



Rep. Daniel V. Beiser

Filed: 5/3/2013

09800SB1842ham001

LRB098 07980 MLW 45413 a

1 AMENDMENT TO SENATE BILL 1842

2 AMENDMENT NO. _____. Amend Senate Bill 1842 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-203 and 4-215 and by adding the heading of
6 Article IV to Chapter 4 and Sections 4-400, 4-401, 4-402, and
7 4-403 as follows:

8 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

9 Sec. 4-203. Removal of motor vehicles or other vehicles;
10 Towing or hauling away.

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

15 (b) When a vehicle is abandoned on a highway in an urban
16 district 10 hours or more, its removal by a towing service may

1 be authorized by a law enforcement agency having jurisdiction.

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

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

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

24 (1) the vehicle was not owned by the person under
25 arrest, and the lawful owner requesting such release
26 possesses a valid operator's license, proof of ownership,

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

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

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

20 (1) 24 hours for a second violation of Section 11-501
21 of this Code or a similar provision of a local ordinance or
22 Section 6-303 of this Code or a combination of these
23 offenses; or

24 (2) 48 hours for a third violation of Section 11-501 of
25 this Code or a similar provision of a local ordinance or
26 Section 6-303 of this Code or a combination of these

1 offenses.

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

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

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

1 firm towing such vehicle is open for towing purposes.

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

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

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

25 5. Except for property appurtenant to and obviously a
26 part of a single family residence, and except for instances

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

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

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

26 b. The notice must indicate clearly, in not less

1 than 2 inch high light-reflective letters on a
2 contrasting background, that unauthorized vehicles
3 will be towed away at the owner's expense.

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

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

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

26 7. No person shall engage in the removal of vehicles

1 from private property as described in this Section without
2 filing a notice of intent in each community where he
3 intends to do such removal, and such notice shall be filed
4 at least 7 days before commencing such towing.

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

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

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

1 towing or storage charges at the time of payment, whether
2 requested or not.

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

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

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

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

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

24 (g)(1) When a vehicle is determined to be a hazardous
25 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
26 Illinois Municipal Code or Section 5-12002.1 of the Counties

1 Code, its removal and impoundment by a towing service may be
2 authorized by a law enforcement agency with appropriate
3 jurisdiction.

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

8 (3) Vehicles removed from public or private property and
9 stored by a commercial vehicle relocater or any other towing
10 service authorized by a law enforcement agency in compliance
11 with this Section and Sections 4-201 and 4-202 of this Code, or
12 at the request of the owner or lessor of privately owned real
13 property, or any person authorized by that owner or lessor, in
14 compliance with subsection (f) of this Section, or at the
15 request of the vehicle owner or operator, shall be subject to a
16 possessor lien for services under Section 4-400 of this Code
17 ~~pursuant to the Labor and Storage Lien (Small Amount) Act.~~
18 ~~Notice~~ ~~The provisions of Section 1 of that Act relating to~~
19 ~~notice~~ and implied consent shall be deemed satisfied by
20 compliance with Section 18a-302 and subsection (6) of Section
21 18a-300. In no event shall such lien be greater than the rate
22 or rates established in accordance with subsection (6) of
23 Section 18a-200 of this Code. In no event shall such lien be
24 increased or altered to reflect any charge for services or
25 materials rendered in addition to those authorized by this Act.
26 Every such lien shall be payable by use of any major credit

1 card, in addition to being payable in cash.

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

20 (5) This paragraph (5) applies only in the case of a
21 vehicle that is towed as a result of being involved in an
22 accident. In addition to the personal property excepted under
23 paragraph (4), all other personal property in a vehicle subject
24 to a lien under this subsection (g) is exempt from that lien
25 and may be claimed by the vehicle owner if the vehicle owner
26 provides the commercial vehicle relocater or towing service

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

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

22 (h) Whenever a peace officer issues a citation to a driver
23 for a violation of subsection (a) of Section 11-506 of this
24 Code, the arresting officer may have the vehicle which the
25 person was operating at the time of the arrest impounded for a
26 period of 5 days after the time of arrest. An impounding agency

1 shall release a motor vehicle impounded under this subsection
2 (h) to the registered owner of the vehicle under any of the
3 following circumstances:

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

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

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

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

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

18 (Source: P.A. 96-1274, eff. 7-26-10; 96-1506, eff. 1-27-11;
19 97-779, eff. 7-13-12.)

