



Sen. James F. Clayborne Jr.

Filed: 4/11/2005

09400SB1874sam001

LRB094 08927 DRH 44875 a

1 AMENDMENT TO SENATE BILL 1874

2 AMENDMENT NO. _____. Amend Senate Bill 1874 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-203, 4-207, 18a-300, and 18a-501 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

1 physical appearance is causing the impeding of traffic, its
2 immediate removal from the highway or private property adjacent
3 to the highway by a towing service may be authorized by a law
4 enforcement agency having jurisdiction.

5 (e) Whenever a peace officer reasonably believes that a
6 person under arrest for a violation of Section 11-501 of this
7 Code or a similar provision of a local ordinance is likely,
8 upon release, to commit a subsequent violation of Section
9 11-501, or a similar provision of a local ordinance, the
10 arresting officer shall have the vehicle which the person was
11 operating at the time of the arrest impounded for a period of
12 not more than 12 hours after the time of arrest. However, such
13 vehicle may be released by the arresting law enforcement agency
14 prior to the end of the impoundment period if:

15 (1) the vehicle was not owned by the person under
16 arrest, and the lawful owner requesting such release
17 possesses a valid operator's license, proof of ownership,
18 and would not, as determined by the arresting law
19 enforcement agency, indicate a lack of ability to operate a
20 motor vehicle in a safe manner, or who would otherwise, by
21 operating such motor vehicle, be in violation of this Code;
22 or

23 (2) the vehicle is owned by the person under arrest,
24 and the person under arrest gives permission to another
25 person to operate such vehicle, provided however, that the
26 other person possesses a valid operator's license and would
27 not, as determined by the arresting law enforcement agency,
28 indicate a lack of ability to operate a motor vehicle in a
29 safe manner or who would otherwise, by operating such motor
30 vehicle, be in violation of this Code.

31 (e-5) Whenever a registered owner of a vehicle is taken
32 into custody for operating the vehicle in violation of Section
33 11-501 of this Code or a similar provision of a local ordinance
34 or Section 6-303 of this Code, a law enforcement officer may

1 have the vehicle immediately impounded for a period not less
2 than:

3 (1) 24 hours for a second violation of Section 11-501
4 of this Code or a similar provision of a local ordinance or
5 Section 6-303 of this Code or a combination of these
6 offenses; or

7 (2) 48 hours for a third violation of Section 11-501 of
8 this Code or a similar provision of a local ordinance or
9 Section 6-303 of this Code or a combination of these
10 offenses.

11 The vehicle may be released sooner if the vehicle is owned
12 by the person under arrest and the person under arrest gives
13 permission to another person to operate the vehicle and that
14 other person possesses a valid operator's license and would
15 not, as determined by the arresting law enforcement agency,
16 indicate a lack of ability to operate a motor vehicle in a safe
17 manner or would otherwise, by operating the motor vehicle, be
18 in violation of this Code.

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

32 1. Any towed or removed vehicle must be stored at the
33 site of the towing service's place of business. The site
34 must be open during business hours, and for the purpose of

1 redemption of vehicles, during the time that the person or
2 firm towing such vehicle is open for towing purposes.

3 2. The towing service shall within 30 minutes of
4 completion of such towing or removal, notify the law
5 enforcement agency having jurisdiction of such towing or
6 removal, and the make, model, color and license plate
7 number of the vehicle, and shall obtain and record the name
8 of the person at the law enforcement agency to whom such
9 information was reported.

10 3. If the registered owner or legally authorized person
11 entitled to possession of the vehicle shall arrive at the
12 scene prior to actual removal or towing of the vehicle, the
13 vehicle shall be disconnected from the tow truck and that
14 person shall be allowed to remove the vehicle without
15 interference, upon the payment of a reasonable service fee
16 of not more than one half the posted rate of the towing
17 service as provided in paragraph 6 of this subsection, for
18 which a receipt shall be given.

