



Sen. Rickey R. Hendon

Filed: 4/11/2005

09400SB0501sam001

LRB094 03626 DRH 44794 a

1 AMENDMENT TO SENATE BILL 501

2 AMENDMENT NO. _____. Amend Senate Bill 501 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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 and impounded in accordance
23 with subsection (c) of Section 11-208.3, a city with a
24 population over 500,000 may establish a program whereby the

1 registered owner, lienholder, or other legally entitled person
2 is entitled to any proceeds from the disposition of the
3 vehicle, less any reasonable storage charges, administrative
4 fees, booting fees, towing fees, parking and compliance fines
5 and penalties, and other outstanding debt owed to the city.

6 (b) Except as provided in Section 4-208 for cities with
7 more than 500,000 inhabitants, when an abandoned, lost, stolen
8 or unclaimed vehicle 7 years of age or newer remains unclaimed
9 by the registered owner, lienholder or other legally entitled
10 persons for a period of 30 days after notice has been given as
11 provided in Sections 4-205 and 4-206 of this Code, the law
12 enforcement agency or towing service having possession of the
13 vehicle shall cause it to be sold at public auction to a person
14 licensed as an automotive parts recycler, rebuilder or scrap
15 processor under Chapter 5 of this Code or the towing operator
16 which towed the vehicle. Notice of the time and place of the
17 sale shall be posted in a conspicuous place for at least 10
18 days prior to the sale on the premises where the vehicle has
19 been impounded. At least 10 days prior to the sale, the law
20 enforcement agency where the vehicle is impounded, or the
21 towing service where the vehicle is impounded, shall cause a
22 notice of the time and place of the sale to be sent by
23 certified mail to the registered owner, lienholder, or other
24 legally entitled persons. Notice as provided in Sections 4-205
25 and 4-206 of this Code and as provided in this subsection (b)
26 shall state the time and place of sale and shall contain a
27 complete description of the vehicle to be sold and what steps
28 must be taken by any legally entitled person to reclaim the
29 vehicle.

30 (c) If an abandoned, lost, stolen, or unclaimed vehicle
31 displays dealer plates, notice under this Section and Section
32 4-209 of this Code shall be sent to both the dealer and the
33 registered owner, lienholder, or other legally entitled
34 persons.

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

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

7 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

8 Sec. 18a-300. Commercial vehicle relocators - Unlawful
9 practices. It shall be unlawful for any commercial vehicle
10 relocator:

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

14 (2) To employ as an operator, 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 operator's employment
18 permit, or temporary operator's employment permit issued in
19 accordance with Sections 18a-403 or 18a-405 of this Chapter; or
20 to fail to notify the Commission, in writing, of any known
21 criminal conviction of any employee occurring at any time
22 before or during the course of employment or service;

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

33 (4) To operate upon the highways of this State any vehicle

1 used in connection with any commercial vehicle relocation
2 service unless:

3 (A) There is painted or firmly affixed to the vehicle
4 on both sides of the vehicle in a color or colors vividly
5 contrasting to the color of the vehicle the name, address
6 and telephone number of the relocater. The Commission shall
7 prescribe reasonable rules and regulations pertaining to
8 insignia to be painted or firmly affixed to vehicles and
9 shall waive the requirements of the address on any vehicle
10 in cases where the operator of a vehicle has painted or
11 otherwise firmly affixed to the vehicle a seal or trade
12 mark that clearly identifies the operator of the vehicle;
13 and

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

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

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

33 (7) To remove any vehicle from private property without
34 having first obtained the written authorization of the property

1 owner or other person in lawful possession or control of the
2 property, his authorized agent, or an authorized law
3 enforcement officer. The authorization may be on a contractual
4 basis covering a period of time or limited to a specific
5 removal;

