



Rep. John E. Bradley

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09800SB2932ham001

LRB098 18827 MLW 59997 a

1 AMENDMENT TO SENATE BILL 2932

2 AMENDMENT NO. _____. Amend Senate Bill 2932 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, 11-1431, 18a-300, and 18d-153 and by
6 adding Section 4-203.5 as follows:

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

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

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

14 (b) When a vehicle is abandoned on a highway in an urban
15 district 10 hours or more, its removal by a towing service may
16 be authorized by a law enforcement agency having jurisdiction.

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

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

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

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

1 enforcement agency, indicate a lack of ability to operate a
2 motor vehicle in a safe manner, or who would otherwise, by
3 operating such motor vehicle, be in violation of this Code;
4 or

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

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

19 (1) 24 hours for a second violation of Section 11-501
20 of this Code or a similar provision of a local ordinance or
21 Section 6-303 of this Code or a combination of these
22 offenses; or

23 (2) 48 hours for a third violation of Section 11-501 of
24 this Code or a similar provision of a local ordinance or
25 Section 6-303 of this Code or a combination of these
26 offenses.

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

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

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

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

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

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

24 5. Except for property appurtenant to and obviously a
25 part of a single family residence, and except for instances
26 where notice is personally given to the owner or other

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

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

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

25 b. The notice must indicate clearly, in not less
26 than 2 inch high light-reflective letters on a

1 contrasting background, that unauthorized vehicles
2 will be towed away at the owner's expense.

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

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

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

25 7. No person shall engage in the removal of vehicles
26 from private property as described in this Section without

1 filing a notice of intent in each community where he
2 intends to do such removal, and such notice shall be filed
3 at least 7 days before commencing such towing.

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

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

14 9.5. Except as authorized by a law enforcement officer,
15 no towing service shall engage in the removal of a
16 commercial motor vehicle that requires a commercial
17 driver's license to operate by operating the vehicle under
18 its own power on a highway.

19 10. When a vehicle has been towed or removed pursuant
20 to this Section, it must be released to its owner or
21 custodian within one half hour after requested, if such
22 request is made during business hours. Any vehicle owner or
23 custodian or agent shall have the right to inspect the
24 vehicle before accepting its return, and no release or
25 waiver of any kind which would release the towing service
26 from liability for damages incurred during the towing and

1 storage may be required from any vehicle owner or other
2 legally authorized person as a condition of release of the
3 vehicle. A detailed, signed receipt showing the legal name
4 of the towing service must be given to the person paying
5 towing or storage charges at the time of payment, whether
6 requested or not.

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

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

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

19 11. Towing companies shall also provide insurance
20 coverage for areas where vehicles towed under the
21 provisions of this Chapter will be impounded or otherwise
22 stored, and shall adequately cover loss by fire, theft or
23 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 (g) (1) When a vehicle is determined to be a hazardous
3 dilapidated motor vehicle pursuant to 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 (2) When a vehicle removal from either public or private
9 property is authorized by a law enforcement agency, the owner
10 of the vehicle shall be responsible for all towing and storage
11 charges.

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

1 of any major credit 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 (i) Except for vehicles exempted under subsection (b) of
19 Section 7-601 of this Code, whenever a law enforcement officer
20 issues a citation to a driver for a violation of Section 3-707
21 of this Code, and the driver has a prior conviction for a
22 violation of Section 3-707 of this Code in the past 12 months,
23 the arresting officer shall authorize the removal and
24 impoundment of the vehicle by a towing service.

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

1 (625 ILCS 5/4-203.5 new)

2 Sec. 4-203.5. Tow rotation list.

3 (a) Each law enforcement agency whose duties include the
4 patrol of highways in this State shall maintain a tow rotation
5 list which shall be used by law enforcement officers
6 authorizing the tow of a vehicle within the jurisdiction of the
7 law enforcement agency. To ensure adequate response time, a law
8 enforcement agency may maintain multiple tow rotation lists,
9 with each tow rotation list covering tows authorized in
10 different geographic locations within the jurisdiction of the
11 law enforcement agency. A towing service may be included on
12 more than one tow rotation list.

13 (b) Any towing service operating within the jurisdiction of
14 a law enforcement agency may submit an application in a form
15 and manner prescribed by the law enforcement agency for
16 inclusion on the law enforcement agency's tow rotation list.
17 The towing service does not need to be located within the
18 jurisdiction of the law enforcement agency. To be included on a
19 tow rotation list the towing service must meet the following
20 requirements:

21 (1) possess a license permitting the towing service to
22 operate in every unit of local government in the law
23 enforcement agency's jurisdiction that requires a license
24 for the operation of a towing service;