20 (625 ILCS 5/4-215)

21 Sec. 4-215. Rebuilt vehicles; clean titles. Persons
22 licensed under Section 5-301 of this Code may obtain a
23 certificate of title that does not bear the notation "REBUILT"
24 from a certificate of purchase when the damage to the vehicle
25 is 33 1/3% ~~25%~~ or less of its market value, there has been no

1 structural damage to the vehicle, there is no history of a
2 salvage certificate, and the vehicle has undergone a salvage
3 inspection by the Secretary of State and a safety inspection
4 under Section 13-101 of this Code. The application for a
5 certificate of title shall contain an affirmation under penalty
6 for perjury that the vehicle on the date of the application is
7 not damaged in excess of 33 1/3% ~~25%~~ of its market value, has
8 no structural damage, and has no history of salvage.

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

10 (625 ILCS 5/Ch. 4 Art. IV heading new)

11 ARTICLE IV. MECHANIC'S LIENS AGAINST VEHICLES

12 (625 ILCS 5/4-400 new)

13 Sec. 4-400. Applicability. This Article applies to any
14 person or entity providing labor, services, material, or
15 storage for any vehicle at the request of the vehicle owner or
16 authorized agent of the owner. For purposes of this Article,
17 "owner" shall include the person who holds legal title to the
18 vehicle, a lessee of the vehicle, or an authorized agent of the
19 person who holds legal title or lessee.

20 (625 ILCS 5/4-401 new)

21 Sec. 4-401. Creation of lien. Any person or entity
22 providing labor, services, material, or storage for any vehicle
23 with the consent of the vehicle owner or authorized agent of

1 the vehicle owner shall be entitled to have a lien upon the
2 vehicle for the contracted price of the services provided. Only
3 costs for newspaper advertisements and certified mailings
4 incurred as a result of enforcing a mechanic's lien may be
5 added to the contracted price of the services originally
6 provided to the vehicle owner.

7 (625 ILCS 5/4-402 new)

8 Sec. 4-402. Consent of vehicle owner.

9 (a) Except as provided in subsection (c), to establish a
10 lien under this Article the claimant must provide proof of
11 consent by the vehicle owner for the contracted services. The
12 vehicle owner's consent shall be demonstrated by a signed work
13 order or estimate, or by a record of oral consent made on the
14 work order or estimate. If the vehicle owner's consent is oral
15 the claimant must provide the work order, estimate, or other
16 written record used in the normal course of business that
17 contains the date, time, name of the person authorizing the
18 services, the name of the employee who spoke to the person
19 authorizing the services, and the telephone number of the
20 claimant, if any. If the only service provided is storage of a
21 vehicle the claimant must provide a formal storage agreement,
22 signed by the vehicle owner, setting forth the storage charge.
23 If storage is provided incident to repairs authorized by the
24 vehicle owner, the authorization for the repairs shall
25 constitute authorization for storage.

1 (b) Any vehicle for which the claimant has possession but
2 cannot provide proof of consent of the vehicle owner for labor,
3 services, material, or storage shall be deemed an abandoned
4 vehicle and disposal of the vehicle shall be governed by 1
5 Chapter 4, Article II of this Code.

6 (c) Proof of consent of the vehicle owner for towing and
7 storage charges is not required when the tow and storage are
8 pursuant to authorization by a law enforcement agency or at the
9 request of the owner or lessor of privately owned real
10 property, or any person authorized by the owner or lessor, in
11 compliance with subsection (f) of Section 4-203 of this Code.

12 (625 ILCS 5/4-403 new)

13 Sec. 4-403. Foreclosing mechanic's liens.

14 (a) If a vehicle is not redeemed by the owner within 30
15 days after completion of the contracted services or 30 days
16 after the date agreed upon by the parties, whichever is later,
17 the claimant may begin to enforce a mechanic's lien.

