



Sen. James F. Clayborne Jr.

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09400SB2808sam001

LRB094 16082 DRH 56157 a

1 AMENDMENT TO SENATE BILL 2808

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2808 on page 1,  
3 line 5, after "4-207,", by inserting "4-213, 11-402, 11-404,";  
4 and

5 on page 8, immediately below line 12, by inserting the  
6 following:

7 "(625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

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

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

19 (b) A towing service, and any of its officers or employees,  
20 that removes or tows a vehicle as a result of being directed to  
21 do so by a law enforcement officer or agency or a department of  
22 municipal government or its officers or employees shall not be  
23 held to answer or be liable for injury to, loss of, or damages  
24 to any real or personal property that occurs in the course of

1 the removal or towing of a vehicle or its contents (i) on a  
2 limited access highway in a designated Incident Management  
3 Program that uses fast lane clearance techniques as defined by  
4 the Department of Transportation or (ii) at the direction of a  
5 peace officer, a highway authority official, or a  
6 representative of local authorities, under Section 11-402 or  
7 11-404 of this Code.

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

9 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

10 Sec. 11-402. Motor vehicle accident involving damage to  
11 vehicle.

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

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

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

1 any nonresident's driving privilege.

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

25 Sec. 11-404. Duty upon damaging unattended vehicle or other  
26 property.

27 (a) The driver of any vehicle which collides with or is  
28 involved in a motor vehicle accident with any vehicle which is  
29 unattended, or other property, resulting in any damage to such  
30 other vehicle or property shall immediately stop and shall then  
31 and there either locate and notify the operator or owner of  
32 such vehicle or other property of the driver's name, address,  
33 registration number and owner of the vehicle the driver was

1 operating or shall attach securely in a conspicuous place on or  
2 in the vehicle or other property struck a written notice giving  
3 the driver's name, address, registration number and owner of  
4 the vehicle the driver was driving and shall without  
5 unnecessary delay notify the nearest office of a duly  
6 authorized police authority and shall make a written report of  
7 such accident when and as required in Section 11-406. Every  
8 such stop shall be made without obstructing traffic more than  
9 is necessary. If a damaged vehicle is obstructing traffic  
10 lanes, the driver of the vehicle must make every reasonable  
11 effort to move the vehicle or have it moved so as not to block  
12 the traffic lanes.

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

15 (c) If any peace officer or highway authority official  
16 finds (i) a vehicle standing upon a highway or toll highway in  
17 violation of a prohibition, limitation, or restriction on  
18 stopping, standing, or parking imposed under this Code or (ii)  
19 a disabled vehicle that obstructs the roadway of a highway or  
20 toll highway, the peace officer or highway authority official  
21 is authorized to move the vehicle or to require the operator of  
22 the vehicle to move the vehicle to the shoulder of the road, to  
23 a position where parking is permitted, or to public parking or  
24 storage premises. The removal may be performed by, or under the  
25 direction of, the peace officer or highway authority official  
26 or may be contracted for by local authorities. Any charges for  
27 removal shall be regulated by local ordinance. The operator or  
28 owner of the vehicle removed shall pay the reasonable charges  
29 for moving or towing and any storage involved, based upon the  
30 ordinance.

31 (d) A towing service, its officers, and its employees are  
32 not liable for injury to, loss of, or damages to any real or  
33 personal property that occurs as the result of the removal or  
34 towing of any vehicle under subsection (c), as provided in

1 subsection (b) of Section 4-213.

2 (Source: P.A. 83-831.)".