



Rep. Michael J. Zalewski

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LRB097 18584 HEP 68623 a

1 AMENDMENT TO SENATE BILL 3536

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3536 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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

1 impounding vehicles for specified violations.

2 (a) Any home rule county and any municipality that is not a  
3 home rule unit may, consistent with this Section, provide by  
4 ordinance procedures for the release of properly impounded  
5 vehicles and for the imposition of a reasonable administrative  
6 fee related to its administrative and processing costs  
7 associated with the investigation, arrest, and detention of an  
8 offender, or the removal, impoundment, storage, and release of  
9 the vehicle. The administrative fee imposed by the municipality  
10 may be in addition to any fees charged for the towing and  
11 storage of an impounded vehicle. The administrative fee shall  
12 be waived by the municipality upon verifiable proof that the  
13 vehicle was stolen at the time the vehicle was impounded.

14 (b) Any ordinance establishing procedures for the release  
15 of properly impounded vehicles under this Section may impose  
16 fees for the following violations:

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

21 (2) driving under the influence of alcohol, another  
22 drug or drugs, an intoxicating compound or compounds, or  
23 any combination thereof, in violation of Section 11-501 of  
24 this Code; or

25 (3) operation or use of a motor vehicle in the  
26 commission of, or in the attempt to commit, a felony or in

1 violation of the Cannabis Control Act; or

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

5 (5) operation or use of a motor vehicle in the  
6 commission of, or in the attempt to commit, an offense in  
7 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
8 Criminal Code of 1961; or

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

16 (7) operation or use of a motor vehicle while  
17 soliciting, possessing, or attempting to solicit or  
18 possess cannabis or a controlled substance, as defined by  
19 the Cannabis Control Act or the Illinois Controlled  
20 Substances Act; or

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

25 (9) operation or use of a motor vehicle without ever  
26 having been issued a driver's license or permit, in

1 violation of Section 6-101 of this Code, or operating a  
2 motor vehicle without ever having been issued a driver's  
3 license or permit due to a person's age; or

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

8 (11) operation or use of a motor vehicle in the  
9 commission of, or in the attempt to commit, an offense in  
10 violation of Article 16 or 16A of the Criminal Code of  
11 1961; or

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

16 (c) The following shall apply to any fees imposed for  
17 administrative and processing costs pursuant to subsection

18 (b):

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

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

26 (3) The fees shall be uniform for all similarly

1           situated vehicles.

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

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

7           (d) Any ordinance establishing procedures for the release  
8           of properly impounded vehicles under this Section shall provide  
9           for an opportunity for a hearing, as provided in subdivision  
10          (b) (4) of Section 11-208.3 of this Code, and for the release of  
11          the vehicle to the owner of record, lessee, or a lienholder of  
12          record upon payment of all administrative fees and towing and  
13          storage fees.

14          (e) Any ordinance establishing procedures for the  
15          impoundment and release of vehicles under this Section shall  
16          include the following provisions concerning notice of  
17          impoundment:

18               (1) Whenever a police officer has cause to believe that  
19               a motor vehicle is subject to impoundment, the officer  
20               shall provide for the towing of the vehicle to a facility  
21               authorized by the municipality.

22               (2) At the time the vehicle is towed, the municipality  
23               shall notify or make a reasonable attempt to notify the  
24               owner, lessee, or person identifying himself or herself as  
25               the owner or lessee of the vehicle, or any person who is  
26               found to be in control of the vehicle at the time of the

1       alleged offense, of the fact of the seizure, and of the  
2       vehicle owner's or lessee's right to an administrative  
3       hearing.

4               (3) The municipality shall also provide notice that the  
5       motor vehicle will remain impounded pending the completion  
6       of an administrative hearing, unless the owner or lessee of  
7       the vehicle or a lienholder posts with the municipality a  
8       bond equal to the administrative fee as provided by  
9       ordinance and pays for all towing and storage charges.

10       (f) Any ordinance establishing procedures for the  
11       impoundment and release of vehicles under this Section shall  
12       include a provision providing that the registered owner or  
13       lessee of the vehicle and any lienholder of record shall be  
14       provided with a notice of hearing. The notice shall:

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

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

21               (3) contain the date, time, and location of the  
22       administrative hearing. An initial hearing shall be  
23       scheduled ~~and convened no later than 45 days~~ after the date  
24       of the mailing of the notice of hearing.

25       (g) In addition to the requirements contained in  
26       subdivision (b) (4) of Section 11-208.3 of this Code relating to

1 administrative hearings, any ordinance providing for the  
2 impoundment and release of vehicles under this Section shall  
3 include the following requirements concerning administrative  
4 hearings:

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

8 (1.5) no more than 2 continuances may be granted for  
9 the administrative hearing;

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

13 (3) if the basis for the vehicle impoundment is  
14 sustained by the administrative hearing officer, any  
15 administrative fee posted to secure the release of the  
16 vehicle shall be forfeited to the municipality;

17 (4) all final decisions of the administrative hearing  
18 officer shall be subject to review under the provisions of  
19 the Administrative Review Law; and

20 (5) unless the administrative hearing officer  
21 overturns the basis for the vehicle impoundment, no vehicle  
22 shall be released to the owner, lessee, or lienholder of  
23 record until all administrative fees and towing and storage  
24 charges are paid.

25 (h) Vehicles not retrieved from the towing facility or  
26 storage facility within 5 working ~~35~~ days after the

1 administrative hearing officer issues a written decision shall  
2 be deemed abandoned and disposed of in accordance with the  
3 provisions of Article II of Chapter 4 of this Code.

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

10 (j) Nothing in this Section is a limitation of home rule  
11 powers. Nothing in this Section preempts the authority of a  
12 home rule unit to adopt regulations concerning administrative  
13 fees and procedures for impounding vehicles.

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