



Rep. Jay Hoffman

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LRB098 03587 MLW 43986 a

1 AMENDMENT TO HOUSE BILL 758

2 AMENDMENT NO. _____. Amend House Bill 758 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-201, 4-203, 4-204, 4-205, 4-207, 4-208,
6 4-209.1, 4-209.2, 4-212, 4-212.1, 4-214, and 4-215 and by
7 adding Sections 4-203.1, 4-203.2, and 4-209.3 as follows:

8 (625 ILCS 5/4-201) (from Ch. 95 1/2, par. 4-201)

9 Sec. 4-201. Abandonment of vehicles prohibited.

10 (a) The abandonment of a vehicle or any part thereof on any
11 highway in this State is unlawful and subject to penalties as
12 set forth under ~~Penalty~~ Section 4-214 of this Code Chapter.

13 (b) The abandonment of a vehicle or any part thereof on
14 private or public property, other than a highway, in view of
15 the general public, ~~anywhere in this State~~ is unlawful except
16 on property of the owner ~~or bailee~~ of the ~~such~~ abandoned

1 vehicle. ~~A vehicle or any part thereof so abandoned on private~~
2 ~~property shall be authorized for removal, by a law enforcement~~
3 ~~agency having jurisdiction, after a waiting period of 7 days or~~
4 ~~more, or may be removed immediately if determined to be a~~
5 ~~hazardous dilapidated motor vehicle under Section 11-40-3.1 of~~
6 ~~the Illinois Municipal Code. A violation of subsections (a) or~~
7 ~~(b) of this Section is subject to penalties as set forth under~~
8 Section 4-214 of this Code. ~~Chapter.~~

9 (c) (Blank). ~~A towing service may begin to process an~~
10 ~~unclaimed vehicle as abandoned by requesting a record search by~~
11 ~~the Secretary of State up to 10 days after the date of the tow,~~
12 ~~or any later date acceptable to the Secretary of State. This~~
13 ~~subsection (c) shall not apply to vehicles towed by order or~~
14 ~~authorization of a law enforcement agency.~~

15 (Source: P.A. 90-330, eff. 8-8-97.)

16 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

17 Sec. 4-203. Removal of abandoned or unattended motor
18 ~~vehicles or other~~ vehicles on public roadways; Towing or
19 hauling away.

20 (a) When a vehicle is abandoned, or left unattended, on a
21 toll highway, interstate highway, or expressway for 2 hours or
22 more, its removal by a towing service may be authorized by a
23 law enforcement agency having jurisdiction.

24 (b) (Blank). ~~When a vehicle is abandoned on a highway in an~~
25 ~~urban district 10 hours or more, its removal by a towing~~

1 ~~service may be authorized by a law enforcement agency having~~
2 ~~jurisdiction.~~

3 (c) When a vehicle is abandoned or left unattended on a
4 highway other than a toll highway, interstate highway, or
5 expressway, outside of an urban district for 24 hours or more,
6 its removal by a towing service may be authorized by a law
7 enforcement agency having jurisdiction.

8 (d) When an abandoned, unattended, wrecked, burned or
9 partially dismantled vehicle is creating a traffic hazard
10 because of its position in relation to the highway or its
11 physical appearance is causing the impeding of traffic, its
12 immediate removal from the highway or private property adjacent
13 to the highway by a towing service may be authorized by a law
14 enforcement agency having jurisdiction.

15 (e) (Blank). ~~Whenever a peace officer reasonably believes~~
16 ~~that a person under arrest for a violation of Section 11 501 of~~
17 ~~this Code or a similar provision of a local ordinance is~~
18 ~~likely, upon release, to commit a subsequent violation of~~
19 ~~Section 11 501, or a similar provision of a local ordinance,~~
20 ~~the arresting officer shall have the vehicle which the person~~
21 ~~was operating at the time of the arrest impounded for a period~~
22 ~~of not more than 12 hours after the time of arrest. However,~~
23 ~~such vehicle may be released by the arresting law enforcement~~
24 ~~agency prior to the end of the impoundment period if:~~

25 ~~(1) the vehicle was not owned by the person under~~
26 ~~arrest, and the lawful owner requesting such release~~

1 ~~possesses a valid operator's license, proof of ownership,~~
2 ~~and would not, as determined by the arresting law~~
3 ~~enforcement agency, indicate a lack of ability to operate a~~
4 ~~motor vehicle in a safe manner, or who would otherwise, by~~
5 ~~operating such motor vehicle, be in violation of this Code;~~
6 ~~or~~

7 ~~(2) the vehicle is owned by the person under arrest,~~
8 ~~and the person under arrest gives permission to another~~
9 ~~person to operate such vehicle, provided however, that the~~
10 ~~other person possesses a valid operator's license and would~~
11 ~~not, as determined by the arresting law enforcement agency,~~
12 ~~indicate a lack of ability to operate a motor vehicle in a~~
13 ~~safe manner or who would otherwise, by operating such motor~~
14 ~~vehicle, be in violation of this Code.~~

15 (e-5) (Blank). ~~Whenever a registered owner of a vehicle is~~
16 ~~taken into custody for operating the vehicle in violation of~~
17 ~~Section 11-501 of this Code or a similar provision of a local~~
18 ~~ordinance or Section 6-303 of this Code, a law enforcement~~
19 ~~officer may have the vehicle immediately impounded for a period~~
20 ~~not less than:~~

21 ~~(1) 24 hours for a second violation of Section 11-501~~
22 ~~of this Code or a similar provision of a local ordinance or~~
23 ~~Section 6-303 of this Code or a combination of these~~
24 ~~offenses; or~~

25 ~~(2) 48 hours for a third violation of Section 11-501 of~~
26 ~~this Code or a similar provision of a local ordinance or~~

