



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3581

Introduced 2/24/2005, by Rep. Raymond Poe

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/4-207	from Ch. 95 1/2, par. 4-207
625 ILCS 5/18a-300	from Ch. 95 1/2, par. 18a-300
625 ILCS 5/18a-501	from Ch. 95 1/2, par. 18a-501
815 ILCS 306/70	
815 ILCS 306/71 new	
815 ILCS 308/60	
815 ILCS 308/61 new	

Amends the Illinois Vehicle Code, the Automotive Repair Act, and the Automotive Collision Repair Act. Provides that, when a vehicle is towed or hauled away, the relocater or possessor of the vehicle must, within 10 days of relocation, notify the registered owner and any lienholders of the vehicle, via certified mail, return receipt requested, that the vehicle has been relocated. Provides that, if notification is not provided during that time, the relocater or possessor of the vehicle is entitled to recover from the lienholder not more than 10 days of storage charges. Provides that, if notification is provided within 10 days, the relocater or possessor of the vehicle is entitled to recover from the lienholder charges for the number of days in storage. Provides that the relocater or possessor of the vehicle is entitled to charge the lienholder for the reasonable costs of a title search necessary to identify the lienholder. Provides that no vehicle shall be released to the owner, lienholder, or other legally entitled person until all authorized charges have been paid. Provides that a lienholder is entitled to one free inspection of the vehicle, with proper notice and during regular business hours. Effective January 1, 2006.

LRB094 08922 DRH 39142 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 Sections 4-203, 4-207, 18a-300, and 18a-501 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, shall be subject to the statutory a-possessor lien  
9 for services pursuant to the Labor and Storage Lien (Small  
10 Amount) Act ~~"An Act concerning liens for labor, services, skill~~  
11 ~~or materials furnished upon or storage furnished for chattels",~~  
12 ~~filed July 24, 1941, as amended, and, subject to subsection (b)~~  
13 ~~of Section 18a-501 of this Code,~~ the provisions of Section 1 of  
14 that Act relating to notice and implied consent shall be deemed  
15 satisfied by compliance with Section 18a-302 and subsection  
16 (10) ~~(6)~~ of Section 18a-300. In no event shall such lien be  
17 greater than the rate or rates established in accordance with  
18 subsection (6) of Section 18a-200 of this Code. In no event  
19 shall such lien be increased or altered to reflect any charge  
20 for services or materials rendered in addition to those  
21 authorized by this Act. Every such lien shall be payable by use  
22 of any major credit card, in addition to being payable in cash.  
23 (Source: P.A. 90-738, eff. 1-1-99.)

24           (625 ILCS 5/4-207) (from Ch. 95 1/2, par. 4-207)

25           Sec. 4-207. Reclaimed vehicles; expenses.

26           (a) Any time before a vehicle is sold at public sale or  
27 disposed of as provided in Section 4-208, the owner, lienholder  
28 or other person legally entitled to its possession may reclaim  
29 the vehicle by presenting to the law enforcement agency having  
30 custody of the vehicle proof of ownership or proof of the right  
31 to possession of the vehicle.

32           (b) No vehicle shall be released to the owner, lienholder,  
33 or other person under this Section until all towing, storage,  
34 and processing charges have been paid, as authorized by Section  
35 18a-501 of this Code.



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

2 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

3 Sec. 18a-300. Commercial vehicle relocators - Unlawful  
4 practices. It shall be unlawful for any commercial vehicle  
5 relocator:

6 (1) To operate in any county in which this Chapter is  
7 applicable without a valid, current relocator's license as  
8 provided in Article IV of this Chapter;

9 (2) To employ as an operator, or otherwise so use the  
10 services of, any person who does not have at the commencement  
11 of employment or service, or at any time during the course of  
12 employment or service, a valid, current operator's employment  
13 permit, or temporary operator's employment permit issued in  
14 accordance with Sections 18a-403 or 18a-405 of this Chapter; or  
15 to fail to notify the Commission, in writing, of any known  
16 criminal conviction of any employee occurring at any time  
17 before or during the course of employment or service;

