

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 4-203 and 18a-300 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
17 highway other than a toll highway, interstate highway, or
18 expressway, outside of an urban district for 24 hours or more,
19 its removal by a towing service may be authorized by a law
20 enforcement agency having jurisdiction.

21 (d) When an abandoned, unattended, wrecked, burned or
22 partially dismantled vehicle is creating a traffic hazard
23 because of its position in relation to the highway or its

1 physical appearance is causing the impeding of traffic, its
2 immediate removal from the highway or private property adjacent
3 to the highway by a towing service may be authorized by a law
4 enforcement agency having jurisdiction.

5 (e) Whenever a peace officer reasonably believes that a
6 person under arrest for a violation of Section 11-501 of this
7 Code or a similar provision of a local ordinance is likely,
8 upon release, to commit a subsequent violation of Section
9 11-501, or a similar provision of a local ordinance, the
10 arresting officer shall have the vehicle which the person was
11 operating at the time of the arrest impounded for a period of
12 not more than 12 hours after the time of arrest. However, such
13 vehicle may be released by the arresting law enforcement agency
14 prior to the end of the impoundment period if:

15 (1) the vehicle was not owned by the person under
16 arrest, and the lawful owner requesting such release
17 possesses a valid operator's license, proof of ownership,
18 and would not, as determined by the arresting law
19 enforcement agency, indicate a lack of ability to operate a
20 motor vehicle in a safe manner, or who would otherwise, by
21 operating such motor vehicle, be in violation of this Code;
22 or

23 (2) the vehicle is owned by the person under arrest,
24 and the person under arrest gives permission to another
25 person to operate such vehicle, provided however, that the
26 other person possesses a valid operator's license and would

1 not, as determined by the arresting law enforcement agency,
2 indicate a lack of ability to operate a motor vehicle in a
3 safe manner or who would otherwise, by operating such motor
4 vehicle, be in violation of this Code.

5 (e-5) Whenever a registered owner of a vehicle is taken
6 into custody for operating the vehicle in violation of Section
7 11-501 of this Code or a similar provision of a local ordinance
8 or Section 6-303 of this Code, a law enforcement officer may
9 have the vehicle immediately impounded for a period not less
10 than:

11 (1) 24 hours for a second violation of Section 11-501
12 of this Code or a similar provision of a local ordinance or
13 Section 6-303 of this Code or a combination of these
14 offenses; or

15 (2) 48 hours for a third violation of Section 11-501 of
16 this Code or a similar provision of a local ordinance or
17 Section 6-303 of this Code or a combination of these
18 offenses.

19 The vehicle may be released sooner if the vehicle is owned
20 by the person under arrest and the person under arrest gives
21 permission to another person to operate the vehicle and that
22 other person possesses a valid operator's license and would
23 not, as determined by the arresting law enforcement agency,
24 indicate a lack of ability to operate a motor vehicle in a safe
25 manner or would otherwise, by operating the motor vehicle, be
26 in violation of this Code.

1 (f) Except as provided in Chapter 18a of this Code, the
2 owner or lessor of privately owned real property within this
3 State, or any person authorized by such owner or lessor, or any
4 law enforcement agency in the case of publicly owned real
5 property may cause any motor vehicle abandoned or left
6 unattended upon such property without permission to be removed
7 by a towing service without liability for the costs of removal,
8 transportation or storage or damage caused by such removal,
9 transportation or storage. The towing or removal of any vehicle
10 from private property without the consent of the registered
11 owner or other legally authorized person in control of the
12 vehicle is subject to compliance with the following conditions
13 and restrictions:

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 such vehicle is open for towing purposes.

19 2. The towing service shall within 30 minutes of
20 completion of such towing or removal, notify the law
21 enforcement agency having jurisdiction of such towing or
22 removal, and 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 such
25 information was reported.

26 3. If the registered owner or legally authorized person

1 entitled to possession of the vehicle shall arrive at the
2 scene prior to actual 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 posted rate of the towing
7 service as provided in paragraph 6 of this subsection, for
8 which a receipt shall be given.

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

16 5. Except for property appurtenant to and obviously a
17 part of a single family residence, and except for instances
18 where notice is personally given to the owner or other
19 legally authorized person in control of the vehicle that
20 the area in which that vehicle is parked is reserved or
21 otherwise unavailable to unauthorized vehicles and they
22 are subject to being removed at the owner or operator's
23 expense, any property owner or lessor, prior to towing or
24 removing any vehicle from private property without the
25 consent of the owner or other legally authorized person in
26 control of that vehicle, must post a notice meeting the

1 following requirements:

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

9 a.1. In a municipality with a population of less
10 than 250,000, as an alternative to the requirement of
11 subparagraph a of this subdivision (f)5, the notice for
12 a parking lot contained within property used solely for
13 a 2-family, 3-family, or 4-family residence may be
14 prominently placed at the perimeter of the parking lot,
15 in a position where the notice is visible to the
16 occupants of vehicles entering the lot.

