



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2808

Introduced 1/20/2006, by Sen. James F. Clayborne, Jr.

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/4-207	from Ch. 95 1/2, par. 4-207
625 ILCS 5/18a-300	from Ch. 95 1/2, par. 18a-300
625 ILCS 5/18a-501	from Ch. 95 1/2, par. 18a-501
815 ILCS 306/70	
815 ILCS 306/71 new	
815 ILCS 308/60	
815 ILCS 308/61 new	

Amends the Illinois Vehicle Code, the Automotive Repair Act, and the Automotive Collision Repair Act. Provides that, when a vehicle is towed or hauled away, the relocater or possessor of the vehicle must, within 10 days of relocation, notify the registered owner and any lienholders of the vehicle that the vehicle has been relocated. Provides that if the Secretary of State does not provide to the relocater or possessor the name and address of the registered owner and any lienholders of the vehicle within 10 days after the relocater or possessor took possession of the vehicle, the required notice must be sent no later than 3 business days after the required information has been furnished. Provides that, if the required notification is not given within the required period, storage charges may not exceed those either for 10 days or for the period ending 3 business days after the Secretary of State provided ownership or lienholder information. Provides that, if notification is provided within the required period, the relocater or possessor is entitled to recover charges for the number of days in storage. Provides that the relocater or possessor is entitled to charge the lienholder for the reasonable costs of a title search necessary to identify the lienholder. Provides that no vehicle shall be released until all authorized charges have been paid. Provides that a lienholder is entitled to one free inspection of the vehicle. Provides in the Automotive Repair Act and the Automotive Collision Repair Act, that if a consumer fails to remove a vehicle within 15 days of being notified the repairs are complete, the automotive repair facility must request vehicle owner or lienholder information from the Secretary of State. Provides that notification and a statement of charges must be sent within 3 business days after owner or lienholder information is received from the Secretary of State. Provides that documentation of the charges must be provided without charge if requested. Provides that if the required notice is not sent, the repairer may claim storage or holding charges only for the first 15 days after notification that repairs were complete. Makes other changes. Effective September 1, 2006.

LRB094 16082 DRH 53778 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning vehicles.

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 4-203, 4-207, 18a-300, and 18a-501 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

7 Sec. 4-203. Removal of motor vehicles or other vehicles;  
8 Towing or hauling away.

9 (a) When a vehicle is abandoned, or left unattended, on a  
10 toll highway, interstate highway, or expressway for 2 hours or  
11 more, its removal by a towing service may be authorized by a  
12 law enforcement agency having jurisdiction.

13 (b) When a vehicle is abandoned on a highway in an urban  
14 district 10 hours or more, its removal by a towing service may  
15 be authorized by a law enforcement agency having jurisdiction.

16 (c) When a vehicle is abandoned or left unattended on a  
17 highway other than a toll highway, interstate highway, or  
18 expressway, outside of an urban district for 24 hours or more,  
19 its removal by a towing service may be authorized by a law  
20 enforcement agency having jurisdiction.

21 (d) When an abandoned, unattended, wrecked, burned or  
22 partially dismantled vehicle is creating a traffic hazard  
23 because of its position in relation to the highway or its  
24 physical appearance is causing the impeding of traffic, its  
25 immediate removal from the highway or private property adjacent  
26 to the highway by a towing service may be authorized by a law  
27 enforcement agency having jurisdiction.

28 (e) Whenever a peace officer reasonably believes that a  
29 person under arrest for a violation of Section 11-501 of this  
30 Code or a similar provision of a local ordinance is likely,  
31 upon release, to commit a subsequent violation of Section  
32 11-501, or a similar provision of a local ordinance, the

1 arresting officer shall have the vehicle which the person was  
2 operating at the time of the arrest impounded for a period of  
3 not more than 12 hours after the time of arrest. However, such  
4 vehicle may be released by the arresting law enforcement agency  
5 prior to the end of the impoundment period if:

6 (1) the vehicle was not owned by the person under  
7 arrest, and the lawful owner requesting such release  
8 possesses a valid operator's license, proof of ownership,  
9 and would not, as determined by the arresting law  
10 enforcement agency, indicate a lack of ability to operate a  
11 motor vehicle in a safe manner, or who would otherwise, by  
12 operating such motor vehicle, be in violation of this Code;  
13 or

14 (2) the vehicle is owned by the person under arrest,  
15 and the person under arrest gives permission to another  
16 person to operate such vehicle, provided however, that the  
17 other person possesses a valid operator's license and would  
18 not, as determined by the arresting law enforcement agency,  
19 indicate a lack of ability to operate a motor vehicle in a  
20 safe manner or who would otherwise, by operating such motor  
21 vehicle, be in violation of this Code.

