

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, 4-213, 11-402, 11-404, 18a-300, and
6 18a-501 as 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
25 physical appearance is causing the impeding of traffic, its
26 immediate removal from the highway or private property adjacent
27 to the highway by a towing service may be authorized by a law
28 enforcement agency having jurisdiction.

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

1 11-501, or a similar provision of a local ordinance, the
2 arresting officer shall have the vehicle which the person was
3 operating at the time of the arrest impounded for a period of
4 not more than 12 hours after the time of arrest. However, such
5 vehicle may be released by the arresting law enforcement agency
6 prior to the end of the impoundment period if:

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

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

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

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

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

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

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

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

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

34 3. If the registered owner or legally authorized person
35 entitled to possession of the vehicle shall arrive at the
36 scene prior to actual removal or towing of the vehicle, the

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

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

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

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

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

36 c. The notice must also provide the name and

1 current telephone number of the towing service towing
2 or removing the vehicle.

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

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

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

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

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

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

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

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

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

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

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

29 Any person who fails to comply with the conditions and
30 restrictions of this subsection shall be guilty of a Class C
31 misdemeanor and shall be fined not less than \$100 nor more than
32 \$500.

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

1 with appropriate jurisdiction.

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

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

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

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

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

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

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

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

9 (b) No vehicle shall be released to the owner, lienholder,
10 or other person under this Section until all towing, storage,
11 and processing charges have been paid, as authorized by Section
12 18a-501 of this Code.

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

14 (625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

15 Sec. 4-213. Liability of law enforcement officers,
16 agencies, and towing services.

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

26 (b) A towing service, and any of its officers or employees,
27 that removes or tows a vehicle as a result of being directed to
28 do so by a law enforcement officer or agency or a department of
29 municipal government or its officers or employees shall not be
30 held to answer or be liable for injury to, loss of, or damages
31 to any real or personal property that occurs in the course of
32 the removal or towing of a vehicle or its contents (i) on a
33 limited access highway in a designated Incident Management
34 Program that uses fast lane clearance techniques as defined by
35 the Department of Transportation or (ii) at the direction of a

1 peace officer, a highway authority official, or a
2 representative of local authorities, under Section 11-402 or
3 11-404 of this Code.

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

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

6 Sec. 11-402. Motor vehicle accident involving damage to
7 vehicle.

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

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

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

31 (c) If any peace officer or highway authority official
32 finds (i) a vehicle standing upon a highway or toll highway in
33 violation of a prohibition, limitation, or restriction on
34 stopping, standing, or parking imposed under this Code or (ii)
35 a disabled vehicle that obstructs the roadway of a highway or

1 toll highway, the peace officer or highway authority official
2 is authorized to move the vehicle or to require the operator of
3 the vehicle to move the vehicle to the shoulder of the road, to
4 a position where parking is permitted, or to public parking or
5 storage premises. The removal may be performed by, or under the
6 direction of, the peace officer or highway authority official
7 or may be contracted for by local authorities. After the
8 vehicle has been removed, the peace officer or highway
9 authority official shall follow appropriate procedures, as
10 provided in Section 4-203 of this Code.

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

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

17 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

18 Sec. 11-404. Duty upon damaging unattended vehicle or other
19 property.

20 (a) The driver of any vehicle which collides with or is
21 involved in a motor vehicle accident with any vehicle which is
22 unattended, or other property, resulting in any damage to such
23 other vehicle or property shall immediately stop and shall then
24 and there either locate and notify the operator or owner of
25 such vehicle or other property of the driver's name, address,
26 registration number and owner of the vehicle the driver was
27 operating or shall attach securely in a conspicuous place on or
28 in the vehicle or other property struck a written notice giving
29 the driver's name, address, registration number and owner of
30 the vehicle the driver was driving and shall without
31 unnecessary delay notify the nearest office of a duly
32 authorized police authority and shall make a written report of
33 such accident when and as required in Section 11-406. Every
34 such stop shall be made without obstructing traffic more than
35 is necessary. If a damaged vehicle is obstructing traffic

1 lanes, the driver of the vehicle must make every reasonable
2 effort to move the vehicle or have it moved so as not to block
3 the traffic lanes.

4 (b) Any person failing to comply with this Section shall be
5 guilty of a Class A misdemeanor.

6 (c) If any peace officer or highway authority official
7 finds (i) a vehicle standing upon a highway or toll highway in
8 violation of a prohibition, limitation, or restriction on
9 stopping, standing, or parking imposed under this Code or (ii)
10 a disabled vehicle that obstructs the roadway of a highway or
11 toll highway, the peace officer or highway authority official
12 is authorized to move the vehicle or to require the operator of
13 the vehicle to move the vehicle to the shoulder of the road, to
14 a position where parking is permitted, or to public parking or
15 storage premises. The removal may be performed by, or under the
16 direction of, the peace officer or highway authority official
17 or may be contracted for by local authorities. After the
18 vehicle has been removed, the peace officer or highway
19 authority official shall follow appropriate procedures, as
20 provided in Section 4-203 of this Code.