17 b. The notice must indicate clearly, in not less
18 than 2 inch high light-reflective letters on a
19 contrasting background, that unauthorized vehicles
20 will be towed away at the owner's expense.

21 c. The notice must also provide the name and
22 current telephone number of the towing service towing
23 or removing the vehicle.

24 d. The sign structure containing the required
25 notices must be permanently installed with the bottom
26 of the sign not less than 4 feet above ground level,

1 and must be continuously maintained on the property for
2 not less than 24 hours prior to the towing or removing
3 of any vehicle.

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

17 7. No person shall engage in the removal of vehicles
18 from private property as described in this Section without
19 filing a notice of intent in each community where he
20 intends to do such removal, and such notice shall be filed
21 at least 7 days before commencing such towing.

22 8. No removal of a vehicle from private property shall
23 be done except upon express written instructions of the
24 owners or persons in charge of the private property upon
25 which the vehicle is said to be trespassing.

26 9. Vehicle entry for the purpose of removal shall be

1 allowed with reasonable care on the part of the person or
2 firm towing the vehicle. Such person or firm shall be
3 liable for any damages occasioned to the vehicle if such
4 entry is not in accordance with the standards of reasonable
5 care.

6 9.5. Except as authorized by a law enforcement officer,
7 no towing service shall engage in the removal of a
8 commercial motor vehicle by operating the vehicle under its
9 own power on a highway.

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

24 This Section shall not apply to law enforcement,
25 firefighting, rescue, ambulance, or other emergency vehicles
26 which are marked as such or to property owned by any

1 governmental entity.

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

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

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

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

19 (g)(1) When a vehicle is determined to be a hazardous
20 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
21 Illinois Municipal Code or Section 5-12002.1 of the Counties
22 Code, its removal and impoundment by a towing service may be
23 authorized by a law enforcement agency with appropriate
24 jurisdiction.

25 (2) When a vehicle removal from either public or private
26 property is authorized by a law enforcement agency, the owner

1 of the vehicle shall be responsible for all towing and storage
2 charges.

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

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

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

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

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

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

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

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

22 (2) If the person ticketed for a violation of
23 subsection (a) of Section 11-506 of this Code was not
24 authorized by the registered owner of the vehicle to
25 operate the vehicle at the time of the violation; or

26 (3) If the registered owner of the vehicle was neither

1 the driver nor a passenger in the vehicle at the time of
2 the violation or was unaware that the driver was using the
3 vehicle to engage in street racing; or

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

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

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

11 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

12 Sec. 18a-300. Commercial vehicle relocators - Unlawful
13 practices. It shall be unlawful for any commercial vehicle
14 relocator:

15 (1) To operate in any county in which this Chapter is
16 applicable without a valid, current relocator's license as
17 provided in Article IV of this Chapter;

18 (2) To employ as an operator, or otherwise so use the
19 services of, any person who does not have at the
20 commencement of employment or service, or at any time
21 during the course of employment or service, a valid,
22 current operator's employment permit, or temporary
23 operator's employment permit issued in accordance with
24 Sections 18a-403 or 18a-405 of this Chapter; or to fail to
25 notify the Commission, in writing, of any known criminal

1 conviction of any employee occurring at any time before or
2 during the course of employment or service;

3 (3) To employ as a dispatcher, or otherwise so use the
4 services of, any person who does not have at the
5 commencement of employment or service, or at any time
6 during the course of employment or service, a valid,
7 current dispatcher's or operator's employment permit or
8 temporary dispatcher's or operator's employment permit
9 issued in accordance with Sections 18a-403 or 18a-407 of
10 this Chapter; or to fail to notify the Commission, in
11 writing, of any known criminal conviction of any employee
12 occurring at any time before or during the course of
13 employment or service;

14 (4) To operate upon the highways of this State any
15 vehicle used in connection with any commercial vehicle
16 relocation service unless:

17 (A) There is painted or firmly affixed to the
18 vehicle on both sides of the vehicle in a color or
19 colors vividly contrasting to the color of the vehicle
20 the name, address and telephone number of the
21 relocater. The Commission shall prescribe reasonable
22 rules and regulations pertaining to insignia to be
23 painted or firmly affixed to vehicles and shall waive
24 the requirements of the address on any vehicle in cases
25 where the operator of a vehicle has painted or
26 otherwise firmly affixed to the vehicle a seal or trade

1 mark that clearly identifies the operator of the
2 vehicle; and

3 (B) There is carried in the power unit of the
4 vehicle a certified copy of the currently effective
5 relocater's license and operator's employment permit.
6 Copies may be photographed, photocopied, or reproduced
7 or printed by any other legible and durable process.
8 Any person guilty of not causing to be displayed a copy
9 of his relocater's license and operator's employment
10 permit may in any hearing concerning the violation be
11 excused from the payment of the penalty hereinafter
12 provided upon a showing that the license was issued by
13 the Commission, but was subsequently lost or
14 destroyed;

15 (5) To operate upon the highways of this State any
16 vehicle used in connection with any commercial vehicle
17 relocation service that bears the name or address and
18 telephone number of any person or entity other than the
19 relocater by which it is owned or to which it is leased;

