

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 11-208.2 and 11-208.7 as follows:

6 (625 ILCS 5/11-208.2) (from Ch. 95 1/2, par. 11-208.2)

7 Sec. 11-208.2. Limitation on home rule units.

8 The provisions of this Chapter of this Act limit the  
9 authority of home rule units to adopt local police regulations  
10 inconsistent herewith except pursuant to Sections 11-208,  
11 11-208.7, 11-209, 11-1005.1, 11-1412.1, and 11-1412.2 of this  
12 Chapter of this Act.

13 (Source: P.A. 92-868, eff. 6-1-03.)

14 (625 ILCS 5/11-208.7)

15 Sec. 11-208.7. Administrative fees and procedures for  
16 impounding vehicles for specified violations.

17 (a) Any municipality that is not a home rule unit may,  
18 consistent with this Section, provide by ordinance procedures  
19 for the release of properly impounded vehicles and for the  
20 imposition of a reasonable administrative fee related to its  
21 administrative and processing costs associated with the  
22 investigation, arrest, and detention of an offender, or the

1 removal, impoundment, storage, and release of the vehicle. The  
2 administrative fee imposed by the municipality may be in  
3 addition to any fees charged for the towing and storage of an  
4 impounded vehicle. The administrative fee shall be waived by  
5 the municipality upon verifiable proof that the vehicle was  
6 stolen at the time the vehicle was impounded.

7 (b) Any ordinance establishing procedures for the release  
8 of properly impounded vehicles under this Section may impose  
9 fees for the following violations:

10 (1) operation or use of a motor vehicle in the  
11 commission of, or in the attempt to commit, an offense for  
12 which a motor vehicle may be seized and forfeited pursuant  
13 to Section 36-1 of the Criminal Code of 1961; or

14 (2) driving under the influence of alcohol, another  
15 drug or drugs, an intoxicating compound or compounds, or  
16 any combination thereof, in violation of Section 11-501 of  
17 this Code; or

18 (3) operation or use of a motor vehicle in the  
19 commission of, or in the attempt to commit, a felony or in  
20 violation of the Cannabis Control Act; or

21 (4) operation or use of a motor vehicle in the  
22 commission of, or in the attempt to commit, an offense in  
23 violation of the Illinois Controlled Substances Act; or

24 (5) operation or use of a motor vehicle in the  
25 commission of, or in the attempt to commit, an offense in  
26 violation of Section 24-1, 24-1.5, or 24-3.1 of the

1 Criminal Code of 1961; or

2 (6) driving while a driver's license, permit, or  
3 privilege to operate a motor vehicle is suspended or  
4 revoked pursuant to Section 6-303 of this Code; except that  
5 vehicles shall not be subjected to seizure or impoundment  
6 if the suspension is for an unpaid citation (parking or  
7 moving) or due to failure to comply with emission testing;  
8 or

9 (7) operation or use of a motor vehicle while  
10 soliciting, possessing, or attempting to solicit or  
11 possess cannabis or a controlled substance, as defined by  
12 the Cannabis Control Act or the Illinois Controlled  
13 Substances Act; or

14 (8) operation or use of a motor vehicle with an expired  
15 driver's license, in violation of Section 6-101 of this  
16 Code, if the period of expiration is greater than one year;  
17 or

18 (9) operation or use of a motor vehicle without ever  
19 having been issued a driver's license or permit, in  
20 violation of Section 6-101 of this Code, or operating a  
21 motor vehicle without ever having been issued a driver's  
22 license or permit due to a person's age; or

23 (10) operation or use of a motor vehicle by a person  
24 against whom a warrant has been issued by a circuit clerk  
25 in Illinois for failing to answer charges that the driver  
26 violated Section 6-101, 6-303, or 11-501 of this Code; or

1           (11) operation or use of a motor vehicle in the  
2           commission of, or in the attempt to commit, an offense in  
3           violation of Article 16 or 16A of the Criminal Code of  
4           1961; or

5           (12) operation or use of a motor vehicle in the  
6           commission of, or in the attempt to commit, any other  
7           misdemeanor or felony offense in violation of the Criminal  
8           Code of 1961, when so provided by local ordinance.

9           (c) The following shall apply to any fees imposed for  
10          administrative and processing costs pursuant to subsection  
11          (b):

12           (1) All administrative fees and towing and storage  
13           charges shall be imposed on the registered owner of the  
14           motor vehicle or the agents of that owner.

15           (2) The fees shall be in addition to (i) any other  
16           penalties that may be assessed by a court of law for the  
17           underlying violations; and (ii) any towing or storage fees,  
18           or both, charged by the towing company.

