



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5749

by Rep. Jack McGuire

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18a-602 from Ch. 95 1/2, par. 18a-602
625 ILCS 5/18d-105
625 ILCS 5/18d-110

Amends the Illinois Vehicle Code. Permits the Illinois Commerce Commission to exercise any and all powers with respect to establishment and adjustment of fees with respect to commercial vehicle safety relocators. Changes the definition of "commercial vehicle safety relocater" to exclude the relocating and storing of vehicles that have been removed from public or private property by means of towing or otherwise. Provides findings concerning excessive prices and deceptive pricing practices charged by commercial vehicle towing service providers. Effective immediately.

LRB095 16321 LCT 42345 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 18a-602, 18d-105, and 18d-110 as follows:

6 (625 ILCS 5/18a-602) (from Ch. 95 1/2, par. 18a-602)

7 Sec. 18a-602. Establishment and Adjustment of Fees.

8 (1) General Provisions. The Commission may exercise any and
9 all powers with respect to establishment and adjustment of fees
10 with respect to commercial vehicle relocators which it may
11 exercise with respect to motor carriers under subsections (2),
12 (3) and (4) of Section 18c-1501 of the Illinois Commercial
13 Transportation Law. Insofar as public health safety and welfare
14 requires fair and reasonable pricing for commercial safety
15 towing from public thoroughfares, the Commission may exercise
16 any and all powers with respect to establishment and adjustment
17 of fees with respect to commercial vehicle safety relocators as
18 defined in Section 18d-105 of the Illinois Commercial Safety
19 Towing Law.

20 (2) Initial fees. The Commission shall set initial fees by
21 rulemaking in accordance with Section 5-50 of the Illinois
22 Administrative Procedure Act. Initial fees shall be set and
23 take effect within 60 days after December 1, 1987. Such fees

1 shall remain in effect until adjusted by the Commission in
2 accordance with subsection (1) of this Section.

3 (Source: P.A. 88-45.)

4 (625 ILCS 5/18d-105)

5 (This Section may contain text from a Public Act with a
6 delayed effective date)

7 Sec. 18d-105. Definitions. As used in this Chapter:

8 (1) "Commercial vehicle safety relocater" or "safety
9 relocater" means any person or entity engaged in the business
10 of removing damaged or disabled vehicles from public or private
11 property by means of towing or otherwise, ~~and thereafter~~
12 ~~relocating and storing such vehicles.~~

13 (2) "Commission" means the Illinois Commerce Commission.

14 (Source: P.A. 95-562, eff. 7-1-08.)

15 (625 ILCS 5/18d-110)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 Sec. 18d-110. The General Assembly finds and declares that
19 commercial vehicle towing service in the State of Illinois
20 fundamentally affects the public interest and public welfare.
21 It is the intent of the General Assembly, in this amendatory
22 Act of the 95th General Assembly, to promote the public
23 interest and the public welfare by requiring similar basic
24 consumer protections and fraud prevention measures that are

1 required of other marketplace participants, including the
2 disclosure of material terms and conditions of the service to
3 consumers before consumers accept the terms and conditions. The
4 General Assembly also intends that the provisions in this
5 amendatory Act of the 95th General Assembly promote safety for
6 all persons and vehicles that travel or otherwise use the
7 public highways of this State. The General Assembly finds that
8 it is in the public interest that persons whose vehicles are
9 towed from the public highways know important basic
10 information, such as where they can retrieve their vehicles and
11 the cost to retrieve their vehicles, so that they can avoid
12 vehicle deterioration and arrange for a prompt repair of the
13 vehicles. The General Assembly further finds that excessive
14 prices and deceptive pricing practices by commercial vehicle
15 towing service providers has a profound impact on the health,
16 safety, and welfare of Illinois motorists. In addition, the
17 General Assembly finds that without imposing regulatory
18 oversight on the pricing practices and rate structures employed
19 by commercial vehicle towing service providers, the health and
20 safety of Illinois motorists cannot be adequately protected.

21 (Source: P.A. 95-562, eff. 7-1-08.)

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.