20 (6) To advertise in any newspaper, book, list,
21 classified directory or other publication unless there is
22 contained in the advertisement the license number of the
23 relocater;

24 (7) To remove any vehicle from private property without
25 having first obtained the written authorization of the
26 property owner or other person in lawful possession or

1 control of the property, his authorized agent, or an
2 authorized law enforcement officer. The authorization may
3 be on a contractual basis covering a period of time or
4 limited to a specific removal;

5 (8) To charge the private property owner, who requested
6 that an unauthorized vehicle be removed from his property,
7 with the costs of removing the vehicle contrary to any
8 terms that may be a part of the contract between the
9 property owner and the commercial relocater. Nothing in
10 this paragraph shall prevent a relocater from assessing,
11 collecting, or receiving from the property owner, lessee,
12 or their agents any fee prescribed by the Commission;

13 (9) To remove a vehicle when the owner or operator of
14 the vehicle is present or arrives at the vehicle location
15 at any time prior to the completion of removal, and is
16 willing and able to remove the vehicle immediately;

17 (10) To remove any vehicle from property on which signs
18 are required and on which there are not posted appropriate
19 signs under Section 18a-302;

20 (11) To fail to notify law enforcement authorities in
21 the jurisdiction in which the trespassing vehicle was
22 removed within one hour of the removal. Notification shall
23 include a complete description of the vehicle,
24 registration numbers if possible, the locations from which
25 and to which the vehicle was removed, the time of removal,
26 and any other information required by regulation, statute

1 or ordinance;

2 (12) To impose any charge other than in accordance with
3 the rates set by the Commission as provided in paragraph
4 (6) of Section 18a-200 of this Chapter;

5 (13) To fail, in the office or location at which
6 relocated vehicles are routinely returned to their owners,
7 to prominently post the name, address and telephone number
8 of the nearest office of the Commission to which inquiries
9 or complaints may be sent;

10 (13.1) To fail to distribute to each owner or operator
11 of a relocated vehicle, in written form as prescribed by
12 Commission rule or regulation, the relevant statutes,
13 regulations and ordinances governing commercial vehicle
14 relocators, including, in at least 12 point boldface type,
15 the name, address and telephone number of the nearest
16 office of the Commission to which inquiries or complaints
17 may be sent;

18 (13.2) To fail, in the office or location at which
19 relocated vehicles are routinely returned to their owners,
20 to ensure that the relocater's representative provides
21 suitable evidence of his or her identity to the owners of
22 relocated vehicles upon request;

23 (14) To remove any vehicle, otherwise in accordance
24 with this Chapter, more than 15 air miles from its location
25 when towed from a location in an unincorporated area of a
26 county or more than 10 air miles from its location when

1 towed from any other location;

2 (15) To fail to make a telephone number available to
3 the police department of any municipality in which a
4 relocator operates at which the relocator or an employee of
5 the relocator may be contacted at any time during the hours
6 in which the relocator is engaged in the towing of
7 vehicles, or advertised as engaged in the towing of
8 vehicles, for the purpose of effectuating the release of a
9 towed vehicle; or to fail to include the telephone number
10 in any advertisement of the relocator's services published
11 or otherwise appearing on or after the effective date of
12 this amendatory Act; or to fail to have an employee
13 available at any time on the premises owned or controlled
14 by the relocator for the purposes of arranging for the
15 immediate release of the vehicle.

16 Apart from any other penalty or liability authorized
17 under this Act, if after a reasonable effort, the owner of
18 the vehicle is unable to make telephone contact with the
19 relocator for a period of one hour from his initial attempt
20 during any time period in which the relocator is required
21 to respond at the number, all fees for towing, storage, or
22 otherwise are to be waived. Proof of 3 attempted phone
23 calls to the number provided to the police department by an
24 officer or employee of the department on behalf of the
25 vehicle owner within the space of one hour, at least 2 of
26 which are separated by 45 minutes, shall be deemed

1 sufficient proof of the owner's reasonable effort to make
2 contact with the vehicle relocater. Failure of the
3 relocater to respond to the phone calls is not a criminal
4 violation of this Chapter;

5 (16) To use equipment which the relocater does not own,
6 except in compliance with Section 18a-306 of this Chapter
7 and Commission regulations. No equipment can be leased to
8 more than one relocater at any time. Equipment leases shall
9 be filed with the Commission. If equipment is leased to one
10 relocater, it cannot thereafter be leased to another
11 relocater until a written cancellation of lease is properly
12 filed with the Commission;

13 (17) To use drivers or other personnel who are not
14 employees or contractors of the relocater;

15 (18) To fail to refund any amount charged in excess of
16 the reasonable rate established by the Commission;

17 (19) To violate any other provision of this Chapter, or
18 of Commission regulations or orders adopted under this
19 Chapter.

20 (20) To engage in the removal of a commercial motor
21 vehicle by operating the vehicle under its own power on a
22 highway without authorization by a law enforcement
23 officer.

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