19           (3) The fees shall be uniform for all similarly  
20           situated vehicles.

21           (4) The fees shall be collected by and paid to the  
22           municipality imposing the fees.

23           (5) The towing or storage fees, or both, shall be  
24           collected by and paid to the person, firm, or entity that  
25           tows and stores the impounded vehicle.

26          (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall provide  
2 for an opportunity for a hearing, as provided in subdivision  
3 (b) (4) of Section 11-208.3 of this Code, and for the release of  
4 the vehicle to the owner of record, lessee, or a lienholder of  
5 record upon payment of all administrative fees and towing and  
6 storage fees.

7 (e) Any ordinance establishing procedures for the  
8 impoundment and release of vehicles under this Section shall  
9 include the following provisions concerning notice of  
10 impoundment:

11 (1) Whenever a police officer has cause to believe that  
12 a motor vehicle is subject to impoundment, the officer  
13 shall provide for the towing of the vehicle to a facility  
14 authorized by the municipality.

15 (2) At the time the vehicle is towed, the municipality  
16 shall notify or make a reasonable attempt to notify the  
17 owner, lessee, or person identifying himself or herself as  
18 the owner or lessee of the vehicle, or any person who is  
19 found to be in control of the vehicle at the time of the  
20 alleged offense, of the fact of the seizure, and of the  
21 vehicle owner's or lessee's right to an administrative  
22 hearing.

23 (3) The municipality shall also provide notice that the  
24 motor vehicle will remain impounded pending the completion  
25 of an administrative hearing, unless the owner or lessee of  
26 the vehicle or a lienholder posts with the municipality a

1 bond equal to the administrative fee as provided by  
2 ordinance and pays for all towing and storage charges.

3 (f) Any ordinance establishing procedures for the  
4 impoundment and release of vehicles under this Section shall  
5 include a provision providing that the registered owner or  
6 lessee of the vehicle and any lienholder of record shall be  
7 provided with a notice of hearing. The notice shall:

8 (1) be served upon the owner, lessee, and any  
9 lienholder of record either by personal service or by first  
10 class mail to the interested party's address as registered  
11 with the Secretary of State;

12 (2) be served upon interested parties within 10 days  
13 after a vehicle is impounded by the municipality; and

14 (3) contain the date, time, and location of the  
15 administrative hearing. An initial hearing shall be  
16 scheduled and convened no later than 45 days after the date  
17 of the mailing of the notice of hearing.

18 (g) In addition to the requirements contained in  
19 subdivision (b)(4) of Section 11-208.3 of this Code relating to  
20 administrative hearings, any ordinance providing for the  
21 impoundment and release of vehicles under this Section shall  
22 include the following requirements concerning administrative  
23 hearings:

24 (1) administrative hearings shall be conducted by a  
25 hearing officer who is an attorney licensed to practice law  
26 in this State for a minimum of 3 years;

1           (2) at the conclusion of the administrative hearing,  
2           the hearing officer shall issue a written decision either  
3           sustaining or overruling the vehicle impoundment;

4           (3) if the basis for the vehicle impoundment is  
5           sustained by the administrative hearing officer, any  
6           administrative fee posted to secure the release of the  
7           vehicle shall be forfeited to the municipality;

8           (4) all final decisions of the administrative hearing  
9           officer shall be subject to review under the provisions of  
10          the Administrative Review Law; and

11          (5) unless the administrative hearing officer  
12          overturns the basis for the vehicle impoundment, no vehicle  
13          shall be released to the owner, lessee, or lienholder of  
14          record until all administrative fees and towing and storage  
15          charges are paid.

16          (h) Vehicles not retrieved from the towing facility or  
17          storage facility within 35 days after the administrative  
18          hearing officer issues a written decision shall be deemed  
19          abandoned and disposed of in accordance with the provisions of  
20          Article II of Chapter 4 of this Code.

21          (i) Unless stayed by a court of competent jurisdiction, any  
22          fine, penalty, or administrative fee imposed under this Section  
23          which remains unpaid in whole or in part after the expiration  
24          of the deadline for seeking judicial review under the  
25          Administrative Review Law may be enforced in the same manner as  
26          a judgment entered by a court of competent jurisdiction.

1       (j) Nothing in this Section is a limitation of home rule  
2       powers. Nothing in this Section preempts the authority of a  
3       home rule unit to adopt regulations concerning administrative  
4       fees and procedures for impounding vehicles.

5       (Source: P.A. 97-109, eff. 1-1-12.)