1 ~~Section 6-303 of this Code or a combination of these~~
2 ~~offenses.~~

3 ~~The vehicle may be released sooner if the vehicle is owned~~
4 ~~by the person under arrest and the person under arrest gives~~
5 ~~permission to another person to operate the vehicle and that~~
6 ~~other person possesses a valid operator's license and would~~
7 ~~not, as determined by the arresting law enforcement agency,~~
8 ~~indicate a lack of ability to operate a motor vehicle in a safe~~
9 ~~manner or would otherwise, by operating the motor vehicle, be~~
10 ~~in violation of this Code.~~

11 (f) (Blank). ~~Except as provided in Chapter 18a of this~~
12 ~~Code, the owner or lessor of privately owned real property~~
13 ~~within this State, or any person authorized by such owner or~~
14 ~~lessor, or any law enforcement agency in the case of publicly~~
15 ~~owned real property may cause any motor vehicle abandoned or~~
16 ~~left unattended upon such property without permission to be~~
17 ~~removed by a towing service without liability for the costs of~~
18 ~~removal, transportation or storage or damage caused by such~~
19 ~~removal, transportation or storage. The towing or removal of~~
20 ~~any vehicle from private property without the consent of the~~
21 ~~registered owner or other legally authorized person in control~~
22 ~~of the vehicle is subject to compliance with the following~~
23 ~~conditions and restrictions:~~

24 ~~1. Any towed or removed vehicle must be stored at the~~
25 ~~site of the towing service's place of business. The site~~
26 ~~must be open during business hours, and for the purpose of~~

1 ~~redemption of vehicles, during the time that the person or~~
2 ~~firm towing such vehicle is open for towing purposes.~~

3 ~~2. The towing service shall within 30 minutes of~~
4 ~~completion of such towing or removal, notify the law~~
5 ~~enforcement agency having jurisdiction of such towing or~~
6 ~~removal, and the make, model, color and license plate~~
7 ~~number of the vehicle, and shall obtain and record the name~~
8 ~~of the person at the law enforcement agency to whom such~~
9 ~~information was reported.~~

10 ~~3. If the registered owner or legally authorized person~~
11 ~~entitled to possession of the vehicle shall arrive at the~~
12 ~~scene prior to actual removal or towing of the vehicle, the~~
13 ~~vehicle shall be disconnected from the tow truck and that~~
14 ~~person shall be allowed to remove the vehicle without~~
15 ~~interference, upon the payment of a reasonable service fee~~
16 ~~of not more than one half the posted rate of the towing~~
17 ~~service as provided in paragraph 6 of this subsection, for~~
18 ~~which a receipt shall be given.~~

19 ~~4. The rebate or payment of money or any other valuable~~
20 ~~consideration from the towing service or its owners,~~
21 ~~managers or employees to the owners or operators of the~~
22 ~~premises from which the vehicles are towed or removed, for~~
23 ~~the privilege of removing or towing those vehicles, is~~
24 ~~prohibited. Any individual who violates this paragraph~~
25 ~~shall be guilty of a Class A misdemeanor.~~

26 ~~5. Except for property appurtenant to and obviously a~~

1 ~~part of a single family residence, and except for instances~~
2 ~~where notice is personally given to the owner or other~~
3 ~~legally authorized person in control of the vehicle that~~
4 ~~the area in which that vehicle is parked is reserved or~~
5 ~~otherwise unavailable to unauthorized vehicles and they~~
6 ~~are subject to being removed at the owner or operator's~~
7 ~~expense, any property owner or lessor, prior to towing or~~
8 ~~removing any vehicle from private property without the~~
9 ~~consent of the owner or other legally authorized person in~~
10 ~~control of that vehicle, must post a notice meeting the~~
11 ~~following requirements:~~

12 ~~a. Except as otherwise provided in subparagraph~~
13 ~~a.1 of this subdivision (f)5, the notice must be~~
14 ~~prominently placed at each driveway access or curb cut~~
15 ~~allowing vehicular access to the property within 5 feet~~
16 ~~from the public right of way line. If there are no~~
17 ~~curbs or access barriers, the sign must be posted not~~
18 ~~less than one sign each 100 feet of lot frontage.~~

19 ~~a.1. In a municipality with a population of less~~
20 ~~than 250,000, as an alternative to the requirement of~~
21 ~~subparagraph a of this subdivision (f)5, the notice for~~
22 ~~a parking lot contained within property used solely for~~
23 ~~a 2-family, 3-family, or 4-family residence may be~~
24 ~~prominently placed at the perimeter of the parking lot,~~
25 ~~in a position where the notice is visible to the~~
26 ~~occupants of vehicles entering the lot.~~

1 ~~b. The notice must indicate clearly, in not less~~
2 ~~than 2 inch high light reflective letters on a~~
3 ~~contrasting background, that unauthorized vehicles~~
4 ~~will be towed away at the owner's expense.~~

5 ~~c. The notice must also provide the name and~~
6 ~~current telephone number of the towing service towing~~
7 ~~or removing the vehicle.~~

8 ~~d. The sign structure containing the required~~
9 ~~notices must be permanently installed with the bottom~~
10 ~~of the sign not less than 4 feet above ground level,~~
11 ~~and must be continuously maintained on the property for~~
12 ~~not less than 24 hours prior to the towing or removing~~
13 ~~of any vehicle.~~

14 ~~6. Any towing service that tows or removes vehicles and~~
15 ~~proposes to require the owner, operator, or person in~~
16 ~~control of the vehicle to pay the costs of towing and~~
17 ~~storage prior to redemption of the vehicle must file and~~
18 ~~keep on record with the local law enforcement agency a~~
19 ~~complete copy of the current rates to be charged for such~~
20 ~~services, and post at the storage site an identical rate~~
21 ~~schedule and any written contracts with property owners,~~
22 ~~lessors, or persons in control of property which authorize~~
23 ~~them to remove vehicles as provided in this Section. The~~
24 ~~towing and storage charges, however, shall not exceed the~~
25 ~~maximum allowed by the Illinois Commerce Commission under~~
26 ~~Section 18a-200.~~