6 (8) To charge the private property owner, who requested
7 that an unauthorized vehicle be removed from his property, with
8 the costs of removing the vehicle contrary to any terms that
9 may be a part of the contract between the property owner and
10 the commercial relocater. Nothing in this paragraph shall
11 prevent a relocater from assessing, collecting, or receiving
12 from the property owner, lessee, or their agents any fee
13 prescribed by the Commission;

14 (9) To remove a vehicle when the owner or operator of the
15 vehicle is present or arrives at the vehicle location at any
16 time prior to the completion of removal, and is willing and
17 able to remove the vehicle immediately;

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

21 (11) To fail to notify law enforcement authorities in the
22 jurisdiction in which the trespassing vehicle was removed
23 within one hour of the removal. Notification shall include a
24 complete description of the vehicle, registration numbers if
25 possible, the locations from which and to which the vehicle was
26 removed, the time of removal, and any other information
27 required by regulation, statute or ordinance;

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

31 (13) To fail, in the office or location at which relocated
32 vehicles are routinely returned to their owners, to prominently
33 post the name, address and telephone number of the nearest
34 office of the Commission to which inquiries or complaints may

1 be sent;

2 (13.1) To fail to distribute to each owner or operator of a
3 relocated vehicle, in written form as prescribed by Commission
4 rule or regulation, the relevant statutes, regulations and
5 ordinances governing commercial vehicle relocators, including,
6 in at least 12 point boldface type, the name, address and
7 telephone number of the nearest office of the Commission to
8 which inquiries or complaints may be sent;

9 (13.2) To fail, in the office or location at which
10 relocated vehicles are routinely returned to their owners, to
11 place the relocator's representative in a position where that
12 representative is not fully visible, above his or her
13 shoulders, to the owners of relocated vehicles;

14 (13.3) To fail, in the office or location at which
15 relocated vehicles are routinely returned to their owners, to
16 ensure that the relocator's representative provides suitable
17 evidence of his or her identity to the owners of relocated
18 vehicles upon request;

19 (14) To remove any vehicle, otherwise in accordance with
20 this Chapter, more than 15 air miles from its location when
21 towed from a location in an unincorporated area of a county or
22 more than 10 air miles from its location when towed from any
23 other location;

24 (15) To fail to make a telephone number available to the
25 police department of any municipality in which a relocator
26 operates at which the relocator or an employee of the relocator
27 may be contacted at any time during the hours in which the
28 relocator is engaged in the towing of vehicles, or advertised
29 as engaged in the towing of vehicles, for the purpose of
30 effectuating the release of a towed vehicle; or to fail to
31 include the telephone number in any advertisement of the
32 relocator's services published or otherwise appearing on or
33 after the effective date of this amendatory Act; or to fail to
34 have an employee available at any time on the premises owned or

1 controlled by the relocator for the purposes of arranging for
2 the immediate release of the vehicle.

3 Apart from any other penalty or liability authorized under
4 this Act, if after a reasonable effort, the owner of the
5 vehicle is unable to make telephone contact with the relocator
6 for a period of one hour from his initial attempt during any
7 time period in which the relocator is required to respond at
8 the number, all fees for towing, storage, or otherwise are to
9 be waived. Proof of 3 attempted phone calls to the number
10 provided to the police department by an officer or employee of
11 the department on behalf of the vehicle owner within the space
12 of one hour, at least 2 of which are separated by 45 minutes,
13 shall be deemed sufficient proof of the owner's reasonable
14 effort to make contact with the vehicle relocater. Failure of
15 the relocater to respond to the phone calls is not a criminal
16 violation of this Chapter;

17 (16) To use equipment which the relocater does not own,
18 except in compliance with Section 18a-306 of this Chapter and
19 Commission regulations. No equipment can be leased to more than
20 one relocater at any time. Equipment leases shall be filed with
21 the Commission. If equipment is leased to one relocater, it
22 cannot thereafter be leased to another relocater until a
23 written cancellation of lease is properly filed with the
24 Commission;

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

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

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

31 (Source: P.A. 88-448.)".