18 (3) To employ as a dispatcher, or otherwise so use the  
19 services of, any person who does not have at the commencement  
20 of employment or service, or at any time during the course of  
21 employment or service, a valid, current dispatcher's or  
22 operator's employment permit or temporary dispatcher's or  
23 operator's employment permit issued in accordance with  
24 Sections 18a-403 or 18a-407 of this Chapter; or to fail to  
25 notify the Commission, in writing, of any known criminal  
26 conviction of any employee occurring at any time before or  
27 during the course of employment or service;

28 (4) To operate upon the highways of this State any vehicle  
29 used in connection with any commercial vehicle relocation  
30 service unless:

31 (A) There is painted or firmly affixed to the vehicle  
32 on both sides of the vehicle in a color or colors vividly  
33 contrasting to the color of the vehicle the name, address  
34 and telephone number of the relocator. The Commission shall  
35 prescribe reasonable rules and regulations pertaining to

1           insignia to be painted or firmly affixed to vehicles and  
2           shall waive the requirements of the address on any vehicle  
3           in cases where the operator of a vehicle has painted or  
4           otherwise firmly affixed to the vehicle a seal or trade  
5           mark that clearly identifies the operator of the vehicle;  
6           and

7           (B) There is carried in the power unit of the vehicle a  
8           certified copy of the currently effective relocater's  
9           license and operator's employment permit. Copies may be  
10          photographed, photocopied, or reproduced or printed by any  
11          other legible and durable process. Any person guilty of not  
12          causing to be displayed a copy of his relocater's license  
13          and operator's employment permit may in any hearing  
14          concerning the violation be excused from the payment of the  
15          penalty hereinafter provided upon a showing that the  
16          license was issued by the Commission, but was subsequently  
17          lost or destroyed;

18          (5) To operate upon the highways of this State any vehicle  
19          used in connection with any commercial vehicle relocation  
20          service that bears the name or address and telephone number of  
21          any person or entity other than the relocater by which it is  
22          owned or to which it is leased;

23          (6) To advertise in any newspaper, book, list, classified  
24          directory or other publication unless there is contained in the  
25          advertisement the license number of the relocater;

26          (7) To remove any vehicle from private property without  
27          having first obtained the written authorization of the property  
28          owner or other person in lawful possession or control of the  
29          property, his authorized agent, or an authorized law  
30          enforcement officer. The authorization may be on a contractual  
31          basis covering a period of time or limited to a specific  
32          removal;

33          (8) To charge the private property owner, who requested  
34          that an unauthorized vehicle be removed from his property, with  
35          the costs of removing the vehicle contrary to any terms that  
36          may be a part of the contract between the property owner and

1 the commercial relocater. Nothing in this paragraph shall  
2 prevent a relocater from assessing, collecting, or receiving  
3 from the property owner, lessee, or their agents any fee  
4 prescribed by the Commission;

5 (9) To remove a vehicle when the owner or operator of the  
6 vehicle is present or arrives at the vehicle location at any  
7 time prior to the completion of removal, and is willing and  
8 able to remove the vehicle immediately;

9 (10) To remove any vehicle from property on which signs are  
10 required and on which there are not posted appropriate signs  
11 under Section 18a-302;

12 (11) To fail to notify law enforcement authorities in the  
13 jurisdiction in which the trespassing vehicle was removed  
14 within one hour of the removal. Notification shall include a  
15 complete description of the vehicle, registration numbers if  
16 possible, the locations from which and to which the vehicle was  
17 removed, the time of removal, and any other information  
18 required by regulation, statute or ordinance;

19 (12) To impose any charge other than in accordance with the  
20 rates set by the Commission as provided in paragraph (6) of  
21 Section 18a-200 of this Chapter;

22 (12.1) To impose any charge other than in accordance with  
23 subsection (b) of Section 18a-501 of this Chapter;

24 (13) To fail, in the office or location at which relocated  
25 vehicles are routinely returned to their owners, to prominently  
26 post the name, address and telephone number of the nearest  
27 office of the Commission to which inquiries or complaints may  
28 be sent;

29 (13.1) To fail to distribute to each owner or operator of a  
30 relocated vehicle, in written form as prescribed by Commission  
31 rule or regulation, the relevant statutes, regulations and  
32 ordinances governing commercial vehicle relocators, including,  
33 in at least 12 point boldface type, the name, address and  
34 telephone number of the nearest office of the Commission to  
35 which inquiries or complaints may be sent;