1 ~~7. No person shall engage in the removal of vehicles~~
2 ~~from private property as described in this Section without~~
3 ~~filing a notice of intent in each community where he~~
4 ~~intends to do such removal, and such notice shall be filed~~
5 ~~at least 7 days before commencing such towing.~~

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

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

16 ~~10. When a vehicle has been towed or removed pursuant~~
17 ~~to this Section, it must be released to its owner or~~
18 ~~eustodian within one half hour after requested, if such~~
19 ~~request is made during business hours. Any vehicle owner or~~
20 ~~eustodian or agent shall have the right to inspect the~~
21 ~~vehicle before accepting its return, and no release or~~
22 ~~waiver of any kind which would release the towing service~~
23 ~~from liability for damages incurred during the towing and~~
24 ~~storage may be required from any vehicle owner or other~~
25 ~~legally authorized person as a condition of release of the~~
26 ~~vehicle. A detailed, signed receipt showing the legal name~~

1 ~~of the towing service must be given to the person paying~~
2 ~~towing or storage charges at the time of payment, whether~~
3 ~~requested or not.~~

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

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

13 ~~Any towing or storage charges accrued shall be payable by~~
14 ~~the use of any major credit card, in addition to being payable~~
15 ~~in cash.~~

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

21 ~~Any person who fails to comply with the conditions and~~
22 ~~restrictions of this subsection shall be guilty of a Class C~~
23 ~~misdemeanor and shall be fined not less than \$100 nor more than~~
24 ~~\$500.~~

25 (g) (Blank).(1) ~~When a vehicle is determined to be a~~
26 ~~hazardous dilapidated motor vehicle pursuant to Section~~

1 ~~11-40 3.1 of the Illinois Municipal Code or Section 5-12002.1~~
2 ~~of the Counties Code, its removal and impoundment by a towing~~
3 ~~service may be authorized by a law enforcement agency with~~
4 ~~appropriate jurisdiction.~~

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

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

25 ~~(4) Any personal property belonging to the vehicle owner in~~
26 ~~a vehicle subject to a lien under this subsection (g) shall~~

1 ~~likewise be subject to that lien, excepting only: child~~
2 ~~restraint systems as defined in Section 4 of the Child~~
3 ~~Passenger Protection Act and other child booster seats;~~
4 ~~eyeglasses; food; medicine; perishable property; any~~
5 ~~operator's licenses; any cash, credit cards, or checks or~~
6 ~~checkbooks; any wallet, purse, or other property containing any~~
7 ~~operator's license or other identifying documents or~~
8 ~~materials, cash, credit cards, checks, or checkbooks; and any~~
9 ~~personal property belonging to a person other than the vehicle~~
10 ~~owner if that person provides adequate proof that the personal~~
11 ~~property belongs to that person. The spouse, child, mother,~~
12 ~~father, brother, or sister of the vehicle owner may claim~~
13 ~~personal property excepted under this paragraph (4) if the~~
14 ~~person claiming the personal property provides the commercial~~
15 ~~vehicle relocater or towing service with the authorization of~~
16 ~~the vehicle owner.~~

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

1 ~~personal property in a vehicle subject to a lien under this~~
2 ~~subsection (g) if the person claiming the personal property~~
3 ~~provides the commercial vehicle relocator or towing service~~
4 ~~with the authorization of the vehicle owner and proof that the~~
5 ~~vehicle owner has an insurance policy covering towing and~~
6 ~~storage fees. The regulation of liens on personal property and~~
7 ~~exceptions to those liens in the case of vehicles towed as a~~
8 ~~result of being involved in an accident are exclusive powers~~
9 ~~and functions of the State. A home rule unit may not regulate~~
10 ~~liens on personal property and exceptions to those liens in the~~
11 ~~case of vehicles towed as a result of being involved in an~~
12 ~~accident. This paragraph (5) is a denial and limitation of home~~
13 ~~rule powers and functions under subsection (h) of Section 6 of~~
14 ~~Article VII of the Illinois Constitution.~~

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

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

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

2 ~~(2) If the person ticketed for a violation of~~
3 ~~subsection (a) of Section 11-506 of this Code was not~~
4 ~~authorized by the registered owner of the vehicle to~~
5 ~~operate the vehicle at the time of the violation; or~~

6 ~~(3) If the registered owner of the vehicle was neither~~
7 ~~the driver nor a passenger in the vehicle at the time of~~
8 ~~the violation or was unaware that the driver was using the~~
9 ~~vehicle to engage in street racing; or~~

10 ~~(4) If the legal owner or registered owner of the~~
11 ~~vehicle is a rental car agency; or~~

12 ~~(5) If, prior to the expiration of the impoundment~~
13 ~~period specified above, the citation is dismissed or the~~
14 ~~defendant is found not guilty of the offense.~~

15 (Source: P.A. 96-1274, eff. 7-26-10; 96-1506, eff. 1-27-11;
16 97-779, eff. 7-13-12.)

17 (625 ILCS 5/4-203.1 new)

18 Sec. 4-203.1. Removal of Abandoned or Unattended Vehicles
19 on Private Property.

20 (a) Towing of vehicles from residential private property;
21 no notice posted. Except as provided in Chapter 18a of this
22 Code, the owner or lessor of privately owned residential real
23 property within this State, or any person authorized by the
24 owner or lessor, may cause any motor vehicle abandoned or left
25 unattended upon that property without permission to be removed

1 by a towing service without liability for the costs of removal,
2 transportation or storage or damage caused by the removal,
3 transportation or storage.

4 The towing service shall keep the towed vehicle and its
5 contents and maintain a record of the tow as required under
6 Section 4-204 of this Code for law enforcement agencies until
7 the vehicle is claimed by the owner or any other person legally
8 entitled to its possession or until it is disposed of as
9 provided in this Chapter.

