported.

33 3. If the registered owner or legally authorized person  
34 entitled to possession of the vehicle shall arrive at the  
35 scene prior to actual removal or towing of the vehicle, the  
36 vehicle shall be disconnected from the tow truck and that

1 person shall be allowed to remove the vehicle without  
2 interference, upon the payment of a reasonable service fee  
3 of not more than one half the posted rate of the towing  
4 service as provided in paragraph 6 of this subsection, for  
5 which a receipt shall be given.

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

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

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

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

35 c. The notice must also provide the name and  
36 current telephone number of the towing service towing

1 or removing the vehicle.

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

8 6. Any towing service that tows or removes vehicles and  
9 proposes to require the owner, operator, or person in  
10 control of the vehicle to pay the costs of towing and  
11 storage prior to redemption of the vehicle must file and  
12 keep on record with the local law enforcement agency a  
13 complete copy of the current rates to be charged for such  
14 services, and post at the storage site an identical rate  
15 schedule and any written contracts with property owners,  
16 lessors, or persons in control of property which authorize  
17 them to remove vehicles as provided in this Section.

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

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

27 9. Vehicle entry for the purpose of removal shall be  
28 allowed with reasonable care on the part of the person or  
29 firm towing the vehicle. Such person or firm shall be  
30 liable for any damages occasioned to the vehicle if such  
31 entry is not in accordance with the standards of reasonable  
32 care.

33 10. When a vehicle has been towed or removed pursuant  
34 to this Section, it must be released to its owner or  
35 custodian within one half hour after requested, if such  
36 request is made during business hours. Any vehicle owner or

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

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

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

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

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

28          Any person who fails to comply with the conditions and  
29          restrictions of this subsection shall be guilty of a Class C  
30          misdemeanor and shall be fined not less than \$100 nor more than  
31          \$500.

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

1           When a vehicle removal from either public or private  
2 property is authorized by a law enforcement agency, the owner  
3 of the vehicle shall be responsible for all towing and storage  
4 charges.

5           Vehicles removed from public or private property and stored  
6 by a commercial vehicle relocater or any other towing service  
7 in compliance with this Section and Sections 4-201 and 4-202 of  
8 this Code, or at the request of the vehicle owner or operator,  
9 shall be subject to a possessor lien for services pursuant to  
10 the Labor and Storage Lien (Small Amount) Act; however, the  
11 provisions of that Act governing the maximum amount of such a  
12 lien do not apply to any lien covered by this subsection. "~~An~~  
13 ~~Act concerning liens for labor, services, skill or materials~~  
14 ~~furnished upon or storage furnished for chattels", filed July~~  
15 ~~24, 1941, as amended, and~~ The provisions of Section 1 of that  
16 Act relating to notice and implied consent shall be deemed  
17 satisfied by compliance with Section 18a-302 and subsection (6)  
18 of Section 18a-300. In no event shall such lien be greater than  
19 the rate or rates established in accordance with subsection (6)  
20 of Section 18a-200 of this Code. In no event shall such lien be  
21 increased or altered to reflect any charge for services or  
22 materials rendered in addition to those authorized by this Act.  
23 Every such lien shall be payable by use of any major credit  
24 card, in addition to being payable in cash.

25           Any personal property in a vehicle subject to a lien under  
26 this subsection (g) shall likewise be subject to that lien,  
27 excepting only: food; medicine; perishable property; any  
28 operator's licenses; any cash, credit cards, or checks or  
29 checkbooks; and any wallet, purse, or other property containing  
30 any operator's license or other identifying documents or  
31 materials, cash, credit cards, checks, or checkbooks.

32           No lien under this subsection (g) shall: exceed \$5,000 in  
33 its total amount; or be increased or altered to reflect any  
34 charge for services or materials rendered in addition to those  
35 authorized by this Act.

36           Upon receipt of a properly signed credit card receipt, a



1 relocator or other towing service shall become a holder in due  
2 course, and neither the holder of the credit card nor the  
3 company which issued the credit card may thereafter refuse to  
4 remit payment in the amount shown on the credit card receipt  
5 minus the ordinary charge assessed by the credit card company  
6 for processing the charge.

7 (Source: P.A. 90-738, eff. 1-1-99.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.