36 (14) To remove any vehicle, otherwise in accordance with

1 this Chapter, more than 15 air miles from its location when  
2 towed from a location in an unincorporated area of a county or  
3 more than 10 air miles from its location when towed from any  
4 other location;

5 (15) To fail to make a telephone number available to the  
6 police department of any municipality in which a relocator  
7 operates at which the relocator or an employee of the relocator  
8 may be contacted at any time during the hours in which the  
9 relocator is engaged in the towing of vehicles, or advertised  
10 as engaged in the towing of vehicles, for the purpose of  
11 effectuating the release of a towed vehicle; or to fail to  
12 include the telephone number in any advertisement of the  
13 relocator's services published or otherwise appearing on or  
14 after the effective date of this amendatory Act; or to fail to  
15 have an employee available at any time on the premises owned or  
16 controlled by the relocator for the purposes of arranging for  
17 the immediate release of the vehicle.

18 Apart from any other penalty or liability authorized under  
19 this Act, if after a reasonable effort, the owner of the  
20 vehicle is unable to make telephone contact with the relocator  
21 for a period of one hour from his initial attempt during any  
22 time period in which the relocator is required to respond at  
23 the number, all fees for towing, storage, or otherwise are to  
24 be waived. Proof of 3 attempted phone calls to the number  
25 provided to the police department by an officer or employee of  
26 the department on behalf of the vehicle owner within the space  
27 of one hour, at least 2 of which are separated by 45 minutes,  
28 shall be deemed sufficient proof of the owner's reasonable  
29 effort to make contact with the vehicle relocater. Failure of  
30 the relocator to respond to the phone calls is not a criminal  
31 violation of this Chapter;

32 (16) To use equipment which the relocator does not own,  
33 except in compliance with Section 18a-306 of this Chapter and  
34 Commission regulations. No equipment can be leased to more than  
35 one relocator at any time. Equipment leases shall be filed with  
36 the Commission. If equipment is leased to one relocater, it

1 cannot thereafter be leased to another relocator until a  
2 written cancellation of lease is properly filed with the  
3 Commission;

4 (17) To use drivers or other personnel who are not  
5 employees or contractors of the relocator;

6 (18) To fail to refund any amount charged in excess of the  
7 reasonable rate established by the Commission;

8 (19) To violate any other provision of this Chapter, or of  
9 Commission regulations or orders adopted under this Chapter.

10 (Source: P.A. 88-448.)

11 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

12 Sec. 18a-501. Liens against relocated vehicles.

13 (a) Subject to subsection (b), unauthorized ~~Unauthorized~~  
14 vehicles removed and stored by a commercial vehicle relocater  
15 in compliance with this Chapter shall be subject to the  
16 statutory ~~a possessory~~ lien for services pursuant to the Labor  
17 and Storage Lien (Small Amount) Act, and the provisions of  
18 Section 1 of that Act relating to notice and implied consent  
19 shall be deemed satisfied by compliance with Section 18a-302  
20 and item (10) of Section 18a-300. In no event shall such lien  
21 be greater than the rate or rates established in accordance  
22 with item (6) of Section 18a-200. In no event shall such lien  
23 be increased or altered to reflect any charge for services or  
24 materials rendered in addition to those authorized by this Act.  
25 Every such lien shall be payable by use of any major credit  
26 card, in addition to being payable in cash. Upon receipt of a  
27 properly signed credit card receipt, a relocater shall become a  
28 holder in due course, and neither the holder of the credit card  
29 nor the company which issued the credit card may thereafter  
30 refuse to remit payment in the amount shown on the credit card  
31 receipt minus the ordinary charge assessed by the credit card  
32 company for processing the charge. The Commission may adopt  
33 regulations governing acceptance of credit cards by a  
34 relocater.