10 The towing or removal of any vehicle from residential
11 private property without the consent of the registered owner or
12 other legally authorized person in control of the vehicle is
13 subject to compliance with the following provisions:

14 (1) any towed or removed vehicle must be stored at the
15 site of the towing service's place of business. The site
16 must be open during business hours, and for the purpose of
17 redemption of vehicles, during the time that the person or
18 firm towing the vehicle is open for towing purposes;

19 (2) the towing service shall, within 30 minutes of
20 completion of the towing or removal, notify the law
21 enforcement agency having jurisdiction over the towing or
22 removal, of the make, model, color, and license plate
23 number of the vehicle, and shall obtain and record the name
24 of the person at the law enforcement agency to whom the
25 information was reported;

26 (3) if the registered owner or legally authorized

1 person entitled to possession of the vehicle arrives at the
2 scene prior to removal or towing of the vehicle, the
3 vehicle shall be disconnected from the tow truck and that
4 person shall be allowed to remove the vehicle without
5 interference upon the payment of a reasonable service fee
6 of not more than one-half the rate of the towing service
7 posted with local law enforcement as required by subsection
8 (c) of this Section, for which a receipt shall be given;
9 and

10 (4) the rebate or payment of money or any other
11 valuable consideration from the towing service or its
12 owners, managers, or employees to the owners or operators
13 of the premises from which the vehicles are towed or
14 removed, for the privilege of removing or towing those
15 vehicles, is prohibited. Any person who violates this
16 paragraph shall be guilty of a Class A misdemeanor.

17 (b) Towing Vehicles from Non-Residential Private Property.
18 Except for private property obviously a part of a single-family
19 residence, and except for instances where notice is personally
20 given to the owner or operator of the vehicle that the area in
21 which that vehicle is parking is reserved or otherwise
22 unavailable and they are subject to being removed at the owner
23 or operator's expense, any property owner or lessor, prior to
24 towing or removing any vehicle from non-residential private
25 property without the consent of the owner of that vehicle,
26 shall post a notice meeting the following requirements:

1 (1) except as otherwise provided, the notice must be
2 prominently placed at each driveway access or curb cut
3 allowing vehicular access to the property within 5 feet
4 from the public right-of-way line. If there are no curbs or
5 access barriers, the sign must be posted not less than one
6 sign each 100 feet of lot frontage;

7 (2) in a municipality with a population of less than
8 250,000, as an alternative to the requirement of paragraph
9 (1) of subsection (b), the notice for a parking lot
10 contained within property used solely for a 2-family,
11 3-family, or 4-family residence may be prominently placed
12 at the perimeter of the parking lot, in a position where
13 the notice is visible to the occupants of vehicles entering
14 the lot;

15 (3) the notice must indicate clearly, in not less than
16 2 inch high light-reflective letters on a contrasting
17 background, that unauthorized vehicles will be towed away
18 at the owner's expense;

19 (4) the notice must also provide the name and current
20 telephone number of the towing service towing or removing
21 the vehicle; and

22 (5) the sign structure containing the required notices
23 must be permanently installed with the bottom of the sign
24 not less than 4 feet above ground level, and must be
25 continuously maintained on the property for not less than
26 24 hours prior to the towing or removing of any vehicle.

1 (c) Any towing service that tows or removes vehicles must
2 file and keep on record with the local law enforcement agency a
3 complete copy of the current rates to be charged for these
4 services, and post at the storage site an identical rate
5 schedule and any written contracts with property owners,
6 lessors, or persons in control of property which authorize them
7 to remove vehicles as provided in this Section. The towing and
8 storage charges shall not exceed the maximum allowed by the
9 Illinois Commerce Commission under Section 18a-200 of this
10 Code.

11 (d) No person shall engage in the removal of vehicles from
12 private property as described in this Section without filing a
13 notice of intent in each community where he or she intends to
14 conduct removal, and this notice shall be filed at least 7 days
15 before commencing any towing.

16 (e) No removal of a vehicle from private property shall be
17 done except upon express written instructions of the owners or
18 persons in charge of the private property upon which the
19 vehicle is said to be trespassing.

20 (f) Vehicle entry for the purpose of removal shall be
21 allowed with reasonable care on the part of the person or firm
22 towing the vehicle. This person or firm shall be liable for any
23 damages to the vehicle if their entry is not in accordance with
24 the standards of reasonable care.

25 (g) When a vehicle has been towed or removed under this
26 Section, it must be released to its owner within one-half hour

1 after requested, if the request is made during business hours.
2 Any vehicle owner or custodian or agent shall have the right to
3 inspect the vehicle before accepting its return, and no release
4 or waiver of any kind which would release the towing service
5 from liability for damages incurred during the towing and
6 storage may be required from any vehicle owner or other legally
7 authorized person as a condition of release of the vehicle. A
8 detailed, signed receipt showing the legal name of the towing
9 service must be given to the person paying towing or storage
10 charges at the time of payment.

11 This Section shall not apply to law enforcement,
12 firefighting, rescue, ambulance, or other emergency vehicles
13 which are marked as such or to property owned by any
14 governmental entity.

15 When an authorized person improperly causes a motor vehicle
16 to be removed, that person shall be liable to the owner or
17 lessee of the vehicle for the cost of removal, transportation,
18 storage, any damages resulting from the removal,
19 transportation and storage, attorney's fee, and court costs.

20 (h) Towing companies shall also provide insurance coverage
21 for areas where vehicles towed under the provisions of this
22 Chapter will be impounded or otherwise stored, and shall
23 adequately cover loss by fire, theft or other risks.

24 Any person who fails to comply with the conditions and
25 restrictions of this subsection shall be guilty of a Class C
26 misdemeanor and shall be fined not less than \$100 nor more than

1 \$500.

2 (i) When a vehicle is determined to be a hazardous
3 dilapidated motor vehicle under Section 11-40-3.1 of the
4 Illinois Municipal Code or Section 5-12002.1 of the Counties
5 Code, its removal and impoundment by a towing service may be
6 authorized by a law enforcement agency with appropriate
7 jurisdiction.