25 (2) if required by the law enforcement agency for

1 inclusion on that law enforcement agency's tow rotation
2 list, each owner of the towing service and each person
3 operating a vehicle on behalf of the towing service shall
4 submit his or her fingerprints to the Department of State
5 Police in the form and manner prescribed by the Department
6 of State Police. These fingerprints should be transmitted
7 through a live scan fingerprint vendor licensed by the
8 Illinois Department of Financial and Professional
9 Regulation. These fingerprints shall be checked against
10 the fingerprint records now and hereafter filed in the
11 Department of State Police and Federal Bureau of
12 Investigation criminal history records databases. The
13 Department of State Police shall charge a fee for
14 conducting the criminal history record check, which shall
15 be deposited in the State Police Services Fund and shall
16 not exceed the actual cost of the State and national
17 criminal history record check. The Department of State
18 Police shall furnish, pursuant to positive identification,
19 all Illinois conviction information to the law enforcement
20 agency maintaining the tow rotation list and shall forward
21 the national criminal history record information to the law
22 enforcement agency maintaining the tow rotation list. A
23 person may not own a towing service or operate a vehicle on
24 behalf of a towing service included on a tow rotation list
25 if that person has been convicted during the 5 years
26 preceding the application of a criminal offense involving

1 one or more of the following:

2 (A) bodily injury or attempt to inflict bodily
3 injury to another person;

4 (B) theft of property or attempted theft of
5 property; or

6 (C) sexual assault or attempted sexual assault of
7 any kind.

8 (3) each person operating a vehicle on behalf of the
9 towing service must be classified for the type of towing
10 operation he or she shall be performing and the vehicle he
11 or she shall be operating;

12 (4) possess and maintain the following insurance in
13 addition to any other insurance required by law:

14 (A) comprehensive automobile liability insurance
15 with a minimum combined single limit coverage of
16 \$1,000,000;

17 (B) commercial general liability insurance with
18 limits of not less than \$1,000,000 per occurrence,
19 \$100,000 minimum on-hook coverage, and garage keepers
20 legal liability and cargo; and

21 (C) a worker's compensation policy covering every
22 person operating a tow truck on behalf of the towing
23 service, if required under current law;

24 (5) possess a secure parking lot used for short-term
25 vehicle storage after a vehicle is towed that is open
26 during business hours and is equipped with security

1 features as required by the law enforcement agency;

2 (6) utilize only vehicles that possess a valid vehicle
3 registration, display a valid Illinois license plate in
4 accordance with Section 5-202 of this Code, and comply with
5 the weight requirements of this Code;

6 (7) every person operating a towing or recovery vehicle
7 on behalf of the towing service must have completed a
8 Traffic Incident Management Training Program approved by
9 the Department of Transportation;

10 (8) hold a valid authority issued to it by the Illinois
11 Commerce Commission;

12 (9) comply with all other applicable federal, State,
13 and local laws; and

14 (10) comply with any additional requirements the
15 applicable law enforcement agency deems necessary.

16 The law enforcement agency may select which towing services
17 meeting the requirements of this subsection (b) shall be
18 included on a tow rotation list. The law enforcement agency may
19 choose to have one towing service on its tow rotation list.
20 Complaints regarding the process for inclusion on a tow
21 rotation list or the use of a tow rotation list may be referred
22 in writing to the head of the law enforcement agency
23 administering that tow rotation list. The head of the law
24 enforcement agency shall make the final determination as to
25 which qualified towing services shall be included on a tow
26 rotation list, and shall not be held liable for the exclusion

1 of any towing service from a tow rotation list.

2 (c) Whenever a law enforcement officer initiates a tow of a
3 vehicle, the officer shall contact his or her law enforcement
4 agency and inform the agency that a tow has been authorized.
5 The law enforcement agency shall then select a towing service
6 from the law enforcement agency's tow rotation list
7 corresponding to the geographical area where the tow was
8 authorized, and shall contact that towing service directly by
9 phone, computer, or similar means. Towing services shall be
10 contacted in the order listed on the appropriate tow rotation
11 list, at which point the towing service shall be placed at the
12 end of that tow rotation list. In the event a listed towing
13 service is not available, the next listed towing service on
14 that tow rotation list shall be contacted.

15 (d) A law enforcement agency may deviate from the order
16 listed on a tow rotation list if the towing service next on
17 that tow rotation list is, in the judgment of the authorizing
18 officer or the law enforcement agency making the selection,
19 incapable of or not properly equipped for handling a specific
20 task related to the tow that requires special skills or
21 equipment. A deviation from the order listed on the tow
22 rotation list for this reason shall not cause a loss of
23 rotation turn by the towing service determined to be incapable
24 or not properly equipped for handling the request.

25 (e) In the event of an emergency a law enforcement officer
26 or agency, taking into account the safety and location of the

1 situation, may deviate from the order of the tow rotation list
2 and obtain towing service from any source deemed appropriate.