35 (b) The relocater or possessor of any relocated vehicle

1 must, within 10 days of taking possession of the vehicle,  
2 notify the registered owner and any lienholders of the vehicle,  
3 as disclosed by the vehicle registration records of the  
4 Illinois Secretary of State, by first class and certified mail,  
5 return receipt requested, that the vehicle has been relocated.  
6 The notice shall disclose the date of relocation, the address  
7 where the vehicle is located, and an itemization of all  
8 authorized charges claimed. If the required notice is not  
9 provided within 10 days of taking possession of the vehicle,  
10 the lien of the relocater or possessor of the vehicle shall not  
11 exceed the vehicle storage charges for 10 days. If notice is  
12 given within 10 days of taking possession of the vehicle, the  
13 relocater or possessor of the vehicle is entitled to a lien on  
14 the vehicle for storage charges for the number of days the  
15 vehicle was stored. The lien of the relocater or possessor of  
16 the vehicle also may include the costs of a title search  
17 necessary to identify the registered owner and lienholder, in  
18 amounts prescribed by the Secretary of State under Section  
19 3-821.1 of this Code. A lienholder, or its authorized  
20 representative may, during normal business hours and on  
21 reasonable prior notice to the relocater or possessor of the  
22 vehicle, make one reasonable inspection and examination of the  
23 vehicle without charge or cost. At any time before the vehicle  
24 is disposed of as provided by law, the registered owner or  
25 lienholder legally entitled to its possession may reclaim the  
26 vehicle by presenting proof of ownership or of the right to  
27 possession of the vehicle and by payment of all towing and  
28 storage charges authorized by law.

29 This subsection (b) does not apply to the relocation or  
30 possession of any vehicle relocated before January 1, 2006.

31 (Source: P.A. 91-357, eff. 7-29-99.)

32 Section 10. The Automotive Repair Act is amended by  
33 changing Section 70 and adding Section 71 as follows:

34 (815 ILCS 306/70)

1           Sec. 70. Removal of vehicle from facility. Upon reasonable  
2 notice and during the motor vehicle repair facility's business  
3 hours, a consumer, the lienholder, or another legally entitled  
4 person may remove a vehicle from a motor vehicle repair  
5 facility upon paying for the following:

6           (1) Labor actually performed.

7           (2) Parts actually installed.

8           (3) Parts ordered specifically for the consumer's car  
9 if the order is not cancelable or the parts are not  
10 returnable for cash or credit.

11           (4) Storage charges imposed in accordance with the  
12 schedule of charges if disclosed to consumers prior to  
13 repairs and in accordance with Section 71 of this Act.

14 (Source: P.A. 90-426, eff. 1-1-98.)

15           (815 ILCS 306/71 new)

16           Sec. 71. Notice to registered owner, lienholder, or other  
17 legally entitled persons.

18           (a) If the consumer fails to remove the vehicle within 10  
19 days of being notified that automotive repair is complete, the  
20 automotive repair facility shall send a notification by  
21 certified mail to the registered owner, the lienholder, and any  
22 other legally entitled persons advising where the vehicle is  
23 held, detailing all charges claimed due, and providing copies  
24 of all documentation of the repairs and authorization for the  
25 repairs. Notification shall be sent no later than 10 business  
26 days after the date the consumer was notified that the  
27 automotive repair was completed. A lienholder or its authorized  
28 representative may, during normal business hours and on  
29 reasonable prior notice to the automotive repair facility in  
30 possession of the vehicle, make one reasonable inspection and  
31 examination of the vehicle without charge or cost.

32           (b) When ownership information is needed for an automotive  
33 repair facility to give notification as required under this  
34 Code, the automotive repair facility shall cause the vehicle  
35 registration records of the State of Illinois to be searched by

1 the Secretary of State.

2 The written request of an automotive repair facility, in  
3 the form and containing the information prescribed by the  
4 Secretary of State by rule, may be transmitted to the Secretary  
5 of State in person, by U.S. mail or other delivery service, by  
6 facsimile transmission, or by other means the Secretary of  
7 State deems acceptable.

8 The Secretary of State shall provide the required  
9 information, or a statement that the information was not found  
10 in the vehicle registration records of the State, by U.S. mail  
11 or other delivery service, facsimile transmission, as  
12 requested by the automotive repair facility, or by other means  
13 acceptable to the Secretary of State.

14 (c) The Secretary of State may adopt rules for submission  
15 of requests for record searches and replies via computer link.

