



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1631

by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-208
625 ILCS 5/4-209

from Ch. 95 1/2, par. 4-208
from Ch. 95 1/2, par. 4-209

Amends the Illinois Vehicle Code. Provides that abandoned, lost, stolen, or unclaimed vehicles may be sold if they remain unclaimed by the registered owner, lienholder, or other legally entitled person for a period of 90 days after notice has been given (instead of 18 days in cities of more than 500,000, 30 days in cities of less than 500,000 for cars less than 7 years old, and 10 days for cars in cities of less than 500,000 for cars more than 7 years old). Removes language restricting the sale of an abandoned, lost, stolen, or unclaimed vehicle to persons licensed as automotive parts recyclers, rebuilders, or scrap processors. Effective immediately.

LRB097 07381 HEP 47490 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 4-208, 4-209, and 4-215 as follows:

6 (625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

7 Sec. 4-208. Disposal of unclaimed vehicles.

8 (a) In cities having a population of more than 500,000,
9 whenever an abandoned, lost, stolen or unclaimed vehicle, or
10 vehicle determined to be a hazardous dilapidated motor vehicle
11 pursuant to Section 11-40-3.1 of the Illinois Municipal Code,
12 remains unclaimed by the registered owner, lienholder or other
13 legally entitled person for a period of 90 ~~18~~ days after notice
14 has been given under Sections 4-205 and 4-206 of this Code, if
15 during that 90 ~~18~~ days the possessor of the vehicle has sent an
16 additional notice by first class mail to the registered owner,
17 lienholder, or other legally entitled person, the vehicle shall
18 be disposed, pursuant to the provisions of the "Municipal
19 purchasing act for cities of 500,000 or more population", ~~to a~~
20 ~~person licensed as an automotive parts recycler, rebuilder or~~
21 ~~scrap processor under Chapter 5 of this Code.~~ With respect to
22 any vehicle that has been booted, impounded, or both in
23 accordance with subsection (c) of Section 11-208.3, a city with

1 a population over 500,000 may establish a program whereby the
2 registered owner, lienholder, or other legally entitled person
3 is entitled to any proceeds from the disposition of the
4 vehicle, less any reasonable storage charges, administrative
5 fees, booting fees, towing fees, and parking and compliance
6 fines and penalties.

7 (b) Except as provided in Section 4-208 for cities with
8 more than 500,000 inhabitants, when an abandoned, lost, stolen
9 or unclaimed vehicle 7 years of age or newer remains unclaimed
10 by the registered owner, lienholder or other legally entitled
11 persons for a period of 90 ~~30~~ days after notice has been given
12 as provided in Sections 4-205 and 4-206 of this Code, the law
13 enforcement agency or towing service having possession of the
14 vehicle shall cause it to be sold at public auction ~~to a person~~
15 ~~licensed as an automotive parts recycler, rebuilder or scrap~~
16 ~~processor under Chapter 5 of this Code or the towing operator~~
17 ~~which towed the vehicle.~~ Notice of the time and place of the
18 sale shall be posted in a conspicuous place for at least 10
19 days prior to the sale on the premises where the vehicle has
20 been impounded. At least 10 days prior to the sale, the law
21 enforcement agency where the vehicle is impounded, or the
22 towing service where the vehicle is impounded, shall cause a
23 notice of the time and place of the sale to be sent by
24 certified mail to the registered owner, lienholder, or other
25 legally entitled persons. Notice as provided in Sections 4-205
26 and 4-206 of this Code and as provided in this subsection (b)

1 shall state the time and place of sale and shall contain a
2 complete description of the vehicle to be sold and what steps
3 must be taken by any legally entitled person to reclaim the
4 vehicle.

5 (c) If an abandoned, lost, stolen, or unclaimed vehicle
6 displays dealer plates, notice under this Section and Section
7 4-209 of this Code shall be sent to both the dealer and the
8 registered owner, lienholder, or other legally entitled
9 persons.

10 (d) In those instances where the certified notification
11 specified in Sections 4-205 and 4-206 of this Code has been
12 returned by the postal authorities to the law enforcement
13 agency or towing service, the sending of a second certified
14 notice will not be required.

15 (Source: P.A. 94-650, eff. 1-1-06.)

16 (625 ILCS 5/4-209) (from Ch. 95 1/2, par. 4-209)

17 Sec. 4-209. Disposal of unclaimed vehicles more than 7
18 years of age; disposal of abandoned or unclaimed vehicles
19 without notice.

20 (a) When the identity of the registered owner, lienholder,
21 or other legally entitled persons of an abandoned, lost, or
22 unclaimed vehicle of 7 years of age or newer cannot be
23 determined by any means provided for in this Chapter, the
24 vehicle may be sold as provided in Section 4-208 without notice
25 to any person whose identity cannot be determined.

1 (b) When an abandoned vehicle of more than 7 years of age
2 is impounded as specified by this Chapter, or when any such
3 vehicle is towed at the request or with the consent of the
4 owner or operator and is subsequently abandoned, it will be
5 kept in custody or storage for a minimum of 90 ~~10~~ days for the
6 purpose of determining the identity of the registered owner,
7 lienholder, or other legally entitled persons and contacting
8 the registered owner, lienholder, or other legally entitled
9 persons by the U. S. Mail, public service or in person for a
10 determination of disposition; and, an examination of the State
11 Police stolen vehicle files for theft and wanted information.
12 At the expiration of the 90 ~~10~~ day period, without the benefit
13 of disposition information being received from the registered
14 owner, lienholder, or other legally entitled persons, the
15 vehicle may be disposed of in either of the following ways:

16 (1) The law enforcement agency having jurisdiction
17 will authorize the disposal of the vehicle as junk or
18 salvage.

19 (2) The towing service or law enforcement agency may
20 sell the vehicle in the manner provided in Section 4-208 of
21 this Code, provided that this paragraph (2) shall not apply
22 to vehicles towed by order or authorization of a law
23 enforcement agency.

24 (c) A vehicle classified as an antique vehicle, custom
25 vehicle, or street rod may however be sold to a person desiring
26 to restore it.

1 (Source: P.A. 92-668, eff. 1-1-03.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.