



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0501

Introduced 2/16/2005, by Sen. Rickey R. Hendon

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-208

from Ch. 95 1/2, par. 4-208

625 ILCS 5/18a-300

from Ch. 95 1/2, par. 18a-300

Amends the Illinois Vehicle Code. Provides that, in a city having a population of more than 500,000, whenever an abandoned, lost, stolen, or unclaimed vehicle, or a vehicle determined to be a hazardous dilapidated motor vehicle, remains unclaimed by the registered owner, lienholder, or other legally entitled person for a period of 30 (rather than 15) days after the legally required notice has been given, and if during that 30 days the possessor of the vehicle has twice more sent the required notice to the registered owner, lienholder, or other legally entitled person, the possessor of the vehicle shall dispose of the vehicle to a licensed automotive parts recycler, rebuilder, or scrap processor. Provides that the registered owner, lienholder, or other legally entitled person shall receive any proceeds from the disposition of the vehicle, less reasonable storage charges and administrative fees. Provides that it is an unlawful practice for a commercial vehicle relocater to fail, in the office or location at which relocated vehicles are routinely returned to their owners: (1) to place the relocater's representative in a position where the representative is not fully visible, above his or her shoulders, to the owners of relocated vehicles; (2) to ensure that the relocater's representative provides suitable evidence of his or her identity to owners of relocated vehicles upon request; or (3) to make a supervisor available to the owners of relocated vehicles upon request.

LRB094 03626 DRH 33631 b

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 4-208 and 18a-300 as follows:

6 (625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

7 Sec. 4-208. Disposal of unclaimed vehicles.

8 (a) In cities having a population of more than 500,000,
9 whenever an abandoned, lost, stolen or unclaimed vehicle, or
10 vehicle determined to be a hazardous dilapidated motor vehicle
11 pursuant to Section 11-40-3.1 of the Illinois Municipal Code,
12 remains unclaimed by the registered owner, lienholder or other
13 legally entitled person for a period of 30 ~~15~~ days after notice
14 has been given under Sections 4-205 and 4-206 of this Code, if
15 during that 30 days the possessor of the vehicle has twice more
16 sent the required notice to the registered owner, lienholder,
17 or other legally entitled person, the vehicle shall be
18 disposed, pursuant to the provisions of the "Municipal
19 purchasing act for cities of 500,000 or more population", to a
20 person licensed as an automotive parts recycler, rebuilder or
21 scrap processor under Chapter 5 of this Code. The registered
22 owner, lienholder, or other legally entitled person is entitled
23 to any proceeds from the disposition of the vehicle, less any
24 reasonable storage charges and administrative fees.

25 (b) Except as provided in Section 4-208 for cities with
26 more than 500,000 inhabitants, when an abandoned, lost, stolen
27 or unclaimed vehicle 7 years of age or newer remains unclaimed
28 by the registered owner, lienholder or other legally entitled
29 persons for a period of 30 days after notice has been given as
30 provided in Sections 4-205 and 4-206 of this Code, the law
31 enforcement agency or towing service having possession of the
32 vehicle shall cause it to be sold at public auction to a person

1 licensed as an automotive parts recycler, rebuilder or scrap
2 processor under Chapter 5 of this Code or the towing operator
3 which towed the vehicle. Notice of the time and place of the
4 sale shall be posted in a conspicuous place for at least 10
5 days prior to the sale on the premises where the vehicle has
6 been impounded. At least 10 days prior to the sale, the law
7 enforcement agency where the vehicle is impounded, or the
8 towing service where the vehicle is impounded, shall cause a
9 notice of the time and place of the sale to be sent by
10 certified mail to the registered owner, lienholder, or other
11 legally entitled persons. Notice as provided in Sections 4-205
12 and 4-206 of this Code and as provided in this subsection (b)
13 shall state the time and place of sale and shall contain a
14 complete description of the vehicle to be sold and what steps
15 must be taken by any legally entitled person to reclaim the
16 vehicle.

17 (c) If an abandoned, lost, stolen, or unclaimed vehicle
18 displays dealer plates, notice under this Section and Section
19 4-209 of this Code shall be sent to both the dealer and the
20 registered owner, lienholder, or other legally entitled
21 persons.

22 (d) In those instances where the certified notification
23 specified in Sections 4-205 and 4-206 of this Code has been
24 returned by the postal authorities to the law enforcement
25 agency or towing service, the sending of a second certified
26 notice will not be required.

27 (Source: P.A. 89-433, eff. 12-15-95; 90-330, eff. 8-8-97.)