8 (625 ILCS 5/4-203.2 new)

9 Sec. 4-203.2. Impoundment of Vehicles for Certain
10 Offenses.

11 (a) Whenever a peace officer reasonably believes that a
12 person under arrest for a violation of Section 11-501 of this
13 Code or a similar provision of a local ordinance is likely,
14 upon release, to commit a subsequent violation of Section
15 11-501, or a similar provision of a local ordinance, the
16 arresting officer shall have the vehicle which the person was
17 operating at the time of the arrest impounded for a period of
18 not more than 12 hours after the time of arrest. However, the
19 vehicle may be released by the arresting law enforcement agency
20 prior to the end of the impoundment period if:

21 (1) the vehicle was not owned by the person under
22 arrest, and the lawful owner requesting the release
23 possesses a valid operator's license, proof of ownership,
24 and would not, as determined by the arresting law
25 enforcement agency, indicate a lack of ability to operate a

1 motor vehicle in a safe manner, or who would otherwise, by
2 operating the 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 the 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 the motor
11 vehicle, be in violation of this Code.

12 (b) Whenever a registered owner of a vehicle is taken into
13 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 (c) Whenever a peace officer issues a citation to a driver
9 for a violation of subsection (a) of Section 11-506 of this
10 Code, the arresting officer may have the vehicle which the
11 person was operating at the time of the arrest impounded for a
12 period of 5 days after the time of arrest. An impounding agency
13 shall release a motor vehicle impounded under this subsection
14 (c) to the registered owner of the vehicle under any of the
15 following circumstances:

16 (1) if the vehicle is a stolen vehicle;

17 (2) if the person ticketed for a violation of
18 subsection (a) of Section 11-506 of this Code was not
19 authorized by the registered owner of the vehicle to
20 operate the vehicle at the time of the violation;

21 (3) if the registered owner of the vehicle was neither
22 the driver nor a passenger in the vehicle at the time of
23 the violation or was unaware that the driver was using the
24 vehicle to engage in street racing;

25 (4) if the legal owner or registered owner of the
26 vehicle is a rental car agency; or

1 (5) if, prior to the expiration of the impoundment
2 period specified above, the citation is dismissed or the
3 defendant is found not guilty of the offense.

4 (625 ILCS 5/4-204) (from Ch. 95 1/2, par. 4-204)

5 Sec. 4-204. Police authorized tows; reports, release of
6 vehicles, payment. When a vehicle is authorized to be towed
7 away at the request of a law enforcement officer ~~as provided in~~
8 ~~Section 4-202 or 4-203:~~

9 (a) The authorization, any hold order, and any release
10 shall be in writing, or confirmed in writing, by the
11 authorizing law enforcement agency with a copy given to the
12 towing service.

13 (b) The law enforcement agency ~~police headquarters or~~
14 ~~office of the law officer~~ authorizing the tow ~~towing~~ shall keep
15 and maintain a record of the vehicle towed, listing the color,
16 year of manufacture, manufacturer's trade name, manufacturer's
17 series name, body style, vehicle identification number ~~Vehicle~~
18 ~~Identification Number~~, and license plate ~~year and number~~ for
19 ~~and registration sticker year and number displayed on the~~
20 vehicle. The record shall also include the date and hour of
21 tow, location towed from, location towed to, reason for towing
22 and the name of the officer authorizing the tow.

23 (c) The owner, operator, or other legally entitled person
24 shall be responsible to the towing service for payment of
25 applicable removal, towing, storage, and processing charges

1 and collection costs associated with a vehicle towed or held
2 under order or authorization of a law enforcement agency. If a
3 vehicle towed or held under order or authorization of a law
4 enforcement agency is seized by the ordering or authorizing
5 agency or any other law enforcement or governmental agency and
6 sold, any unpaid removal, towing, storage, and processing
7 charges and collection costs shall be paid to the towing
8 service from the proceeds of the sale. If applicable law
9 provides that the proceeds are to be paid into the treasury of
10 the appropriate civil jurisdiction, then any unpaid removal,
11 towing, storage, and processing charges and collection costs
12 shall be paid to the towing service from the treasury of the
13 civil jurisdiction. That payment shall not, however, exceed the
14 amount of proceeds from the sale, with the balance to be paid
15 by the owner, operator, or other legally entitled person.

16 (d) Upon delivery of a written release order to the towing
17 service, a vehicle subject to a hold order shall be released to
18 the owner, operator, or other legally entitled person upon
19 proof of ownership or other entitlement and upon payment of
20 applicable removal, towing, storage, ~~and processing charges~~
21 and collection costs.

22 (Source: P.A. 89-433, eff. 12-15-95.)

23 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

24 Sec. 4-205. Record searches.

25 (a) When a towing service or a law enforcement agency

1 authorizing the impounding or towing of a vehicle does not know
2 the identity of the registered owner, lienholder or other
3 legally entitled person, the towing service or ~~that~~ law
4 enforcement agency will request a search of the title ~~cause the~~
5 ~~vehicle registration~~ records of the Secretary of State to
6 determine ownership information ~~of Illinois to be searched by~~
7 ~~the Secretary of State for the purpose of obtaining the~~
8 ~~required ownership information.~~

9 (a-5) In the event that the Secretary of State cannot
10 provide ownership information, the following means shall be
11 used to identify the owner of the vehicle:

12 (1) using the vehicle identification number to conduct
13 a search through a commercial, nation-wide motor vehicle
14 information service; or

15 (2) inspecting the vehicle for any evidence of the name
16 or address of the owner or state of registration.

17 (a-10) If evidence of the state of registration can be
18 found by utilizing the means set forth in subsection (a-5) of
19 this Section, the motor vehicle department of that state shall
20 be contacted and requested to perform a record search for the
21 name and address of any owner or lienholder.