19 4. The rebate or payment of money or any other valuable
20 consideration from the towing service or its owners,
21 managers or employees to the owners or operators of the
22 premises from which the vehicles are towed or removed, for
23 the privilege of removing or towing those vehicles, is
24 prohibited. Any individual who violates this paragraph
25 shall be guilty of a Class A misdemeanor.

26 5. Except for property appurtenant to and obviously a
27 part of a single family residence, and except for instances
28 where notice is personally given to the owner or other
29 legally authorized person in control of the vehicle that
30 the area in which that vehicle is parked is reserved or
31 otherwise unavailable to unauthorized vehicles and they
32 are subject to being removed at the owner or operator's
33 expense, any property owner or lessor, prior to towing or
34 removing any vehicle from private property without the

1 consent of the owner or other legally authorized person in
2 control of that vehicle, must post a notice meeting the
3 following requirements:

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

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

14 c. The notice must also provide the name and
15 current telephone number of the towing service towing
16 or removing the vehicle.

17 d. The sign structure containing the required
18 notices must be permanently installed with the bottom
19 of the sign not less than 4 feet above ground level,
20 and must be continuously maintained on the property for
21 not less than 24 hours prior to the towing or removing
22 of any vehicle.

23 6. Any towing service that tows or removes vehicles and
24 proposes to require the owner, operator, or person in
25 control of the vehicle to pay the costs of towing and
26 storage prior to redemption of the vehicle must file and
27 keep on record with the local law enforcement agency a
28 complete copy of the current rates to be charged for such
29 services, and post at the storage site an identical rate
30 schedule and any written contracts with property owners,
31 lessors, or persons in control of property which authorize
32 them to remove vehicles as provided in this Section.

33 7. No person shall engage in the removal of vehicles
34 from private property as described in this Section without

1 filing a notice of intent in each community where he
2 intends to do such removal, and such notice shall be filed
3 at least 7 days before commencing such towing.

4 8. No removal of a vehicle from private property shall
5 be done except upon express written instructions of the
6 owners or persons in charge of the private property upon
7 which the vehicle is said to be trespassing.

8 9. Vehicle entry for the purpose of removal shall be
9 allowed with reasonable care on the part of the person or
10 firm towing the vehicle. Such person or firm shall be
11 liable for any damages occasioned to the vehicle if such
12 entry is not in accordance with the standards of reasonable
13 care.

14 10. When a vehicle has been towed or removed pursuant
15 to this Section, it must be released to its owner or
16 custodian within one half hour after requested, if such
17 request is made during business hours. Any vehicle owner or
18 custodian or agent shall have the right to inspect the
19 vehicle before accepting its return, and no release or
20 waiver of any kind which would release the towing service
21 from liability for damages incurred during the towing and
22 storage may be required from any vehicle owner or other
23 legally authorized person as a condition of release of the
24 vehicle. A detailed, signed receipt showing the legal name
25 of the towing service must be given to the person paying
26 towing or storage charges at the time of payment, whether
27 requested or not.

28 This Section shall not apply to law enforcement,
29 firefighting, rescue, ambulance, or other emergency vehicles
30 which are marked as such or to property owned by any
31 governmental entity.

32 When an authorized person improperly causes a motor vehicle
33 to be removed, such person shall be liable to the owner or
34 lessee of the vehicle for the cost or removal, transportation

1 and storage, any damages resulting from the removal,
2 transportation and storage, attorney's fee and court costs.

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

6 11. Towing companies shall also provide insurance
7 coverage for areas where vehicles towed under the
8 provisions of this Chapter will be impounded or otherwise
9 stored, and shall adequately cover loss by fire, theft or
10 other risks.

11 Any person who fails to comply with the conditions and
12 restrictions of this subsection shall be guilty of a Class C
13 misdemeanor and shall be fined not less than \$100 nor more than
14 \$500.

15 (g) When a vehicle is determined to be a hazardous
16 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
17 Illinois Municipal Code, its removal and impoundment by a
18 towing service may be authorized by a law enforcement agency
19 with appropriate jurisdiction.

