

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 changing
5 Sections 4-203 and 18a-300 and by adding Section 18a-402.1 as
6 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 10 hours or more, its removal by a towing service may
16 be authorized by a law enforcement agency having jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 3. If the registered owner or legally authorized person
35 entitled to possession of the vehicle shall arrive at the
36 scene prior to actual removal or towing of the vehicle, the

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

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

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

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

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

36 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 for
7 not less than 24 hours prior to the towing or removing
8 of any vehicle.

9 6. Any towing service that tows or removes vehicles and
10 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.

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

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

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

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

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

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

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

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

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
27 stored, and shall adequately cover loss by fire, theft or
28 other risks.

29 Any person who fails to comply with the conditions and
30 restrictions of this subsection shall be guilty of a Class C
31 misdemeanor and shall be fined not less than \$100 nor more than
32 \$500.

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

1 with appropriate jurisdiction.

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

6 Vehicles removed from public or private property and stored
7 by a commercial vehicle relocater or any other towing service
8 in compliance with this Section and Sections 4-201 and 4-202 of
9 this Code, or at the request of the vehicle owner or operator,
10 shall be subject to a possessor lien for services pursuant to
11 the Labor and Storage Lien (Small Amount) Act. "An Act
12 concerning liens for labor, services, skill or materials
13 furnished upon or storage furnished for chattels", filed July
14 24, 1941, as amended, and The provisions of Section 1 of that
15 Act relating to notice and implied consent shall be deemed
16 satisfied by compliance with Section 18a-302 and subsection (6)
17 of Section 18a-300. In no event shall such lien be greater than
18 the rate or rates established in accordance with subsection (6)
19 of Section 18a-200 of this Code. In no event shall such lien be
20 increased or altered to reflect any charge for services or
21 materials rendered in addition to those authorized by this Act.
22 Every such lien shall be payable by use of any major credit
23 card, in addition to being payable in cash.

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

31 No lien under this subsection (g) shall: exceed \$2,000 in
32 its total amount; or be increased or altered to reflect any
33 charge for services or materials rendered in addition to those
34 authorized by this Act.

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

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

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

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

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

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

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

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

1 in cases where the operator of a vehicle has painted or
2 otherwise firmly affixed to the vehicle a seal or trade
3 mark that clearly identifies the operator of the vehicle;
4 and

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

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

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

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

31 (8) To charge the private property owner, who requested
32 that an unauthorized vehicle be removed from his property, with
33 the costs of removing the vehicle contrary to any terms that
34 may be a part of the contract between the property owner and
35 the commercial relocater. Nothing in this paragraph shall
36 prevent a relocater from assessing, collecting, or receiving

1 from the property owner, lessee, or their agents any fee
2 prescribed by the Commission;

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

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

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

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

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

25 (13.1) To fail to distribute to each owner or operator of a
26 relocated vehicle, in written form as prescribed by Commission
27 rule or regulation, the relevant statutes, regulations and
28 ordinances governing commercial vehicle relocators, including,
29 in at least 12 point boldface type, the name, address and
30 telephone number of the nearest office of the Commission to
31 which inquiries or complaints may be sent;

32 (13.2) To fail, in a municipality with a population of more
33 than 1,000,000, to make available to their owners or operators,
34 24 hours per day, 7 days per week, 52 weeks per year, relocated
35 vehicles.

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 relocater 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 relocater;

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-402.1 new)

12 Sec. 18a-402.1. Relocator's licenses; expedited transfer
13 procedures.

14 (a) The Commission may provide for the transfer of a
15 license, without notice and hearing, and without the necessity
16 of making the findings provided for in Sections 18a-400 and
17 18a-401, when the transfer is to:

18 (1) a member or members of the transferor's immediate
19 family;

20 (2) a corporation, the stock of which is wholly owned
21 by the transferor or members of the transferor's immediate
22 family or a member or members of the transferor
23 partnership;

24 (3) a member or members of a partnership of which the
25 transferor is a partner;

26 (4) a stockholder or stockholders of the transferor
27 corporation or of a corporation wholly owned by the
28 transferor or the transferor's immediate family;

29 (5) the heirs of a person who dies intestate or the
30 legatees of a testator, upon order of the court having
31 jurisdiction;

32 (6) the heirs or legatees of the transferor under the
33 Probate Act of 1975;

34 (7) a corporation, more than 50% of the stock of which
35 is controlled by the stockholders of the transferor

1 corporation; or

2 (8) a corporation, all of the stock of which is
3 controlled by a member or members of the immediate family
4 of the stockholder or stockholders of the transferor
5 corporation.

6 (b) When a transfer of a license may be accomplished on an
7 expedited basis without notice and hearing through 2 or more
8 transactions of the type described in subsection (a), and they
9 do, in fact, represent a single, contemporaneous transaction,
10 then the Commission shall allow the transfer to be made as a
11 single transaction in a single application. It shall, however,
12 be the applicants' burden to demonstrate that the applicants
13 are entitled to this treatment of their application by setting
14 forth each of the individual qualifying transactions under
15 subsection (a) with the same detail and specificity as if each
16 individual application were filed.

17 (c) Upon the filing of an application for expedited
18 transfer under this Section, the Commission shall issue to the
19 proposed transferee a provisional license that shall remain
20 valid for 90 days. During that 90 days, the Commission shall
21 consider, with regard to the proposed transferee, the
22 following:

23 (1) the criminal conviction records of the applicant,
24 its owners or controllers, directors, officers, employees
25 and agents;

26 (2) the safety record of the applicant, its owners or
27 controllers, directors, officers, employees and agents;

28 (3) the compliance record of the applicant, its owners
29 or controllers, directors, officers, employees and agents;

30 (4) the equipment, facilities, and storage lots of the
31 applicant; and

32 (5) other facts which may bear on the fitness of the
33 applicant, its owners or controllers, directors, officers,
34 employees and agents to hold a relocater's license.

35 (d) The Commission shall issue a new relocater's license to
36 the proposed transferee if the Commission determines, after

1 completion of the investigation described in subsection (c),
2 that the proposed transferee is fit, willing, and able properly
3 to perform the proposed service and to conform to the law and
4 the rules and of the Commission. The license shall be deemed a
5 successor license bearing all of the obligations and
6 responsibilities of the original licensee under this Act.

7 (e) The Commission shall deny the expedited transfer
8 application if the Commission determines, after completion of
9 the investigation, that the proposed transferee is not fit,
10 willing, and able properly to perform as described in
11 subsection (d).

12 (625 ILCS 5/18a-402 rep.) (from Ch. 95 1/2, par. 18a-402)

13 Section 10. The Illinois Vehicle Code is amended by
14 repealing Section 18a-402.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.