22 (b) The law enforcement agency authorizing the impounding
23 of a vehicle will search ~~cause~~ the stolen motor vehicle files
24 of the State Police ~~to be searched by a directed communication~~
25 ~~to the State Police~~ for stolen or wanted information on the
26 vehicle. When the State Police files are searched with negative

1 results, the information contained in the National Crime
2 Information Center (NCIC) files will be searched by the State
3 Police. ~~The information determined from these record searches~~
4 ~~will be returned to the requesting law enforcement agency for~~
5 ~~that agency's use in sending a notification by certified mail~~
6 ~~to the registered owner, lienholder and other legally entitled~~
7 ~~persons advising where the vehicle is held, requesting a~~
8 ~~disposition be made and setting forth public sale information.~~
9 ~~Notification shall be sent no later than 10 business days after~~
10 ~~the date the law enforcement agency impounds or authorizes the~~
11 ~~impounding of a vehicle, provided that if the law enforcement~~
12 ~~agency is unable to determine the identity of the registered~~
13 ~~owner, lienholder or other person legally entitled to ownership~~
14 ~~of the impounded vehicle within a 10 business day period after~~
15 ~~impoundment, then notification shall be sent no later than 2~~
16 ~~days after the date the identity of the registered owner,~~
17 ~~lienholder or other person legally entitled to ownership of the~~
18 ~~impounded vehicle is determined. Exceptions to a notification~~
19 ~~by certified mail to the registered owner, lienholder and other~~
20 ~~legally entitled persons are set forth in Section 4-209 of this~~
21 ~~Code.~~

22 (b-5) If an abandoned or unclaimed vehicle displays a
23 dealer, transporter, or manufacturer license plate or
24 temporary registration plate, the towing service or law
25 enforcement agency, in addition to requesting a search of the
26 title record of the vehicle, shall request a registration

1 record of the vehicle.

2 (c) (Blank). ~~When ownership information is needed for a~~
3 ~~towing service to give notification as required under this~~
4 ~~Code, the towing service may cause the vehicle registration~~
5 ~~records of the State of Illinois to be searched by the~~
6 ~~Secretary of State, and in such case, the towing service also~~
7 ~~shall give notice to all lienholders of record within the time~~
8 ~~period required for such other notices.~~

9 ~~The written request of a towing service, in the form and~~
10 ~~containing the information prescribed by the Secretary of State~~
11 ~~by rule, may be transmitted to the Secretary of State in~~
12 ~~person, by U.S. mail or other delivery service, by facsimile~~
13 ~~transmission, or by other means the Secretary of State deems~~
14 ~~acceptable.~~

15 ~~The Secretary of State shall provide the required~~
16 ~~information, or a statement that the information was not found~~
17 ~~in the vehicle registration records of the State, by U.S. mail~~
18 ~~or other delivery service, facsimile transmission, as~~
19 ~~requested by the towing service, or by other means acceptable~~
20 ~~to the Secretary of State.~~

21 (d) (Blank). ~~The Secretary of State may prescribe standards~~
22 ~~and procedures for submission of requests for record searches~~
23 ~~and replies via computer link.~~

24 (e) (Blank). ~~Fees for services provided under this Section~~
25 ~~shall be in amounts prescribed by the Secretary of State under~~
26 ~~Section 3-821.1 of this Code. Payment may be made by the towing~~

1 ~~service using cash, any commonly accepted credit card, or any~~
2 ~~other means of payment deemed acceptable by the Secretary of~~
3 ~~State.~~

4 (Source: P.A. 95-838, eff. 8-15-08.)

5 (625 ILCS 5/4-207) (from Ch. 95 1/2, par. 4-207)

6 Sec. 4-207. Reclaimed vehicles; expenses.

7 (a) Any time before a vehicle is sold at public sale or
8 disposed of as provided in Section 4-208, the owner, lienholder
9 or other person legally entitled to its possession may reclaim
10 the vehicle by presenting to the law enforcement agency having
11 custody of the vehicle proof of ownership or proof of the right
12 to possession of the vehicle. In order to reclaim the vehicle,
13 the owner, lienholder, or other person legally entitled to its
14 possession must pay all towing and storage charges. Storage
15 charges may not exceed 60 days. Payment may be made by use of
16 any major credit card, in addition to being payable in cash.

17 (b) (Blank). ~~No vehicle shall be released to the owner,~~
18 ~~lienholder, or other person under this Section until all~~
19 ~~towing, storage, and processing charges have been paid.~~

20 (Source: P.A. 89-433, eff. 12-15-95.)

21 (625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

22 Sec. 4-208. Notice for disposal ~~Disposal~~ of unclaimed
23 vehicles.

24 (a) In cities having a population of more than 500,000,

1 whenever an abandoned, lost, stolen or unclaimed vehicle, or
2 vehicle determined to be a hazardous dilapidated motor vehicle
3 pursuant to Section 11-40-3.1 of the Illinois Municipal Code,
4 remains unclaimed by the registered owner, lienholder or other
5 legally entitled person for a period of 18 days after notice
6 has been given ~~under Sections 4-205 and 4-206 of this Code~~, if
7 during that 18 days the possessor of the vehicle has sent an
8 additional notice by first class mail to the registered owner,
9 lienholder, or other legally entitled person, the vehicle shall
10 be disposed, pursuant to the provisions of the "Municipal
11 purchasing act for cities of 500,000 or more population", to a
12 person licensed as an automotive parts recycler, rebuilder or
13 scrap processor under Chapter 5 of this Code. With respect to
14 any vehicle that has been booted, impounded, or both in
15 accordance with subsection (c) of Section 11-208.3, a city with
16 a population over 500,000 may establish a program whereby the
17 registered owner, lienholder, or other legally entitled person
18 is entitled to any proceeds from the disposition of the
19 vehicle, less any reasonable storage charges, administrative
20 fees, booting fees, towing fees, and parking and compliance
21 fines and penalties.