18 (b) The sale of the vehicle shall occur only after
19 providing notice to the owner of the time and place of the
20 sale. The claimant shall request the title records of the
21 vehicle from the Secretary of State. If the Secretary of State
22 cannot provide ownership information, the following means
23 shall be used to identify the owner:

24 (1) using the vehicle identification number to conduct
25 a search through a commercial, nation-wide motor vehicle

1 information service; and

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

4 If evidence of the state of registration is found, the
5 motor vehicle department of the particular state shall be
6 contacted and requested to perform a record search for the name
7 and address of any owner or lienholder. In lieu of contacting a
8 motor vehicle department, the request for the name and address
9 of any owner or lienholder may be made to any private entity
10 approved by the Secretary of State for this purpose.

11 (c) The claimant shall send notice by certified mail, or by
12 any other method of mailing authorized by administrative rule,
13 no less than 30 days prior to the sale to the owner of the
14 vehicle and any lienholder. The notice, in addition to being
15 mailed to the addresses provided on the record search, shall
16 also be sent to any secondary address provided to the claimant
17 by the vehicle owner. The notice shall include the name,
18 address, and telephone number of the claimant, the hours of
19 operation, the total amount owed, and the time and place of the
20 sale. The sale must be held at the business location of the
21 claimant.

22 (d) In addition to the certified notice required under
23 subsection (c) of this Section, the claimant shall publish one
24 notice of the sale in a newspaper of general circulation in the
25 city, village, or township where the claimant provided services
26 for the vehicle. The notice shall be published no less than 14

1 days prior to the date and time of the sale and shall set
2 forth:

3 (1) the date, time, and location of the sale;

4 (2) the name of the vehicle owner, a description of the
5 vehicle including a vehicle identification number, make,
6 model, and year of manufacture;

7 (3) the amount owed; and

8 (4) a statement that unless the vehicle is redeemed
9 prior to the date of the sale, it will be sold at sale.

10 (e) The owner or lienholder of the vehicle may redeem the
11 vehicle any time prior to the date of the sale. If the vehicle
12 is not redeemed prior to the sale, the claimant may sell the
13 vehicle at the time and place specified in the notice to
14 satisfy the lien amount. The proceeds of the sale of the
15 vehicle in excess of the charges of the claimant shall be
16 deposited with the county treasurer where the services of the
17 claimant were provided. If the excess proceeds are not
18 reclaimed by the vehicle owner or lienholder within 6 months,
19 the excess proceeds shall be deposited by the county treasurer
20 in the general revenue fund of the county.

21 (f) After the sale of the vehicle the entity or individual
22 purchasing the vehicle at sale shall apply for a certificate of
23 title, salvage certificate, or junking certificate for the
24 purchased vehicle as required by law. The entity or individual
25 shall submit a title application along with the following
26 documentation to the Secretary of State:

1 (1) a detailed, itemized estimate or invoice,
2 including labor and parts, as originally prepared by the
3 repairer, rebuilder, or other entity;

4 (2) pictures of the vehicle;

5 (3) a mechanic's lien affirmation, completed by the
6 purchaser and the mechanic;

7 (4) proof of a title record search;

8 (5) proof of certified mail notification to the owner
9 and lienholder;

10 (6) proof of published notice; and

11 (7) any other information as required by the Secretary
12 of State.

13 (g) The Secretary of State shall adopt rules to implement
14 this Article.

15 Section 10. The Labor and Storage Lien Act is amended by
16 changing Section 1 as follows:

17 (770 ILCS 45/1) (from Ch. 82, par. 40)

18 Sec. 1. Every person, firm or corporation who has expended
19 labor, skill or materials upon any chattel, or has furnished
20 storage for said chattel, at the request of its owner, reputed
21 owner, or authorized agent of the owner, or lawful possessor
22 thereof, shall have a lien upon such chattel beginning on the
23 date of the commencement of such expenditure of labor, skill
24 and materials or of such storage for the contract price for all

1 such expenditure of labor, skill or materials, or for all such
2 storage, or in the absence of such contract price, for the
3 reasonable worth of such expenditure of labor, skill and
4 materials, or of such storage, for a period of one year from
5 and after the completion of such expenditure of labor, skill or
6 materials, or of such storage, notwithstanding the fact that
7 the possession of such chattel has been surrendered to the
8 owner, or lawful possessor thereof. The lien established in
9 this Section shall not apply to labor, services, skill, or
10 material upon or furnishing storage for motor vehicles. The
11 provisions of the Illinois Vehicle Code shall apply for labor,
12 services, skill, or materials provided for motor vehicles.

13 (Source: Laws 1921, p. 508.)