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

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

27 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

28 Sec. 18a-300. Commercial vehicle relocators - Unlawful
29 practices. It shall be unlawful for any commercial vehicle
30 relocator:

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

34 (2) To employ as an operator, or otherwise so use the
35 services of, any person who does not have at the

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

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

20 (4) To operate upon the highways of this State any
21 vehicle used in connection with any commercial vehicle
22 relocation service unless:

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

35 (B) There is carried in the power unit of the
36 vehicle a certified copy of the currently effective

1 relocator's license and operator's employment permit.
2 Copies may be photographed, photocopied, or reproduced
3 or printed by any other legible and durable process.
4 Any person guilty of not causing to be displayed a copy
5 of his relocator's license and operator's employment
6 permit may in any hearing concerning the violation be
7 excused from the payment of the penalty hereinafter
8 provided upon a showing that the license was issued by
9 the Commission, but was subsequently lost or
10 destroyed;

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

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

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

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

35 (9) To remove a vehicle when the owner or operator of
36 the vehicle is present or arrives at the vehicle location

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

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

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

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

17 (12.1) To impose any charge other than in accordance
18 with subsection (b) of Section 18a-501 of this Chapter;

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

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

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

1 (14) To remove any vehicle, otherwise in accordance
2 with this Chapter, more than 15 air miles from its location
3 when towed from a location in an unincorporated area of a
4 county or more than 10 air miles from its location when
5 towed from any other location;

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

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

35 (16) To use equipment which the relocator does not own,
36 except in compliance with Section 18a-306 of this Chapter

1 and Commission regulations. No equipment can be leased to
2 more than one relocater at any time. Equipment leases shall
3 be filed with the Commission. If equipment is leased to one
4 relocater, it cannot thereafter be leased to another
5 relocater until a written cancellation of lease is properly
6 filed with the Commission;

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

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

11 (19) To violate any other provision of this Chapter, or
12 of Commission regulations or orders adopted under this
13 Chapter.

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

15 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

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

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

1 company for processing the charge. The Commission may adopt
2 regulations governing acceptance of credit cards by a
3 relocater.

4 (b) Except as otherwise provided in this subsection (b),
5 the relocater or possessor of any relocated vehicle must,
6 within 10 days of taking possession of the vehicle, notify the
7 registered owner and any lienholders of the vehicle, as
8 disclosed by the vehicle registration records of the Illinois
9 Secretary of State, by first class and certified mail, return
10 receipt requested, that the vehicle has been relocated. If the
11 Secretary of State does not provide to the relocater or
12 possessor of the relocated vehicle the name and address of the
13 registered owner and any lienholders of the vehicle within 10
14 days after the relocater or possessor took possession of the
15 vehicle, however, the required notice must be sent no later
16 than 3 business days after owner and lienholder information has
17 been furnished to the relocater or possessor of the relocated
18 vehicle. The notice shall disclose the date of relocation, the
19 address where the vehicle is located, and an itemization of all
20 authorized charges claimed. If the required notice is not
21 provided within the period provided for in this subsection (b),
22 the lien of the relocater or possessor of the vehicle shall not
23 exceed the vehicle storage charges for 10 days, or for the
24 period ending 3 business days after the Secretary of State
25 furnished owner and lienholder information to the relocater or
26 possessor of the vehicle. If notice is given within the time
27 period provided for in this subsection (b), the relocater or
28 possessor of the vehicle is entitled to a lien on the vehicle
29 for storage charges for the number of days the vehicle was
30 stored. The lien of the relocater or possessor of the vehicle
31 also may include the costs of a title search necessary to
32 identify the registered owner and lienholder, in amounts
33 prescribed by the Secretary of State under Section 3-821.1 of
34 this Code. A lienholder, or its authorized representative may,
35 during normal business hours and on reasonable prior notice to
36 the relocater or possessor of the vehicle, make one reasonable

1 inspection and examination of the vehicle without charge or
2 cost. At any time before the vehicle is disposed of as provided
3 by law, the registered owner or lienholder legally entitled to
4 its possession may reclaim the vehicle by presenting proof of
5 ownership or of the right to possession of the vehicle and by
6 payment of all towing and storage charges authorized by law.

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

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

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

13 (815 ILCS 306/70)

14 Sec. 70. Removal of vehicle from facility. Upon reasonable
15 notice and during the motor vehicle repair facility's business
16 hours, a consumer, the lienholder, or another legally entitled
17 person may remove a vehicle from a motor vehicle repair
18 facility upon paying for the following:

19 (1) Labor actually performed.

20 (2) Parts actually installed.

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

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

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

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

32 (815 ILCS 306/71 new)

33 Sec. 71. Notice to registered owner, lienholder, or other

1 legally entitled persons.

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

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

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

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

1 acceptable to the Secretary of State.

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

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

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

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

21 (815 ILCS 308/60)

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

27 (1) Labor actually performed.

28 (2) Parts actually installed.

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

32 (4) Storage and administrative charges imposed in
33 accordance with the schedule of charges if posted on a sign
34 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
34 registration records of the State of Illinois to be searched by
35 the Secretary of State.

1 The written request of an automotive collision and body
2 repair facility, in the form and containing the information
3 prescribed by the Secretary of State by rule, may be
4 transmitted to the Secretary of State in person, by U.S. mail
5 or other delivery service, by facsimile transmission, or by
6 other means the Secretary of State deems acceptable.

7 The Secretary of State shall provide the required
8 information, or a statement that the information was not found
9 in the vehicle registration records of the State, by U.S. mail
10 or other delivery service or by facsimile transmission, as
11 requested by the automotive collision and body repair facility,
12 or by other means acceptable to the Secretary of State.

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

15 (d) Fees for services provided under this Section shall be
16 in amounts prescribed by the Secretary of State under Section
17 3-821.1 of the Illinois Vehicle Code. Payment may be made by
18 the automotive collision and body repair facility using cash,
19 any commonly accepted credit card, or any other means of
20 payment deemed acceptable by the Secretary of State.

21 (e) Failure to provide the notice required by this Section
22 shall not result in a barring of any lien for actual parts or
23 labor expended that were otherwise properly authorized
24 pursuant to this Act. After failing to provide the required
25 notice, however, the automotive collision and body repair
26 facility may not claim any additional charges, including but
27 not limited to storage or holding charges related to any delay
28 in the removal of the vehicle, other than those storage or
29 holding charges imposed in the first 15 days.

30 Section 99. Effective date. This Act takes effect September
31 1, 2006.