22 (e-5) Whenever a registered owner of a vehicle is taken  
23 into custody for operating the vehicle in violation of Section  
24 11-501 of this Code or a similar provision of a local ordinance  
25 or Section 6-303 of this Code, a law enforcement officer may  
26 have the vehicle immediately impounded for a period not less  
27 than:

28 (1) 24 hours for a second violation of Section 11-501  
29 of this Code or a similar provision of a local ordinance or  
30 Section 6-303 of this Code or a combination of these  
31 offenses; or

32 (2) 48 hours for a third violation of Section 11-501 of  
33 this Code or a similar provision of a local ordinance or  
34 Section 6-303 of this Code or a combination of these  
35 offenses.

36 The vehicle may be released sooner if the vehicle is owned

1 by the person under arrest and the person under arrest gives  
2 permission to another person to operate the vehicle and that  
3 other person possesses a valid operator's license and would  
4 not, as determined by the arresting law enforcement agency,  
5 indicate a lack of ability to operate a motor vehicle in a safe  
6 manner or would otherwise, by operating the motor vehicle, be  
7 in violation of this Code.

8 (f) Except as provided in Chapter 18a of this Code, the  
9 owner or lessor of privately owned real property within this  
10 State, or any person authorized by such owner or lessor, or any  
11 law enforcement agency in the case of publicly owned real  
12 property may cause any motor vehicle abandoned or left  
13 unattended upon such property without permission to be removed  
14 by a towing service without liability for the costs of removal,  
15 transportation or storage or damage caused by such removal,  
16 transportation or storage. The towing or removal of any vehicle  
17 from private property without the consent of the registered  
18 owner or other legally authorized person in control of the  
19 vehicle is subject to compliance with the following conditions  
20 and restrictions:

21 1. Any towed or removed vehicle must be stored at the  
22 site of the towing service's place of business. The site  
23 must be open during business hours, and for the purpose of  
24 redemption of vehicles, during the time that the person or  
25 firm towing such vehicle is open for towing purposes.

26 2. The towing service shall within 30 minutes of  
27 completion of such towing or removal, notify the law  
28 enforcement agency having jurisdiction of such towing or  
29 removal, and the make, model, color and license plate  
30 number of the vehicle, and shall obtain and record the name  
31 of the person at the law enforcement agency to whom such  
32 information was reported.

33 3. If the registered owner or legally authorized person  
34 entitled to possession of the vehicle shall arrive at the  
35 scene prior to actual removal or towing of the vehicle, the  
36 vehicle shall be disconnected from the tow truck and that

1 person shall be allowed to remove the vehicle without  
2 interference, upon the payment of a reasonable service fee  
3 of not more than one half the posted rate of the towing  
4 service as provided in paragraph 6 of this subsection, for  
5 which a receipt shall be given.

6 4. The rebate or payment of money or any other valuable  
7 consideration from the towing service or its owners,  
8 managers or employees to the owners or operators of the  
9 premises from which the vehicles are towed or removed, for  
10 the privilege of removing or towing those vehicles, is  
11 prohibited. Any individual who violates this paragraph  
12 shall be guilty of a Class A misdemeanor.

13 5. Except for property appurtenant to and obviously a  
14 part of a single family residence, and except for instances  
15 where notice is personally given to the owner or other  
16 legally authorized person in control of the vehicle that  
17 the area in which that vehicle is parked is reserved or  
18 otherwise unavailable to unauthorized vehicles and they  
19 are subject to being removed at the owner or operator's  
20 expense, any property owner or lessor, prior to towing or  
21 removing any vehicle from private property without the  
22 consent of the owner or other legally authorized person in  
23 control of that vehicle, must post a notice meeting the  
24 following requirements:

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

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

35 c. The notice must also provide the name and  
36 current telephone number of the towing service towing

1 or removing the vehicle.

2 d. The sign structure containing the required  
3 notices must be permanently installed with the bottom  
4 of the sign not less than 4 feet above ground level,  
5 and must be continuously maintained on the property for  
6 not less than 24 hours prior to the towing or removing  
7 of any vehicle.

8 6. Any towing service that tows or removes vehicles and  
9 proposes to require the owner, operator, or person in  
10 control of the vehicle to pay the costs of towing and  
11 storage prior to redemption of the vehicle must file and  
12 keep on record with the local law enforcement agency a  
13 complete copy of the current rates to be charged for such  
14 services, and post at the storage site an identical rate  
15 schedule and any written contracts with property owners,  
16 lessors, or persons in control of property which authorize  
17 them to remove vehicles as provided in this Section.

