



Rep. Chapin Rose

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LRB096 05252 HEP 43983 a

1 AMENDMENT TO HOUSE BILL 1935

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1935 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Section 4-203 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. The  
21          towing and storage charges, however, shall not exceed the  
22          maximum allowed by the Illinois Commerce Commission under  
23          Section 18a-200.

24          7. No person shall engage in the removal of vehicles  
25          from private property as described in this Section without  
26          filing a notice of intent in each community where he

1 intends to do such removal, and such notice shall be filed  
2 at least 7 days before commencing such towing.

3 8. No removal of a vehicle from private property shall  
4 be done except upon express written instructions of the  
5 owners or persons in charge of the private property upon  
6 which the vehicle is said to be trespassing.

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

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



1           This Section shall not apply to law enforcement,  
2           firefighting, rescue, ambulance, or other emergency vehicles  
3           which are marked as such or to property owned by any  
4           governmental entity.

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

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

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

18          Any person who fails to comply with the conditions and  
19          restrictions of this subsection shall be guilty of a Class C  
20          misdemeanor and shall be fined not less than \$100 nor more than  
21          \$500.

22                 (g) (1) When a vehicle is determined to be a hazardous  
23                 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
24                 Illinois Municipal Code, its removal and impoundment by a  
25                 towing service may be authorized by a law enforcement agency  
26                 with appropriate jurisdiction.

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

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

21       (4) Any personal property belonging to the vehicle owner in  
22 a vehicle subject to a lien under this subsection (g) shall  
23 likewise be subject to that lien, excepting only: child  
24 restraint systems as defined in Section 4 of the Child  
25 Passenger Protection Act and other child booster seats;  
26 eyeglasses; food; medicine; perishable property; any

1 operator's licenses; any cash, credit cards, or checks or  
2 checkbooks; any wallet, purse, or other property containing any  
3 operator's license or other identifying documents or  
4 materials, cash, credit cards, checks, or checkbooks; and any  
5 personal property belonging to a person other than the vehicle  
6 owner if that person provides adequate proof that the personal  
7 property belongs to that person. The spouse, child, mother,  
8 father, brother, or sister of the vehicle owner may claim  
9 personal property excepted under this paragraph (4) if the  
10 person claiming the personal property provides the commercial  
11 vehicle relocater or towing service with the authorization of  
12 the vehicle owner.

13 (5) This paragraph (5) applies only in the case of a  
14 vehicle that is towed as a result of being involved in an  
15 accident. In addition to the personal property excepted under  
16 paragraph (4), all other personal property in a vehicle subject  
17 to a lien under this subsection (g) is exempt from that lien  
18 and may be claimed by the vehicle owner if the vehicle owner  
19 provides the commercial vehicle relocater or towing service  
20 with proof that the vehicle owner has an insurance policy  
21 covering towing and storage fees. The spouse, child, mother,  
22 father, brother, or sister of the vehicle owner may claim  
23 personal property in a vehicle subject to a lien under this  
24 subsection (g) if the person claiming the personal property  
25 provides the commercial vehicle relocater or towing service  
26 with the authorization of the vehicle owner and proof that the

1 vehicle owner has an insurance policy covering towing and  
2 storage fees. The regulation of liens on personal property and  
3 exceptions to those liens in the case of vehicles towed as a  
4 result of being involved in an accident are exclusive powers  
5 and functions of the State. A home rule unit may not regulate  
6 liens on personal property and exceptions to those liens in the  
7 case of vehicles towed as a result of being involved in an  
8 accident. This paragraph (5) is a denial and limitation of home  
9 rule powers and functions under subsection (h) of Section 6 of  
10 Article VII of the Illinois Constitution.

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

15 (h) Whenever a peace officer issues a citation to a driver  
16 for a violation of subsection (a) of Section 11-506 of this  
17 Code, the arresting officer may have the vehicle which the  
18 person was operating at the time of the arrest impounded for a  
19 period of 5 days after the time of arrest. An impounding agency  
20 shall release a motor vehicle impounded under this subsection  
21 (h) to the registered owner of the vehicle under any of the  
22 following circumstances:

23 (1) If the vehicle is a stolen vehicle; or

24 (2) If the person ticketed for a violation of  
25 subsection (a) of Section 11-506 of this Code was not  
26 authorized by the registered owner of the vehicle to

1 operate the vehicle at the time of the violation; or

2 (3) If the registered owner of the vehicle was neither  
3 the driver nor a passenger in the vehicle at the time of  
4 the violation or was unaware that the driver was using the  
5 vehicle to engage in street racing; or

6 (4) If the legal owner or registered owner of the  
7 vehicle is a rental car agency; or

8 (5) If, prior to the expiration of the impoundment  
9 period specified above, the citation is dismissed or the  
10 defendant is found not guilty of the offense.

11 (Source: P.A. 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621,  
12 eff. 6-1-08; 95-876, eff. 8-21-08; 96-1274, eff. 7-26-10.)".