

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 18 ~~15~~ days after notice  
14 has been given under Sections 4-205 and 4-206 of this Code, if  
15 during that 18 days the possessor of the vehicle has sent an  
16 additional notice by first class mail to the registered owner,  
17 lienholder, or other legally entitled person, the vehicle shall  
18 be 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. With respect to  
22 any vehicle that has been booted, impounded, or both in  
23 accordance with subsection (c) of Section 11-208.3, a city with  
24 a population over 500,000 may establish a program whereby the  
25 registered owner, lienholder, or other legally entitled person  
26 is entitled to any proceeds from the disposition of the  
27 vehicle, less any reasonable storage charges, administrative  
28 fees, booting fees, towing fees, and parking and compliance  
29 finances and penalties.

30 (b) Except as provided in Section 4-208 for cities with  
31 more than 500,000 inhabitants, when an abandoned, lost, stolen  
32 or unclaimed vehicle 7 years of age or newer remains unclaimed

1 by the registered owner, lienholder or other legally entitled  
2 persons for a period of 30 days after notice has been given as  
3 provided in Sections 4-205 and 4-206 of this Code, the law  
4 enforcement agency or towing service having possession of the  
5 vehicle shall cause it to be sold at public auction to a person  
6 licensed as an automotive parts recycler, rebuilder or scrap  
7 processor under Chapter 5 of this Code or the towing operator  
8 which towed the vehicle. Notice of the time and place of the  
9 sale shall be posted in a conspicuous place for at least 10  
10 days prior to the sale on the premises where the vehicle has  
11 been impounded. At least 10 days prior to the sale, the law  
12 enforcement agency where the vehicle is impounded, or the  
13 towing service where the vehicle is impounded, shall cause a  
14 notice of the time and place of the sale to be sent by  
15 certified mail to the registered owner, lienholder, or other  
16 legally entitled persons. Notice as provided in Sections 4-205  
17 and 4-206 of this Code and as provided in this subsection (b)  
18 shall state the time and place of sale and shall contain a  
19 complete description of the vehicle to be sold and what steps  
20 must be taken by any legally entitled person to reclaim the  
21 vehicle.

22 (c) If an abandoned, lost, stolen, or unclaimed vehicle  
23 displays dealer plates, notice under this Section and Section  
24 4-209 of this Code shall be sent to both the dealer and the  
25 registered owner, lienholder, or other legally entitled  
26 persons.

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

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

33 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

34 Sec. 18a-300. Commercial vehicle relocators - Unlawful  
35 practices. It shall be unlawful for any commercial vehicle

1 relocator:

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

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

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

24 (4) To operate upon the highways of this State any vehicle  
25 used in connection with any commercial vehicle relocation  
26 service unless:

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

1 and

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

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

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

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

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

36 (9) To remove a vehicle when the owner or operator of the

1 vehicle is present or arrives at the vehicle location at any  
2 time prior to the completion of removal, and is willing and  
3 able to remove the vehicle immediately;

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

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

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

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

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

29 (13.2) To fail, in the office or location at which  
30 relocated vehicles are routinely returned to their owners, to  
31 ensure that the relocater's representative provides suitable  
32 evidence of his or her identity to the owners of relocated  
33 vehicles upon request;

34 (14) To remove any vehicle, otherwise in accordance with  
35 this Chapter, more than 15 air miles from its location when  
36 towed from a location in an unincorporated area of a county or

1 more than 10 air miles from its location when towed from any  
2 other location;

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

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

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

1 Commission;

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

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

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

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