18 7. No person shall engage in the removal of vehicles  
19 from private property as described in this Section without  
20 filing a notice of intent in each community where he  
21 intends to do such removal, and such notice shall be filed  
22 at least 7 days before commencing such towing.

23 8. No removal of a vehicle from private property shall  
24 be done except upon express written instructions of the  
25 owners or persons in charge of the private property upon  
26 which the vehicle is said to be trespassing.

27 9. Vehicle entry for the purpose of removal shall be  
28 allowed with reasonable care on the part of the person or  
29 firm towing the vehicle. Such person or firm shall be  
30 liable for any damages occasioned to the vehicle if such  
31 entry is not in accordance with the standards of reasonable  
32 care.

33 10. When a vehicle has been towed or removed pursuant  
34 to this Section, it must be released to its owner or  
35 custodian within one half hour after requested, if such  
36 request is made during business hours. Any vehicle owner or

1           custodian or agent shall have the right to inspect the  
2           vehicle before accepting its return, and no release or  
3           waiver of any kind which would release the towing service  
4           from liability for damages incurred during the towing and  
5           storage may be required from any vehicle owner or other  
6           legally authorized person as a condition of release of the  
7           vehicle. A detailed, signed receipt showing the legal name  
8           of the towing service must be given to the person paying  
9           towing or storage charges at the time of payment, whether  
10          requested or not.

11          This Section shall not apply to law enforcement,  
12          firefighting, rescue, ambulance, or other emergency vehicles  
13          which are marked as such or to property owned by any  
14          governmental entity.

15          When an authorized person improperly causes a motor vehicle  
16          to be removed, such person shall be liable to the owner or  
17          lessee of the vehicle for the cost or removal, transportation  
18          and storage, any damages resulting from the removal,  
19          transportation and storage, attorney's fee and court costs.

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

23          11. Towing companies shall also provide insurance  
24          coverage for areas where vehicles towed under the  
25          provisions of this Chapter will be impounded or otherwise  
26          stored, and shall adequately cover loss by fire, theft or  
27          other risks.

28          Any person who fails to comply with the conditions and  
29          restrictions of this subsection shall be guilty of a Class C  
30          misdemeanor and shall be fined not less than \$100 nor more than  
31          \$500.

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

1           When a vehicle removal from either public or private  
2 property is authorized by a law enforcement agency, the owner  
3 of the vehicle shall be responsible for all towing and storage  
4 charges.

5           Vehicles removed from public or private property and stored  
6 by a commercial vehicle relocater or any other towing service  
7 in compliance with this Section and Sections 4-201 and 4-202 of  
8 this Code, or at the request of the vehicle owner or operator,  
9 shall be subject to the statutory ~~a possessor~~ lien for services  
10 pursuant to the Labor and Storage Lien (Small Amount) Act.  
11 Subject to subsection (b) of Section 18a-501 of this Code, the  
12 ~~the~~ provisions of Section 1 of that Act relating to notice and  
13 implied consent shall be deemed satisfied by compliance with  
14 Section 18a-302 and subsection (10) ~~(6)~~ of Section 18a-300. In  
15 no event shall such lien be greater than the rate or rates  
16 established in accordance with subsection (6) of Section  
17 18a-200 of this Code. In no event shall such lien be increased  
18 or altered to reflect any charge for services or materials  
19 rendered in addition to those authorized by this Act. Every  
20 such lien shall be payable by use of any major credit card, in  
21 addition to being payable in cash.

22           Any personal property belonging to the vehicle owner in a  
23 vehicle subject to a lien under this subsection (g) shall  
24 likewise be subject to that lien, excepting only: food;  
25 medicine; perishable property; any operator's licenses; any  
26 cash, credit cards, or checks or checkbooks; and any wallet,  
27 purse, or other property containing any operator's license or  
28 other identifying documents or materials, cash, credit cards,  
29 checks, or checkbooks.

30           No lien under this subsection (g) shall: exceed \$2,000 in  
31 its total amount; or be increased or altered to reflect any  
32 charge for services or materials rendered in addition to those  
33 authorized by this Act.

34           (Source: P.A. 94-522, eff. 8-10-05.)

35           (625 ILCS 5/4-207) (from Ch. 95 1/2, par. 4-207)



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

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

8           (b) No vehicle shall be released to the owner, lienholder,  
9 or other person under this Section until all towing, storage,  
10 and processing charges have been paid, as authorized by Section  
11 18a-501 of this Code.

