



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 841

2 AMENDMENT NO. _____. Amend House Bill 841, on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-203 and 4-214.1 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

1 highway other than a toll highway, interstate highway, or
2 expressway, outside of an urban district for 24 hours or more,
3 its removal by a towing service may be authorized by a law
4 enforcement agency having jurisdiction.

5 (d) When an abandoned, unattended, wrecked, burned or
6 partially dismantled vehicle is creating a traffic hazard
7 because of its position in relation to the highway or its
8 physical appearance is causing the impeding of traffic, its
9 immediate removal from the highway or private property adjacent
10 to the highway by a towing service may be authorized by a law
11 enforcement agency having jurisdiction.

12 (e) Whenever a peace officer reasonably believes that a
13 person under arrest for a violation of Section 11-501 of this
14 Code or a similar provision of a local ordinance is likely,
15 upon release, to commit a subsequent violation of Section
16 11-501, or a similar provision of a local ordinance, the
17 arresting officer shall have the vehicle which the person was
18 operating at the time of the arrest impounded for a period of
19 not more than 12 hours after the time of arrest. However, such
20 vehicle may be released by the arresting law enforcement agency
21 prior to the end of the impoundment period if:

22 (1) the vehicle was not owned by the person under
23 arrest, and the lawful owner requesting such release
24 possesses a valid operator's license, proof of ownership,
25 and would not, as determined by the arresting law
26 enforcement agency, indicate a lack of ability to operate a

1 motor vehicle in a safe manner, or who would otherwise, by
2 operating such motor vehicle, be in violation of this Code;
3 or

4 (2) the vehicle is owned by the person under arrest,
5 and the person under arrest gives permission to another
6 person to operate such vehicle, provided however, that the
7 other person possesses a valid operator's license and would
8 not, as determined by the arresting law enforcement agency,
9 indicate a lack of ability to operate a motor vehicle in a
10 safe manner or who would otherwise, by operating such motor
11 vehicle, be in violation of this Code.

12 (e-5) Whenever a registered owner of a vehicle is taken
13 into custody for operating the vehicle in violation of Section
14 11-501 of this Code or a similar provision of a local ordinance
15 or Section 6-303 of this Code, a law enforcement officer may
16 have the vehicle immediately impounded for a period not less
17 than:

18 (1) 24 hours for a second violation of Section 11-501
19 of this Code or a similar provision of a local ordinance or
20 Section 6-303 of this Code or a combination of these
21 offenses; or

22 (2) 48 hours for a third violation of Section 11-501 of
23 this Code or a similar provision of a local ordinance or
24 Section 6-303 of this Code or a combination of these
25 offenses.

26 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

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

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

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

23 5. Except for property appurtenant to and obviously a
24 part of a single family residence, and except for instances
25 where notice is personally given to the owner or other
26 legally authorized person in control of the vehicle that

1 the area in which that vehicle is parked is reserved or
2 otherwise unavailable to unauthorized vehicles and they
3 are subject to being removed at the owner or operator's
4 expense, any property owner or lessor, prior to towing or
5 removing any vehicle from private property without the
6 consent of the owner or other legally authorized person in
7 control of that vehicle, must post a notice meeting the
8 following requirements:

9 a. Except as otherwise provided in subparagraph
10 a.1 of this subdivision (f)5, the notice must be
11 prominently placed at each driveway access or curb cut
12 allowing vehicular access to the property within 5 feet
13 from the public right-of-way line. If there are no
14 curbs or access barriers, the sign must be posted not
15 less than one sign each 100 feet of lot frontage.

16 a.1. In a municipality with a population of less
17 than 250,000, as an alternative to the requirement of
18 subparagraph a of this subdivision (f)5, the notice for
19 a parking lot contained within property used solely for
20 a 2-family, 3-family, or 4-family residence may be
21 prominently placed at the perimeter of the parking lot,
22 in a position where the notice is visible to the
23 occupants of vehicles entering the lot.

24 b. The notice must indicate clearly, in not less
25 than 2 inch high light-reflective letters on a
26 contrasting background, that unauthorized vehicles

1 will be towed away at the owner's expense.

2 c. The notice must also provide the name and
3 current telephone number of the towing service towing
4 or removing the vehicle.

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

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

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

26 8. No removal of a vehicle from private property shall

1 be done except upon express written instructions of the
2 owners or persons in charge of the private property upon
3 which the vehicle is said to be trespassing.

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

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

24 This Section shall not apply to law enforcement,
25 firefighting, rescue, ambulance, or other emergency vehicles
26 which are marked as such or to property owned by any

1 governmental entity.

2 When an authorized person improperly causes a motor vehicle
3 to be removed, such person shall be liable to the owner or
4 lessee of the vehicle for the cost or removal, transportation
5 and storage, any damages resulting from the removal,
6 transportation and storage, attorney's fee and court costs.

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

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

15 Any person who fails to comply with the conditions and
16 restrictions of this subsection shall be guilty of a Class C
17 misdemeanor and shall be fined not less than \$100 nor more than
18 \$500.

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

24 When a vehicle removal from either public or private
25 property is authorized by a law enforcement agency, the owner
26 of the vehicle shall be responsible for all towing and storage

1 charges.

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

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

26 No lien under this subsection (g) shall: exceed \$2,000 in

1 its total amount; or be increased or altered to reflect any
2 charge for services or materials rendered in addition to those
3 authorized by this Act.

4 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)".