16 (d) Fees for services provided under this Section shall be  
17 in amounts prescribed by the Secretary of State under Section  
18 3-821.1 of the Illinois Vehicle Code. Payment may be made by  
19 the automotive repair facility using cash, any commonly  
20 accepted credit card, or any other means of payment deemed  
21 acceptable by the Secretary of State.

22 (e) Failure to provide the notice required by this Section  
23 shall not result in a barring of any lien for actual parts or  
24 labor expended that were otherwise properly authorized under  
25 this Act. After failing to provide the required notice,  
26 however, the automotive repair facility may not claim any  
27 additional charges, including but not limited to storage or  
28 holding charges related to any delay in the removal of the  
29 vehicle.

30 Section 15. The Automotive Collision Repair Act is amended  
31 by changing Section 60 and adding Section 61 as follows:

32 (815 ILCS 308/60)

33 Sec. 60. Removal of motor vehicle from facility. Upon  
34 reasonable notice and during the collision repair facility's



1 business hours, a consumer, the lienholder, or another legally  
2 entitled person may remove a motor vehicle from a collision  
3 repair facility upon paying for the following:

4 (1) Labor actually performed.

5 (2) Parts actually installed.

6 (3) Parts ordered specifically for the consumer's car  
7 if the order is not cancelable or the parts are not  
8 returnable for cash or credit.

9 (4) Storage and administrative charges imposed in  
10 accordance with the schedule of charges if posted on a sign  
11 within the shop or otherwise disclosed to consumers prior  
12 to repairs and in accordance with Section 71 of this Act.

13 (Source: P.A. 93-565, eff. 1-1-04.)

14 (815 ILCS 308/61 new)

15 Sec. 61. Notice to registered owner, lienholder, or other  
16 legally entitled persons.

17 (a) If the consumer fails to remove the vehicle within 10  
18 days of being notified that automotive collision and body  
19 repair is complete, the automotive collision and body repair  
20 facility shall send a notification by certified mail to the  
21 registered owner, the lienholder, and other legally entitled  
22 persons, advising where the vehicle is held, detailing all  
23 charges claimed due, and providing copies of all documentation  
24 of the repairs and authorization for the repairs. Notification  
25 must be sent no later than 10 business days after the date the  
26 consumer was notified that the automotive collision and body  
27 repair was completed. A lienholder or its authorized  
28 representative may, during normal business hours and on  
29 reasonable prior notice to the automotive collision and body  
30 repair facility in possession of the vehicle, make one  
31 reasonable inspection and examination of the vehicle without  
32 charge or cost.

33 (b) If ownership information is needed for an automotive  
34 collision and body repair facility to give notification as  
35 required under this Code, the automotive collision and body

1 repair facility shall cause the vehicle registration records of  
2 the State of Illinois to be searched by the Secretary of State.

3 The written request of an automotive collision and body  
4 repair facility, in the form and containing the information  
5 prescribed by the Secretary of State by rule, may be  
6 transmitted to the Secretary of State in person, by U.S. mail  
7 or other delivery service, by facsimile transmission, or by  
8 other means the Secretary of State deems acceptable.

9 The Secretary of State shall provide the required  
10 information, or a statement that the information was not found  
11 in the vehicle registration records of the State, by U.S. mail  
12 or other delivery service or by facsimile transmission, as  
13 requested by the Automotive collision and body repair facility,  
14 or by other means acceptable to the Secretary of State.

15 (c) The Secretary of State shall adopt rules for submission  
16 of requests for record searches and replies via computer link.

17 (d) Fees for services provided under this Section shall be  
18 in amounts prescribed by the Secretary of State under Section  
19 3-821.1 of the Illinois Vehicle Code. Payment may be made by  
20 the automotive collision and body repair facility using cash,  
21 any commonly accepted credit card, or any other means of  
22 payment deemed acceptable by the Secretary of State.

23 (e) Failure to provide the notice required by this Section  
24 shall not result in a barring of any lien for actual parts or  
25 labor expended that were otherwise properly authorized  
26 pursuant to this Act. After failing to provide the required  
27 notice, however, the automotive collision and body repair  
28 facility may not claim any additional charges, including but  
29 not limited to storage or holding charges related to any delay  
30 in the removal of the vehicle.

31 Section 99. Effective date. This Act takes effect January  
32 1, 2006.