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

13           (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

14           Sec. 18a-300. Commercial vehicle relocators - Unlawful  
15 practices. It shall be unlawful for any commercial vehicle  
16 relocator:

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

20           (2) To employ as an operator, or otherwise so use the  
21 services of, any person who does not have at the  
22 commencement of employment or service, or at any time  
23 during the course of employment or service, a valid,  
24 current operator's employment permit, or temporary  
25 operator's employment permit issued in accordance with  
26 Sections 18a-403 or 18a-405 of this Chapter; or to fail to  
27 notify the Commission, in writing, of any known criminal  
28 conviction of any employee occurring at any time before or  
29 during the course of employment or service;

30           (3) To employ as a dispatcher, or otherwise so use the  
31 services of, any person who does not have at the  
32 commencement of employment or service, or at any time  
33 during the course of employment or service, a valid,  
34 current dispatcher's or operator's employment permit or  
35 temporary dispatcher's or operator's employment permit

1 issued in accordance with Sections 18a-403 or 18a-407 of  
2 this Chapter; or to fail to notify the Commission, in  
3 writing, of any known criminal conviction of any employee  
4 occurring at any time before or during the course of  
5 employment or service;

6 (4) To operate upon the highways of this State any  
7 vehicle used in connection with any commercial vehicle  
8 relocation service unless:

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

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

33 (5) To operate upon the highways of this State any  
34 vehicle used in connection with any commercial vehicle  
35 relocation service that bears the name or address and  
36 telephone number of any person or entity other than the

1           relocator by which it is owned or to which it is leased;

2           (6) To advertise in any newspaper, book, list,  
3           classified directory or other publication unless there is  
4           contained in the advertisement the license number of the  
5           relocator;

6           (7) To remove any vehicle from private property without  
7           having first obtained the written authorization of the  
8           property owner or other person in lawful possession or  
9           control of the property, his authorized agent, or an  
10          authorized law enforcement officer. The authorization may  
11          be on a contractual basis covering a period of time or  
12          limited to a specific removal;

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

21          (9) To remove a vehicle when the owner or operator of  
22          the vehicle is present or arrives at the vehicle location  
23          at any time prior to the completion of removal, and is  
24          willing and able to remove the vehicle immediately;

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

28          (11) To fail to notify law enforcement authorities in  
29          the jurisdiction in which the trespassing vehicle was  
30          removed within one hour of the removal. Notification shall  
31          include a complete description of the vehicle,  
32          registration numbers if possible, the locations from which  
33          and to which the vehicle was removed, the time of removal,  
34          and any other information required by regulation, statute  
35          or ordinance;

36          (12) To impose any charge other than in accordance with

1 the rates set by the Commission as provided in paragraph  
2 (6) of Section 18a-200 of this Chapter;

3 (12.1) To impose any charge other than in accordance  
4 with subsection (b) of Section 18a-501 of this Chapter;

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

10 (13.1) To fail to distribute to each owner or operator  
11 of a relocated vehicle, in written form as prescribed by  
12 Commission rule or regulation, the relevant statutes,  
13 regulations and ordinances governing commercial vehicle  
14 relocators, including, in at least 12 point boldface type,  
15 the name, address and telephone number of the nearest  
16 office of the Commission to which inquiries or complaints  
17 may be sent;

18 (13.2) To fail, in the office or location at which  
19 relocated vehicles are routinely returned to their owners,  
20 to ensure that the relocater's representative provides  
21 suitable evidence of his or her identity to the owners of  
22 relocated vehicles upon request;

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

28 (15) To fail to make a telephone number available to  
29 the police department of any municipality in which a  
30 relocater operates at which the relocater or an employee of  
31 the relocater may be contacted at any time during the hours  
32 in which the relocater is engaged in the towing of  
33 vehicles, or advertised as engaged in the towing of  
34 vehicles, for the purpose of effectuating the release of a  
35 towed vehicle; or to fail to include the telephone number  
36 in any advertisement of the relocater's services published

1 or otherwise appearing on or after the effective date of  
2 this amendatory Act; or to fail to have an employee  
3 available at any time on the premises owned or controlled  
4 by the relocater for the purposes of arranging for the  
5 immediate release of the vehicle.

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

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

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

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

33 (19) To violate any other provision of this Chapter, or  
34 of Commission regulations or orders adopted under this  
35 Chapter.

36 (Source: P.A. 94-650, eff. 1-1-06.)

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

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

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

25 (b) Except as otherwise provided in this subsection (b),  
26 the relocater or possessor of any relocated vehicle must,  
27 within 10 days of taking possession of the vehicle, notify the  
28 registered owner and any lienholders of the vehicle, as  
29 disclosed by the vehicle registration records of the Illinois  
30 Secretary of State, by first class and certified mail, return  
31 receipt requested, that the vehicle has been relocated. If the  
32 Secretary of State does not provide to the relocater or  
33 possessor of the relocated vehicle the name and address of the  
34 registered owner and any lienholders of the vehicle within 10  
35 days after the relocater or possessor took possession of the

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

29 This subsection (b) does not apply to the relocation or  
30 possession of any vehicle relocated before the effective date  
31 of this amendatory Act of this 94th General Assembly.