22 (a-5) After a towing service or law enforcement agency
23 determines the vehicle owner and any lienholder as required
24 under Section 4-205 of this Code, the towing service or law
25 enforcement agency shall send a certified notice to the owner
26 and lienholder no later than 10 business days after the date of

1 the tow. If the identity of the registered owner or lienholder
2 cannot be determined within 10 business days after the tow,
3 then certified notice shall be sent no later than 2 days after
4 the date the identity of the registered owner or lienholder of
5 the vehicle is determined. The certified notice shall contain
6 the name and location where the vehicle is being stored, hours
7 of operation, and the total amount owed. The notice shall also
8 provide notice to the registered owner, lienholder and other
9 legally entitled person that if redemption does not occur
10 within 10 business days of the date of the notice, the vehicle
11 shall be sold at sale. The date, time, and place of sale shall
12 be contained on the notice.

13 (a-10) If an abandoned or unclaimed vehicle displays a
14 dealer, transporter, or manufacturer license plate or a
15 temporary registration plate, the towing service or the law
16 enforcement agency shall send the certified notices required
17 under this Section to the person or entity having registration
18 plates last issued as well as to the last registered owner or
19 lienholder of the vehicle.

20 ~~(b) (Blank). Except as provided in Section 4-208 for cities~~
21 ~~with more than 500,000 inhabitants, when an abandoned, lost,~~
22 ~~stolen or unclaimed vehicle 7 years of age or newer remains~~
23 ~~unclaimed by the registered owner, lienholder or other legally~~
24 ~~entitled persons for a period of 30 days after notice has been~~
25 ~~given as provided in Sections 4-205 and 4-206 of this Code, the~~
26 ~~law enforcement agency or towing service having possession of~~

1 ~~the vehicle shall cause it to be sold at public auction to a~~
2 ~~person licensed as an automotive parts recycler, rebuilder or~~
3 ~~scrap processor under Chapter 5 of this Code or the towing~~
4 ~~operator which towed the vehicle. Notice of the time and place~~
5 ~~of the sale shall be posted in a conspicuous place for at least~~
6 ~~10 days prior to the sale on the premises where the vehicle has~~
7 ~~been impounded. At least 10 days prior to the sale, the law~~
8 ~~enforcement agency where the vehicle is impounded, or the~~
9 ~~towing service where the vehicle is impounded, shall cause a~~
10 ~~notice of the time and place of the sale to be sent by~~
11 ~~certified mail to the registered owner, lienholder, or other~~
12 ~~legally entitled persons. Notice as provided in Sections 4-205~~
13 ~~and 4-206 of this Code and as provided in this subsection (b)~~
14 ~~shall state the time and place of sale and shall contain a~~
15 ~~complete description of the vehicle to be sold and what steps~~
16 ~~must be taken by any legally entitled person to reclaim the~~
17 ~~vehicle.~~

18 (c) (Blank). ~~If an abandoned, lost, stolen, or unclaimed~~
19 ~~vehicle displays dealer plates, notice under this Section and~~
20 ~~Section 4-209 of this Code shall be sent to both the dealer and~~
21 ~~the registered owner, lienholder, or other legally entitled~~
22 ~~persons.~~

23 (d) (Blank). ~~In those instances where the certified~~
24 ~~notification specified in Sections 4-205 and 4-206 of this Code~~
25 ~~has been returned by the postal authorities to the law~~
26 ~~enforcement agency or towing service, the sending of a second~~

1 ~~certified notice will not be required.~~

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

3 (625 ILCS 5/4-209.1) (from Ch. 95 1/2, par. 4-209.1)

4 Sec. 4-209.1. Disposal of hazardous dilapidated motor
5 vehicles. Any hazardous dilapidated motor vehicle impounded
6 pursuant to the provisions of this Article and Section
7 11-40-3.1 of the Illinois Municipal Code, whether impounded at
8 a public facility or on the property of private towing service,
9 shall be kept in custody for a period of 10 business days for
10 the purpose of determining the identity of the registered owner
11 or lienholder and contacting such owner or lienholder, if
12 known, by regular U.S. Mail. At the expiration of the 10
13 business day ~~day~~ period, without benefit of disposition
14 information being received from the registered owner or
15 lienholder, the towing service may dispose ~~law enforcement~~
16 ~~agency having jurisdiction will authorize the disposal~~ of the
17 vehicle as junk.

18 (Source: P.A. 86-460.)

19 (625 ILCS 5/4-209.2)

20 Sec. 4-209.2. Collection of ~~unpaid~~ charges.

21 (a) When a vehicle is abandoned or unclaimed, it shall be
22 presumed that the last registered owner is responsible for the
23 abandonment and shall be liable for all towing, storage, and
24 collection costs, less any amounts realized in the disposal of

1 the vehicle. The last registered owner's liability for storage
2 fees may not exceed a maximum of 60 days.

3 (b) The presumption established under this Section may be
4 rebutted by a showing that, prior to the time of the tow:

5 (1) a report of vehicle theft was filed with respect to
6 the vehicle; or

7 (2) the vehicle was sold or transferred and the last
8 registered owner provides the towing service with the
9 identify and address of the new owner at the time of the
10 sale or transfer.

11 ~~In an action to collect towing, storage, and processing charges~~
12 ~~that remain unpaid after disposition of a vehicle towed or~~
13 ~~relocated under this Code, the towing service may recover~~
14 ~~reasonable collection costs.~~

15 (Source: P.A. 89-433, eff. 12-15-95.)

16 (625 ILCS 5/4-209.3 new)

17 Sec. 4-209.3. Personal property; unpaid charges after
18 sale.

19 (a) Any personal property belonging to the vehicle owner in
20 a vehicle subject to a lien under this Section shall likewise
21 be subject to that lien, except for: child restraint systems as
22 defined in Section 4 of the Child Passenger Protection Act and
23 other child booster seats; eyeglasses; food; medicine;
24 perishable property; any operator's licenses; any cash, credit
25 cards, or checks or checkbooks; any wallet, purse, or other

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

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

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

9 (c) In an action to collect towing, storage, and processing
10 charges that remain unpaid after disposition of a vehicle towed
11 or relocated under this Code, the towing service may recover
12 reasonable collection costs.