28 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

29 Sec. 18a-300. Commercial vehicle relocators - Unlawful
30 practices. It shall be unlawful for any commercial vehicle
31 relocater:

32 (1) To operate in any county in which this Chapter is
33 applicable without a valid, current relocater's license as
34 provided in Article IV of this Chapter;

35 (2) To employ as an operator, or otherwise so use the

1 services of, any person who does not have at the commencement
2 of employment or service, or at any time during the course of
3 employment or service, a valid, current operator's employment
4 permit, or temporary operator's employment permit issued in
5 accordance with Sections 18a-403 or 18a-405 of this Chapter; or
6 to fail to notify the Commission, in writing, of any known
7 criminal conviction of any employee occurring at any time
8 before or during the course of employment or service;

9 (3) To employ as a dispatcher, 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 dispatcher's or
13 operator's employment permit or temporary dispatcher's or
14 operator's employment permit issued in accordance with
15 Sections 18a-403 or 18a-407 of this Chapter; or to fail to
16 notify the Commission, in writing, of any known criminal
17 conviction of any employee occurring at any time before or
18 during the course of employment or service;

19 (4) To operate upon the highways of this State any vehicle
20 used in connection with any commercial vehicle relocation
21 service unless:

22 (A) There is painted or firmly affixed to the vehicle
23 on both sides of the vehicle in a color or colors vividly
24 contrasting to the color of the vehicle the name, address
25 and telephone number of the relocater. The Commission shall
26 prescribe reasonable rules and regulations pertaining to
27 insignia to be painted or firmly affixed to vehicles and
28 shall waive the requirements of the address on any vehicle
29 in cases where the operator of a vehicle has painted or
30 otherwise firmly affixed to the vehicle a seal or trade
31 mark that clearly identifies the operator of the vehicle;
32 and

33 (B) There is carried in the power unit of the vehicle a
34 certified copy of the currently effective relocater's
35 license and operator's employment permit. Copies may be
36 photographed, photocopied, or reproduced or printed by any

1 other legible and durable process. Any person guilty of not
2 causing to be displayed a copy of his relocator's license
3 and operator's employment permit may in any hearing
4 concerning the violation be excused from the payment of the
5 penalty hereinafter provided upon a showing that the
6 license was issued by the Commission, but was subsequently
7 lost or destroyed;

8 (5) To operate upon the highways of this State any vehicle
9 used in connection with any commercial vehicle relocation
10 service that bears the name or address and telephone number of
11 any person or entity other than the relocator by which it is
12 owned or to which it is leased;

13 (6) To advertise in any newspaper, book, list, classified
14 directory or other publication unless there is contained in the
15 advertisement the license number of the relocator;

16 (7) To remove any vehicle from private property without
17 having first obtained the written authorization of the property
18 owner or other person in lawful possession or control of the
19 property, his authorized agent, or an authorized law
20 enforcement officer. The authorization may be on a contractual
21 basis covering a period of time or limited to a specific
22 removal;

23 (8) To charge the private property owner, who requested
24 that an unauthorized vehicle be removed from his property, with
25 the costs of removing the vehicle contrary to any terms that
26 may be a part of the contract between the property owner and
27 the commercial relocator. Nothing in this paragraph shall
28 prevent a relocator from assessing, collecting, or receiving
29 from the property owner, lessee, or their agents any fee
30 prescribed by the Commission;

31 (9) To remove a vehicle when the owner or operator of the
32 vehicle is present or arrives at the vehicle location at any
33 time prior to the completion of removal, and is willing and
34 able to remove the vehicle immediately;

35 (10) To remove any vehicle from property on which signs are
36 required and on which there are not posted appropriate signs

1 under Section 18a-302;

2 (11) To fail to notify law enforcement authorities in the
3 jurisdiction in which the trespassing vehicle was removed
4 within one hour of the removal. Notification shall include a
5 complete description of the vehicle, registration numbers if
6 possible, the locations from which and to which the vehicle was
7 removed, the time of removal, and any other information
8 required by regulation, statute or ordinance;

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

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

17 (13.1) To fail to distribute to each owner or operator of a
18 relocated vehicle, in written form as prescribed by Commission
19 rule or regulation, the relevant statutes, regulations and
20 ordinances governing commercial vehicle relocators, including,
21 in at least 12 point boldface type, the name, address and
22 telephone number of the nearest office of the Commission to
23 which inquiries or complaints may be sent;

24 (13.2) To fail, in the office or location at which
25 relocated vehicles are routinely returned to their owners, to
26 place the relocator's representative in a position where that
27 representative is not fully visible, above his or her
28 shoulders, to the owners of relocated vehicles;

29 (13.3) To fail, in the office or location at which
30 relocated vehicles are routinely returned to their owners, to
31 ensure that the relocator's representative provides suitable
32 evidence of his or her identity to the owners of relocated
33 vehicles upon request;

34 (13.4) To fail, in the office or location at which
35 relocated vehicles are routinely returned to their owners, to
36 make a supervisor available to the owners of relocated vehicles

1 upon request;

2 (14) To remove any vehicle, otherwise in accordance with
3 this Chapter, more than 15 air miles from its location when
4 towed from a location in an unincorporated area of a county or
5 more than 10 air miles from its location when towed from any
6 other location;

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

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

34 (16) To use equipment which the relocator does not own,
35 except in compliance with Section 18a-306 of this Chapter and
36 Commission regulations. No equipment can be leased to more than

1 one relocater at any time. Equipment leases shall be filed with
2 the Commission. If equipment is leased to one relocater, it
3 cannot thereafter be leased to another relocater until a
4 written cancellation of lease is properly filed with the
5 Commission;

6 (17) To use drivers or other personnel who are not
7 employees or contractors of the relocater;

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

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

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