20 When a vehicle removal from either public or private
21 property is authorized by a law enforcement agency, the owner
22 of the vehicle shall be responsible for all towing and storage
23 charges.

24 Vehicles removed from public or private property and stored
25 by a commercial vehicle relocater or any other towing service
26 in compliance with this Section and Sections 4-201 and 4-202 of
27 this Code, shall be subject to the statutory ~~a possessor~~ lien
28 for services pursuant to the Labor and Storage Lien (Small
29 Amount) Act ~~"An Act concerning liens for labor, services, skill~~
30 ~~or materials furnished upon or storage furnished for chattels",~~
31 ~~filed July 24, 1941, as amended, and,~~ subject to subsection (b)
32 of Section 18a-501 of this Code, the provisions of Section 1 of
33 that Act relating to notice and implied consent shall be deemed
34 satisfied by compliance with Section 18a-302 and subsection

1 (10) ~~(6)~~ of Section 18a-300. In no event shall such lien be
2 greater than the rate or rates established in accordance with
3 subsection (6) of Section 18a-200 of this Code. In no event
4 shall such lien be increased or altered to reflect any charge
5 for services or materials rendered in addition to those
6 authorized by this Act. Every such lien shall be payable by use
7 of any major credit card, in addition to being payable in cash.
8 (Source: P.A. 90-738, eff. 1-1-99.)

9 (625 ILCS 5/4-207) (from Ch. 95 1/2, par. 4-207)

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

11 (a) Any time before a vehicle is sold at public sale or
12 disposed of as provided in Section 4-208, the owner, lienholder
13 or other person legally entitled to its possession may reclaim
14 the vehicle by presenting to the law enforcement agency having
15 custody of the vehicle proof of ownership or proof of the right
16 to possession of the vehicle.

17 (b) No vehicle shall be released to the owner, lienholder,
18 or other person under this Section until all towing, storage,
19 and processing charges have been paid, as authorized by Section
20 18a-501 of this Code.

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

22 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

23 Sec. 18a-300. Commercial vehicle relocators - Unlawful
24 practices. It shall be unlawful for any commercial vehicle
25 relocater:

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

29 (2) To employ as an operator, or otherwise so use the
30 services of, any person who does not have at the commencement
31 of employment or service, or at any time during the course of
32 employment or service, a valid, current operator's employment

1 permit, or temporary operator's employment permit issued in
2 accordance with Sections 18a-403 or 18a-405 of this Chapter; or
3 to fail to notify the Commission, in writing, of any known
4 criminal conviction of any employee occurring at any time
5 before or during the course of employment or service;

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

16 (4) To operate upon the highways of this State any vehicle
17 used in connection with any commercial vehicle relocation
18 service unless:

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

30 (B) There is carried in the power unit of the vehicle a
31 certified copy of the currently effective relocater's
32 license and operator's employment permit. Copies may be
33 photographed, photocopied, or reproduced or printed by any
34 other legible and durable process. Any person guilty of not

1 causing to be displayed a copy of his relocator's license
2 and operator's employment permit may in any hearing
3 concerning the violation be excused from the payment of the
4 penalty hereinafter provided upon a showing that the
5 license was issued by the Commission, but was subsequently
6 lost or destroyed;

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

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

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

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

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

34 (10) To remove any vehicle from property on which signs are

1 required and on which there are not posted appropriate signs
2 under Section 18a-302;

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

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

13 (12.1) To impose any charge other than in accordance with
14 subsection (b) of Section 18a-501 of this Chapter;

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

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

27 (14) To remove any vehicle, otherwise in accordance with
28 this Chapter, more than 15 air miles from its location when
29 towed from a location in an unincorporated area of a county or
30 more than 10 air miles from its location when towed from any
31 other location;

32 (15) To fail to make a telephone number available to the
33 police department of any municipality in which a relocater
34 operates at which the relocater or an employee of the relocater