13 (625 ILCS 5/4-212) (from Ch. 95 1/2, par. 4-212)

14 Sec. 4-212. Ownership documents for vehicles after public
15 sale - removal of liens. When an applicant for a salvage
16 certificate or junking certificate under this Chapter presents
17 to the Secretary of State proof that he has purchased or
18 acquired a vehicle at a public sale as authorized by this
19 Chapter and such fact is certified to by the law enforcement
20 agency having jurisdiction ~~over the public sale of a vehicle,~~
21 the Secretary of State shall issue a salvage certificate or
22 junking certificate under paragraph (2) of subsection (b) of
23 Section 3-117.1 of this Code for the vehicle upon receipt of
24 the statutory fee and a properly executed application ~~for a~~
25 ~~salvage certificate or junking certificate.~~ The salvage

1 certificate or junking certificate issued by the Secretary of
2 State under this Section shall be free of any lien that existed
3 against the vehicle prior to the time the vehicle was acquired
4 by the applicant under this Chapter.

5 (Source: P.A. 85-951.)

6 (625 ILCS 5/4-212.1) (from Ch. 95 1/2, par. 4-212.1)

7 Sec. 4-212.1. In cities with more than 500,000 inhabitants,
8 the corporate authorities may, by ordinance, designate any
9 department of municipal government to do any of the following:

10 (1) To perform any of the duties and functions specified
11 for law enforcement agencies in this Article ~~subsection (a) of~~
12 ~~Section 4-205 and in Sections 4-201, 4-203, 4-204, 4-206,~~
13 ~~4-207, 4-208, 4-209, 4-210, 4-211 and 4-212; and~~

14 (2) To authorize a towing service to remove and take
15 possession of abandoned, ~~lost, stolen~~ or unclaimed vehicles, in
16 the manner that municipal police may make such authorization
17 pursuant to Section 4-202; and

18 (3) To send notifications as required under ~~subsection (b)~~
19 ~~of Section 4-208~~ 4-205.

20 (Source: P.A. 86-947.)

21 (625 ILCS 5/4-214) (from Ch. 95 1/2, par. 4-214)

22 Sec. 4-214. Violations of Section 4-201.

23 (a) Any person who violates Section 4-201 of this Code or
24 who aids and abets in that violation:

1 (1) shall be subject to a mandatory fine of \$200; and

2 (2) shall be required by the court to make a
3 disposition on the abandoned or unclaimed vehicle and pay
4 all towing, storage, and processing charges and collection
5 costs pursuant to Section 4-203, subsections (a) and (c).

6 (b) (Blank). ~~When a vehicle is abandoned, it shall be~~
7 ~~presumed that the last registered owner is responsible for the~~
8 ~~abandonment and shall be liable for all towing, storage, and~~
9 ~~processing charges and collection costs, less any amounts~~
10 ~~realized in the disposal of the vehicle. The last registered~~
11 ~~owner's liability for storage fees may not exceed a maximum of~~
12 ~~30 days' storage fees.~~

13 ~~The presumption established under this subsection may be~~
14 ~~rebutted by a showing that, prior to the time of the tow:~~

15 ~~(1) a report of vehicle theft was filed with respect to~~
16 ~~the vehicle; or~~

17 ~~(2) the vehicle was sold or transferred and the last~~
18 ~~registered owner provides the towing service with the~~
19 ~~correct identity and address of the new owner at the time~~
20 ~~of the sale or transfer.~~

21 ~~If the presumption established under this subsection is~~
22 ~~rebutted, the person responsible for theft of the vehicle or to~~
23 ~~whom the vehicle was sold or transferred is liable for all~~
24 ~~towing, storage, and processing charges and collection costs.~~

25 (Source: P.A. 89-433, eff. 12-15-95.)

1 (625 ILCS 5/4-215)

2 Sec. 4-215. Rebuilt vehicles; clean titles. A tow service
3 authorized by a law enforcement agency to tow a vehicle may
4 obtain a certificate of title for that towed vehicle that is
5 not a salvage or junking certificate from a certificate of
6 purchase if the vehicle has not sustained any structural
7 damage, there is no history of a salvage certificate, and the
8 vehicle has undergone a salvage inspection by the Secretary of
9 State and a safety inspection under Section 13-101 of this
10 Code. The application for a certificate of title applied for
11 under this Section shall contain an affirmation under penalty
12 of perjury that the vehicle on the date of the tow was not
13 damaged in excess of 33% of its fair market value, has no
14 structural damage and has no history of salvage. The Secretary
15 of State may adopt rules to implement this Section. Persons
16 ~~licensed under Section 5-301 of this Code may obtain a~~
17 ~~certificate of title that does not bear the notation "REBUILT"~~
18 ~~from a certificate of purchase when the damage to the vehicle~~
19 ~~is 25% or less of its market value, there has been no~~
20 ~~structural damage to the vehicle, there is no history of a~~
21 ~~salvage certificate, and the vehicle has undergone a salvage~~
22 ~~inspection by the Secretary of State and a safety inspection~~
23 ~~under Section 13-101 of this Code. The application for a~~
24 ~~certificate of title shall contain an affirmation under penalty~~
25 ~~for perjury that the vehicle on the date of the application is~~
26 ~~not damaged in excess of 25% of its market value, has no~~

1 ~~structural damage, and has no history of salvage.~~

2 (Source: P.A. 89-433, eff. 12-15-95.)

3 (625 ILCS 5/4-206 rep.)

4 (625 ILCS 5/4-209 rep.)

5 Section 10. The Illinois Vehicle Code is amended by
6 repealing Sections 4-206 and 4-209."