



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2248

Introduced 1/11/2006, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-213	from Ch. 95 1/2, par. 4-213
625 ILCS 5/11-402	from Ch. 95 1/2, par. 11-402
625 ILCS 5/11-404	from Ch. 95 1/2, par. 11-404

Amends the Illinois Vehicle Code. Provides that, if a damaged vehicle is obstructing traffic lanes, the driver of the vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the traffic lanes. Provides that, if any peace officer or highway authority official finds a vehicle standing upon a highway in violation of a parking restriction or a disabled vehicle blocking a roadway, he or she may move the vehicle, require its operator to move the vehicle, or provide for its removal by a third party. Provides that the vehicle may be moved to the shoulder of the road, to a position where parking is permitted, or to public parking or storage premises. Provides that the operator or owner of the vehicle removed shall pay the reasonable charges for moving or towing and any storage involved, based upon the applicable local ordinance. Provides that a towing service is not liable for any property damage that occurs as a result of the removal or towing of the vehicle. Effective immediately.

LRB094 15985 DRH 51217 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 4-213, 11-402, and 11-404 as follows:

6 (625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

7 Sec. 4-213. Liability of law enforcement officers,
8 agencies, and towing services.

9 (a) A law enforcement officer or agency, a department of
10 municipal government designated under Section 4-212.1 or its
11 officers or employees, or a towing service owner, operator, or
12 employee shall not be held to answer or be liable for damages
13 in any action brought by the registered owner, former
14 registered owner, or his legal representative, lienholder or
15 any other person legally entitled to the possession of a
16 vehicle when the vehicle was processed and sold or disposed of
17 as provided by this Chapter.

18 (b) A towing service, and any of its officers or employees,
19 that removes or tows a vehicle as a result of being directed to
20 do so by a law enforcement officer or agency or a department of
21 municipal government or its officers or employees shall not be
22 held to answer or be liable for injury to, loss of, or damages
23 to any real or personal property that occurs in the course of
24 the removal or towing of a vehicle or its contents (i) on a
25 limited access highway in a designated Incident Management
26 Program that uses fast lane clearance techniques as defined by
27 the Department of Transportation or (ii) at the direction of a
28 peace officer, a highway authority official, or a
29 representative of local authorities, under Section 11-402 or
30 11-404 of this Code.

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

1 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

2 Sec. 11-402. Motor vehicle accident involving damage to
3 vehicle.

4 (a) The driver of any vehicle involved in a motor vehicle
5 accident resulting only in damage to a vehicle which is driven
6 or attended by any person shall immediately stop such vehicle
7 at the scene of such motor vehicle accident or as close thereto
8 as possible, but shall forthwith return to and in every event
9 shall remain at the scene of such motor vehicle accident until
10 the requirements of Section 11-403 have been fulfilled. Every
11 such stop shall be made without obstructing traffic more than
12 is necessary. If a damaged vehicle is obstructing traffic
13 lanes, the driver of the vehicle must make every reasonable
14 effort to move the vehicle or have it moved so as not to block
15 the traffic lanes.

16 Any person failing to comply with this Section shall be
17 guilty of a Class A misdemeanor.

18 (b) Upon conviction of a violation of this Section, the
19 court shall make a finding as to whether the damage to a
20 vehicle is in excess of \$1,000, and in such case a statement of
21 this finding shall be reported to the Secretary of State with
22 the report of conviction as required by Section 6-204 of this
23 Code. Upon receipt of such report of conviction and statement
24 of finding that the damage to a vehicle is in excess of \$1,000,
25 the Secretary of State shall suspend the driver's license or
26 any nonresident's driving privilege.

27 (c) If any peace officer or highway authority official
28 finds (i) a vehicle standing upon a highway or toll highway in
29 violation of a prohibition, limitation, or restriction on
30 stopping, standing, or parking imposed under this Code or (ii)
31 a disabled vehicle that obstructs the roadway of a highway or
32 toll highway, the peace officer or highway authority official
33 is authorized to move the vehicle or to require the operator of
34 the vehicle to move the vehicle to the shoulder of the road, to
35 a position where parking is permitted, or to public parking or
36 storage premises. The removal may be performed by, or under the

1 direction of, the peace officer or highway authority official
2 or may be contracted for by local authorities. Any charges for
3 removal shall be regulated by local ordinance. The operator or
4 owner of the vehicle removed shall pay the reasonable charges
5 for moving or towing and any storage involved, based upon the
6 ordinance.

7 (d) A towing service, its officers, and its employees are
8 not liable for injury to, loss of, or damages to any real or
9 personal property that occurs as the result of the removal or
10 towing of any vehicle under subsection (c), as provided in
11 subsection (b) of Section 4-213.

12 (Source: P.A. 83-831.)

13 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

14 Sec. 11-404. Duty upon damaging unattended vehicle or other
15 property.

16 (a) The driver of any vehicle which collides with or is
17 involved in a motor vehicle accident with any vehicle which is
18 unattended, or other property, resulting in any damage to such
19 other vehicle or property shall immediately stop and shall then
20 and there either locate and notify the operator or owner of
21 such vehicle or other property of the driver's name, address,
22 registration number and owner of the vehicle the driver was
23 operating or shall attach securely in a conspicuous place on or
24 in the vehicle or other property struck a written notice giving
25 the driver's name, address, registration number and owner of
26 the vehicle the driver was driving and shall without
27 unnecessary delay notify the nearest office of a duly
28 authorized police authority and shall make a written report of
29 such accident when and as required in Section 11-406. Every
30 such stop shall be made without obstructing traffic more than
31 is necessary. If a damaged vehicle is obstructing traffic
32 lanes, the driver of the vehicle must make every reasonable
33 effort to move the vehicle or have it moved so as not to block
34 the traffic lanes.

35 (b) Any person failing to comply with this Section shall be

1 guilty of a Class A misdemeanor.

2 (c) If any peace officer or highway authority official
3 finds (i) a vehicle standing upon a highway or toll highway in
4 violation of a prohibition, limitation, or restriction on
5 stopping, standing, or parking imposed under this Code or (ii)
6 a disabled vehicle that obstructs the roadway of a highway or
7 toll highway, the peace officer or highway authority official
8 is authorized to move the vehicle or to require the operator of
9 the vehicle to move the vehicle to the shoulder of the road, to
10 a position where parking is permitted, or to public parking or
11 storage premises. The removal may be performed by, or under the
12 direction of, the peace officer or highway authority official
13 or may be contracted for by local authorities. Any charges for
14 removal shall be regulated by local ordinance. The operator or
15 owner of the vehicle removed shall pay the reasonable charges
16 for moving or towing and any storage involved, based upon the
17 ordinance.

18 (d) A towing service, its officers, and its employees are
19 not liable for injury to, loss of, or damages to any real or
20 personal property that occurs as the result of the removal or
21 towing of any vehicle under subsection (c), as provided in
22 subsection (b) of Section 4-213.

23 (Source: P.A. 83-831.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.