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

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

1 (815 ILCS 306/70)

2 Sec. 70. Removal of vehicle from facility. Upon reasonable  
3 notice and during the motor vehicle repair facility's business  
4 hours, a consumer, the lienholder, or another legally entitled  
5 person may remove a vehicle from a motor vehicle repair  
6 facility upon paying for the following:

7 (1) Labor actually performed.

8 (2) Parts actually installed.

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

12 (4) Storage charges imposed in accordance with the  
13 schedule of charges if disclosed to consumers prior to  
14 repairs and in accordance with Section 71 of this Act.

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

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

20 (815 ILCS 306/71 new)

21 Sec. 71. Notice to registered owner, lienholder, or other  
22 legally entitled persons.

23 (a) If the consumer fails to remove the vehicle within 15  
24 days of being notified that automotive repair is complete, the  
25 automotive repair facility shall send a request for owner and  
26 lienholder information to the Illinois Secretary of State, as  
27 provided in paragraph (b) of this Section. Within 3 business  
28 days of receipt of owner and lienholder information from the  
29 Secretary of State, the automotive repair facility shall send a  
30 notification by certified mail to the registered owner, the  
31 lienholder, and any other legally entitled persons advising  
32 where the vehicle is held and detailing all charges claimed to  
33 be due. Upon request of the registered owner, lienholder, or  
34 other legally entitled person, the automotive repair facility  
35 shall, without charge, provide copies of all documentation of



1 the repairs and authorization for the repairs. A lienholder or  
2 its authorized representative may, during normal business  
3 hours and on reasonable prior notice to the automotive repair  
4 facility in possession of the vehicle, make one reasonable  
5 inspection and examination of the vehicle without charge or  
6 cost.

7 (b) When ownership or lienholder information is needed for  
8 an automotive repair facility to give notification as required  
9 under this Code, the automotive repair facility shall cause the  
10 vehicle registration records of the State of Illinois to be  
11 searched by the Secretary of State.

12 The written request of an automotive repair facility, in  
13 the form and containing the information prescribed by the  
14 Secretary of State by rule, may be transmitted to the Secretary  
15 of State in person, by U.S. mail or other delivery service, by  
16 facsimile transmission, or by other means the Secretary of  
17 State deems acceptable.

18 The Secretary of State shall provide the required  
19 information, or a statement that the information was not found  
20 in the vehicle registration records of the State, by U.S. mail  
21 or other delivery service, facsimile transmission, as  
22 requested by the automotive repair facility, or by other means  
23 acceptable to the Secretary of State.

24 (c) The Secretary of State may adopt rules for submission  
25 of requests for record searches and replies via computer link.

26 (d) Fees for services provided under this Section shall be  
27 in amounts prescribed by the Secretary of State under Section  
28 3-821.1 of the Illinois Vehicle Code. Payment may be made by  
29 the automotive repair facility using cash, any commonly  
30 accepted credit card, or any other means of payment deemed  
31 acceptable by the Secretary of State.

32 (e) Failure to provide the notice required by this Section  
33 shall not result in a barring of any lien for actual parts or  
34 labor expended that were otherwise properly authorized under  
35 this Act. After failing to provide the required notice,  
36 however, the automotive repair facility may not claim any

1 additional charges, including but not limited to storage or  
2 holding charges related to any delay in the removal of the  
3 vehicle, other than those storage or holding charges imposed in  
4 the first 15 days.

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

7 (815 ILCS 308/60)

8 Sec. 60. Removal of motor vehicle from facility. Upon  
9 reasonable notice and during the collision repair facility's  
10 business hours, a consumer, the lienholder, or another legally  
11 entitled person may remove a motor vehicle from a collision  
12 repair 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 and administrative charges imposed in  
19 accordance with the schedule of charges if posted on a sign  
20 within the shop or otherwise disclosed to consumers prior  
21 to repairs and in accordance with Section 61 of this Act.

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

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

27 (815 ILCS 308/61 new)

28 Sec. 61. Notice to registered owner, lienholder, or other  
29 legally entitled persons.

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

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

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

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

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

35 (c) The Secretary of State shall adopt rules for submission  
36 of requests for record searches and replies via computer link.

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

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

16       Section 99. Effective date. This Act takes effect September  
17       1, 2006.