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

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

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

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

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

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

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

6 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

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

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

30 (b) Except as otherwise provided in this subsection (b),
31 the relocater or possessor of any relocated vehicle must,
32 within 10 days of taking possession of the vehicle, notify the
33 registered owner and any lienholders of the vehicle, as

1 disclosed by the vehicle registration records of the Illinois
2 Secretary of State, by first class and certified mail, return
3 receipt requested, that the vehicle has been relocated. If the
4 Secretary of State does not provide to the relocator or
5 possessor of the relocated vehicle the name and address of the
6 registered owner and any lienholders of the vehicle within 10
7 days after the relocator or possessor took possession of the
8 vehicle, however, the required notice must be sent no later
9 than 3 business days after owner and lienholder information has
10 been furnished to the relocator or possessor of the relocated
11 vehicle. The notice shall disclose the date of relocation, the
12 address where the vehicle is located, and an itemization of all
13 authorized charges claimed. If the required notice is not
14 provided within the period provided for in this subsection (b),
15 the lien of the relocator or possessor of the vehicle shall not
16 exceed the vehicle storage charges for 10 days, or for the
17 period ending 3 business days after the Secretary of State
18 furnished owner and lienholder information to the relocator or
19 possessor of the vehicle. If notice is given within the time
20 period provided for in this subsection (b), the relocator or
21 possessor of the vehicle is entitled to a lien on the vehicle
22 for storage charges for the number of days the vehicle was
23 stored. The lien of the relocator or possessor of the vehicle
24 also may include the costs of a title search necessary to
25 identify the registered owner and lienholder, in amounts
26 prescribed by the Secretary of State under Section 3-821.1 of
27 this Code. A lienholder, or its authorized representative may,
28 during normal business hours and on reasonable prior notice to
29 the relocator or possessor of the vehicle, make one reasonable
30 inspection and examination of the vehicle without charge or
31 cost. At any time before the vehicle is disposed of as provided
32 by law, the registered owner or lienholder legally entitled to
33 its possession may reclaim the vehicle by presenting proof of
34 ownership or of the right to possession of the vehicle and by

1 payment of all towing and storage charges authorized by law.

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

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

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

7 (815 ILCS 306/70)

8 Sec. 70. Removal of vehicle from facility. Upon reasonable
9 notice and during the motor vehicle repair facility's business
10 hours, a consumer, the lienholder, or another legally entitled
11 person may remove a vehicle from a motor vehicle repair
12 facility upon paying for the following:

13 (1) Labor actually performed.

14 (2) Parts actually installed.

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

18 (4) Storage charges imposed in accordance with the
19 schedule of charges if disclosed to consumers prior to
20 repairs and in accordance with Section 61 of this Act.

21 (5) The costs of a title search necessary to identify
22 the registered owner and lienholder, in amounts prescribed
23 by the Secretary of State under Section 3-821.1 of this
24 Code.

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

26 (815 ILCS 306/71 new)

27 Sec. 71. Notice to registered owner, lienholder, or other
28 legally entitled persons.

29 (a) If the consumer fails to remove the vehicle within 15
30 days of being notified that automotive repair is complete, the
31 automotive repair facility shall send a request for owner and

1 lienholder information to the Illinois Secretary of State, as
2 provided in paragraph (b) of this Section. Within 3 business
3 days of receipt of owner and lienholder information from the
4 Secretary of State, the automotive repair facility shall send a
5 notification by certified mail to the registered owner, the
6 lienholder, and any other legally entitled persons advising
7 where the vehicle is held and detailing all charges claimed to
8 be due. Upon request of the registered owner, lienholder, or
9 other legally entitled person, the automotive repair facility
10 shall, without charge, provide copies of all documentation of
11 the repairs and authorization for the repairs. A lienholder or
12 its authorized representative may, during normal business
13 hours and on reasonable prior notice to the automotive repair
14 facility in possession of the vehicle, make one reasonable
15 inspection and examination of the vehicle without charge or
16 cost.