14 Section 15. The Labor and Storage Lien (Small Amount) Act
15 is amended by changing Section 1 as follows:

16 (770 ILCS 50/1) (from Ch. 82, par. 47a)

17 Sec. 1. Every person expending labor, services, skill or
18 material upon or furnishing storage for any chattel at the
19 request of or with the consent of its owner, authorized agent
20 of the owner, or lawful possessor thereof, in the amount of
21 \$2,000 or less, shall have a lien upon such chattel beginning
22 upon the date of commencement of such expenditure of labor,
23 services, skill, or materials or furnishing of storage, for the
24 contract price for all such expenditure of labor, services,

1 skill, or material, until the possession of such chattel is
2 voluntarily relinquished to such owner or authorized agent, or
3 to one entitled to the possession thereof.

4 For the purposes of this Act, a person, other than a driver
5 or a person otherwise in control of a fire, police, emergency
6 or public utility vehicle on official business, consents to
7 removal by towing of his or her vehicle when he or she without
8 authorization parks such vehicle upon private property while
9 having notice that unauthorized vehicles will be towed from
10 such property by the owner of such property, or agent thereof,
11 at the vehicle owner's expense, where such notice is provided
12 pursuant to State law, local ordinances or regulation by any
13 state or local agency. Such notice must include a sign of at
14 least 24 inches in height by 36 inches in width posted in a
15 conspicuous place in the affected area at least 4 feet from the
16 ground but not more than 8 feet from the ground. Such sign
17 shall be either illuminated or painted with reflective paint,
18 or both and shall state the amount of towing charges to which
19 the person may be subjected. However, the requirement of the
20 sign provided for in this section shall not apply to
21 residential property which, paying due regard to the
22 circumstances and the surrounding area, is clearly reserved or
23 intended exclusively for the use or occupation of residents or
24 their vehicles.

25 The lien established herein shall not ~~also~~ apply to labor,
26 services, skills, or material upon or furnishing storage for

1 motor towed vehicles. The provisions of the Illinois Vehicle
2 Code shall apply for labor, services, skill, or materials
3 provided for motor vehicles. ~~performed by any relocater or any~~
4 ~~other towing service pursuant to the order of a law enforcement~~
5 ~~official or agency in accordance with Sections 4 201 through~~
6 ~~4 214 of The Illinois Vehicle Code. The lien created herein~~
7 ~~shall be valid even though the towing and storage is performed~~
8 ~~without the vehicle owner's consent.~~

9 (Source: P.A. 85-1283.)

10 Section 20. The Automotive Repair Act is amended by
11 changing Section 30 as follows:

12 (815 ILCS 306/30)

13 Sec. 30. Consumer's authorization of repairs or other
14 action.

15 (a) After receiving the estimate, the owner or the owner's
16 agent may (i) authorize the repairs at the estimate of cost and
17 time in writing, (ii) request the return of the motor vehicle
18 in a disassembled state, or (iii) request that the vehicle be
19 assembled in reasonably the same condition as when released to
20 the motor vehicle repair facility, in which case the motor
21 vehicle repair facility shall make the motor vehicle available
22 for possession within 3 working days after the time of request,
23 unless parts are not available, making additional time
24 necessary. The motor vehicle repair facility may receive

1 payment for only those items on the schedule of charges to
2 which the facility is entitled.

3 (b) If the consumer has been provided an estimate as
4 required by Section 15 of this Act, and he or she does not
5 authorize repairs or retrieve the vehicle within 30 days of the
6 date on which the consumer is provided the estimate, the owner
7 of the motor vehicle repair facility shall be entitled to a
8 lien under Section 4-400 of the Illinois Vehicle Code. The lien
9 shall be for the cost of storage provided incident to preparing
10 the estimate and retaining control of the vehicle while waiting
11 for the consumer to authorize the repairs or retrieve the
12 vehicle. The consumer's consent to prepare the estimate shall
13 serve as consent to provide storage. Proof of the consumer's
14 consent to prepare the estimate must be shown in the same
15 manner as proof of authorization for storage or repairs. When a
16 lien obtained based on the provisions of this subsection is
17 foreclosed, only a salvage certificate or junking certificate
18 shall be issued for the vehicle.

19 (Source: P.A. 90-426, eff. 1-1-98.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2014."