



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0254

Introduced 2/7/2007, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18a-200	from Ch. 95 1/2, par. 18a-200
625 ILCS 5/18a-500	from Ch. 95 1/2, par. 18a-500
625 ILCS 5/18a-700	from Ch. 95 1/2, par. 18a-700

Amends the Illinois Vehicle Code. Provides that the Illinois Commerce Commission sets the towing and storage rates that may be charged by commercial vehicle relocators throughout the State (as well as those in counties with a population of 1,000,000 or more). Provides that all relocators (not only those in counties with a population of 1,000,000 or more) must post the rates set by the Commission.

LRB095 04997 DRH 25065 b

FISCAL NOTE ACT
MAY APPLY

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-200, 18a-500, and 18a-700 as follows:

6 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

7 Sec. 18a-200. General powers and duties of Commission. The
8 Commission shall:

9 (1) Regulate commercial vehicle relocators and their
10 employees or agents in accordance with this Chapter and to that
11 end may establish reasonable requirements with respect to
12 proper service and practices relating thereto;

13 (2) Require the maintenance of uniform systems of accounts,
14 records and the preservation thereof;

15 (3) Require that all drivers and other personnel used in
16 relocation be employees of a licensed relocater;

17 (4) Regulate equipment leasing to and by relocators;

18 (5) Adopt reasonable and proper rules covering the exercise
19 of powers conferred upon it by this Chapter, and reasonable
20 rules governing investigations, hearings and proceedings under
21 this Chapter;

22 (6) Set reasonable rates for the commercial towing or
23 removal of trespassing vehicles from private property anywhere

1 in this State. The rates shall not exceed the mean average of
2 the 5 highest rates for police tows within the territory to
3 which this Chapter otherwise applies that are performed under
4 Sections 4-201 and 4-214 of this Code and that are of record at
5 hearing; provided that the Commission shall not re-calculate
6 the maximum specified herein if the order containing the
7 previous calculation was entered within one calendar year of
8 the date on which the new order is entered. Set reasonable
9 rates for the storage, anywhere in this State, for periods in
10 excess of 24 hours, of the vehicles in connection with the
11 towing or removal; however, no relocater shall impose charges
12 for storage for the first 24 hours after towing or removal. Set
13 reasonable rates for other services provided by relocators
14 anywhere in this State, provided that the rates shall not be
15 charged to the owner or operator of a relocated vehicle. Any
16 fee charged by a relocater for the use of a credit card that is
17 used to pay for any service rendered by the relocater shall be
18 included in the total amount that shall not exceed the maximum
19 reasonable rate established by the Commission. The Commission
20 shall require a relocater to refund any amount charged in
21 excess of the reasonable rate established by the Commission,
22 including any fee for the use of a credit card;

23 (7) Investigate and maintain current files of the criminal
24 records, if any, of all relocators and their employees and of
25 all applicants for relocater's license, operator's licenses
26 and dispatcher's licenses. If the Commission determines that an

1 applicant for a license issued under this Chapter will be
2 subjected to a criminal history records check, the applicant
3 shall submit his or her fingerprints to the Department of State
4 Police in the form and manner prescribed by the Department of
5 State Police. These fingerprints shall be checked against the
6 Department of State Police and Federal Bureau of Investigation
7 criminal history record information databases now and
8 hereafter filed. The Department of State Police shall charge
9 the applicant a fee for conducting the criminal history records
10 check, which shall be deposited in the State Police Services
11 Fund and shall not exceed the actual cost of the records check.
12 The Department of State Police shall furnish pursuant to
13 positive identification, records of conviction to the
14 Commission;

15 (8) Issue relocater's licenses, dispatcher's employment
16 permits, and operator's employment permits in accordance with
17 Article IV of this Chapter;

18 (9) Establish fitness standards for applicants seeking
19 relocater licensees and holders of relocater licenses;

20 (10) Upon verified complaint in writing by any person,
21 organization or body politic, or upon its own initiative may,
22 investigate whether any commercial vehicle relocater,
23 operator, dispatcher, or person otherwise required to comply
24 with any provision of this Chapter or any rule promulgated
25 hereunder, has failed to comply with any provision or rule;

26 (11) Whenever the Commission receives notice from the

1 Secretary of State that any domestic or foreign corporation
2 regulated under this Chapter has not paid a franchise tax,
3 license fee or penalty required under the Business Corporation
4 Act of 1983, institute proceedings for the revocation of the
5 license or right to engage in any business required under this
6 Chapter or the suspension thereof until such time as the
7 delinquent franchise tax, license fee or penalty is paid.

8 (Source: P.A. 93-418, eff. 1-1-04.)

9 (625 ILCS 5/18a-500) (from Ch. 95 1/2, par. 18a-500)

10 Sec. 18a-500. Posting of rates. Every commercial vehicle
11 relocater in this State shall print and keep open to the
12 public, all authorized rates and charges for towing, otherwise
13 moving, and storing vehicles in connection with removal of
14 unauthorized vehicles from private property. Such rates and
15 charges shall be clearly stated in terms of lawful money of the
16 United States, and shall be posted in such form and manner, and
17 shall contain such information as the Commission shall by
18 regulation prescribe.

19 (Source: P.A. 80-1459.)

20 (625 ILCS 5/18a-700) (from Ch. 95 1/2, par. 18a-700)

21 Sec. 18a-700. Counties covered. (a) Except as provided in
22 subsection (6) of Section 18a-200 and in Section 18a-500, the
23 ~~The~~ provisions of this Chapter apply to all the activities of
24 relocators and operators in any counties of 1,000,000 or more

1 and in any county of less than 1,000,000 which adopts
2 regulation under this Chapter as provided in this Section.

3 (b) Any operation of a relocater or operator involving the
4 removal or storage of a given vehicle which takes place in any
5 part in a regulated county shall subject all the activities of
6 the relocater and operator involving that vehicle to regulation
7 under this Chapter, except operations which take place entirely
8 within the territory of a city, village or incorporated town
9 excluded from this Chapter under paragraph (d).

10 (c) Any county of under 1,000,000 may elect to be covered
11 under this Chapter by the adoption of a resolution by the
12 County Board, approved by a majority of its members, providing
13 that the county shall be subject to this Chapter. The county
14 clerk shall certify to the Commission that the County Board has
15 adopted the resolution. The Commission shall certify to such
16 County Board an effective date for the applicability of this
17 Chapter in such county. Such effective date shall be no earlier
18 than 30 days from certification to the County Board nor later
19 than 6 months from such certification or the beginning of the
20 next fiscal year, whichever is last.

21 (d) Cities, villages and incorporated towns in counties to
22 which the provisions of this Chapter apply may, by resolution
23 adopted by a majority of the members of the corporate
24 authorities and filed with the County Clerk of such county and
25 with the Illinois Commerce Commission, choose to be excluded
26 from the provisions of this Chapter. Upon the filing of such

1 resolution, the provisions of this Chapter shall not be
2 applicable to operations of relocators or operators which take
3 place entirely within the territory of such city, village or
4 incorporated town.

5 (Source: P.A. 86-492.)