17 (b) When ownership or lienholder information is needed for
18 an automotive repair facility to give notification as required
19 under this Code, the automotive repair facility shall cause the
20 vehicle registration records of the State of Illinois to be
21 searched by the Secretary of State.

22 The written request of an automotive repair facility, in
23 the form and containing the information prescribed by the
24 Secretary of State by rule, may be transmitted to the Secretary
25 of State in person, by U.S. mail or other delivery service, by
26 facsimile transmission, or by other means the Secretary of
27 State deems acceptable.

28 The Secretary of State shall provide the required
29 information, or a statement that the information was not found
30 in the vehicle registration records of the State, by U.S. mail
31 or other delivery service, facsimile transmission, as
32 requested by the automotive repair facility, or by other means
33 acceptable to the Secretary of State.

34 (c) The Secretary of State may adopt rules for submission

1 of requests for record searches and replies via computer link.

2 (d) Fees for services provided under this Section shall be
3 in amounts prescribed by the Secretary of State under Section
4 3-821.1 of the Illinois Vehicle Code. Payment may be made by
5 the automotive repair facility using cash, any commonly
6 accepted credit card, or any other means of payment deemed
7 acceptable by the Secretary of State.

8 (e) Failure to provide the notice required by this Section
9 shall not result in a barring of any lien for actual parts or
10 labor expended that were otherwise properly authorized under
11 this Act. After failing to provide the required notice,
12 however, the automotive repair facility may not claim any
13 additional charges, including but not limited to storage or
14 holding charges related to any delay in the removal of the
15 vehicle, other than those storage or holding charges imposed in
16 the first 15 days.

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

19 (815 ILCS 308/60)

20 Sec. 60. Removal of motor vehicle from facility. Upon
21 reasonable notice and during the collision repair facility's
22 business hours, a consumer, the lienholder, or another legally
23 entitled person may remove a motor vehicle from a collision
24 repair facility upon paying for the following:

25 (1) Labor actually performed.

26 (2) Parts actually installed.

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

30 (4) Storage and administrative charges imposed in
31 accordance with the schedule of charges if posted on a sign
32 within the shop or otherwise disclosed to consumers prior

1 to repairs and in accordance with Section 61 of this Act.

2 (5) The costs of a title search necessary to identify
3 the registered owner and lienholder, in amounts prescribed
4 by the Secretary of State under Section 3-821.1 of this
5 Code.

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

7 (815 ILCS 308/61 new)

8 Sec. 61. Notice to registered owner, lienholder, or other
9 legally entitled persons.

10 (a) If the consumer fails to remove the vehicle within 15
11 days of being notified that automotive collision and body
12 repair is complete, the automotive collision and body repair
13 facility shall send a request for owner and lienholder
14 information to the Illinois Secretary of State, as provided in
15 paragraph (b) of this Section. Within 3 business days of
16 receipt of owner and lienholder information from the Secretary
17 of State, the automotive repair facility shall send
18 notification by certified mail to the registered owner, the
19 lienholder, and other legally entitled persons, advising where
20 the vehicle is held and detailing all charges claimed to be
21 due. Upon request of the registered owner, lienholder, or other
22 legally entitled person, the automotive repair facility shall,
23 without charge, provide copies of all documentation of the
24 repairs and authorization for the repairs. A lienholder or its
25 authorized representative may, during normal business hours
26 and on reasonable prior notice to the automotive collision and
27 body repair facility in possession of the vehicle, make one
28 reasonable inspection and examination of the vehicle without
29 charge or cost.

30 (b) If ownership or lienholder information is needed for an
31 automotive collision and body repair facility to give
32 notification as required under this Code, the automotive
33 collision and body repair facility shall cause the vehicle

1 registration records of the State of Illinois to be searched by
2 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, other than those storage or
31 holding charges imposed in the first 15 days.

32 Section 99. Effective date. This Act takes effect January
33 1, 2006."