3 (f) If the owner or operator of a disabled vehicle is
4 present at the scene of the disabled vehicle, is not under
5 arrest, and does not abandon his or her vehicle, and in the law
6 enforcement officer's opinion the disabled vehicle is not
7 impeding or obstructing traffic, illegally parked, or posing a
8 security or safety risk, the law enforcement officer shall
9 allow the owner of the vehicle to specify a towing service to
10 relocate the disabled vehicle. If the owner chooses not to
11 specify a towing service, the law enforcement agency shall
12 select a towing service for the vehicle as provided in
13 subsection (c) of this Section.

14 (g) If a tow operator is present or arrives where a tow is
15 needed and it has not been requested by the law enforcement
16 agency or the owner or operator, the law enforcement officer,
17 unless acting under Section 11-1431 of this Code, shall advise
18 the tow operator to leave the scene.

19 (h) A law enforcement agency whose jurisdiction is limited
20 to a municipality with a population of over 1,000,000 may work
21 with a municipal agency to establish, maintain, and enforce
22 that law enforcement agency's tow rotation list.

23 (625 ILCS 5/11-1431)

24 Sec. 11-1431. Solicitations at accident or disablement
25 scene prohibited.

1 (a) A tower, as defined by Section 1-205.2 of this Code, or
2 an employee or agent of a tower may not: (i) stop at the scene
3 of a motor vehicle accident or at or near a damaged or disabled
4 vehicle for the purpose of soliciting the owner or operator of
5 the damaged or disabled vehicle to enter into a towing service
6 transaction; or (ii) stop at the scene of an accident or at or
7 near a damaged or disabled vehicle unless called to the
8 location by a law enforcement officer, the Illinois Department
9 of Transportation, the Illinois State Toll Highway Authority, a
10 local agency having jurisdiction over the highway, or the owner
11 or operator of the damaged or disabled vehicle. This Section
12 shall not apply to employees of the Department, the Illinois
13 State Toll Highway Authority, or local agencies when engaged in
14 their official duties. Nothing in this Section shall prevent a
15 tower from stopping at the scene of a motor vehicle accident or
16 at or near a damaged or disabled vehicle if the owner or
17 operator signals the tower for assistance from the location of
18 the motor vehicle accident or damaged or disabled vehicle.

19 (b) A person who violates this Section is guilty of a
20 business offense and shall be required to pay a fine of more
21 than \$500, but not more than \$1000. A person convicted of
22 violating this Section shall also have his or her driver's
23 license, permit, or privileges suspended for 3 months. After
24 the expiration of the 3 month suspension, the person's driver's
25 license, permit, or privileges shall not be reinstated until he
26 or she has paid a reinstatement fee of \$100. If a person

1 violates this Section while his or her driver's license,
2 permit, or privileges are suspended under this subsection (b),
3 his or her driver's license, permit, or privileges shall be
4 suspended for an additional 6 months, and shall not be
5 reinstated after the expiration of the 6 month suspension until
6 he or she pays a reinstatement fee of \$100.

7 (Source: P.A. 96-1376, eff. 7-29-10.)

8 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

9 Sec. 18a-300. Commercial vehicle relocators - Unlawful
10 practices. It shall be unlawful for any commercial vehicle
11 relocator:

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

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

25 (3) To employ as a dispatcher, or otherwise so use the

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

11 (4) To operate upon the highways of this State any
12 vehicle used in connection with any commercial vehicle
13 relocation service unless:

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

26 (B) There is carried in the power unit of the

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

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

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

21 (7) To remove any vehicle from private property without
22 having first obtained the written authorization of the
23 property owner or other person in lawful possession or
24 control of the property, his authorized agent, or an
25 authorized law enforcement officer. The authorization may
26 be on a contractual basis covering a period of time or

1 limited to a specific removal;

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

10 (9) To remove a vehicle when the owner or operator of
11 the vehicle is present or arrives at the vehicle location
12 at any time prior to the completion of removal, and is
13 willing and able to remove the vehicle immediately, except
14 for vehicles that require a commercial driver's license to
15 operate. Vehicles that require a commercial driver's
16 license to operate shall be disconnected from the tow truck
17 and the owner or operator shall be allowed to remove the
18 vehicle without interference upon the payment of a
19 reasonable service fee of not more than one-half of the
20 posted rate of the towing service as provided in paragraph
21 6 of subsection (f) of Section 4-203 of this Code, for
22 which a receipt shall be given. For purposes of this
23 paragraph, a tractor and trailer together shall be
24 considered 2 separate vehicles;

25 (10) To remove any vehicle from property on which signs
26 are required and on which there are not posted appropriate

1 signs under Section 18a-302;

2 (11) To fail to notify law enforcement authorities in
3 the jurisdiction in which the trespassing vehicle was
4 removed within one hour of the removal. Notification shall
5 include a complete description of the vehicle,
6 registration numbers if possible, the locations from which
7 and to which the vehicle was removed, the time of removal,
8 and any other information required by regulation, statute
9 or ordinance;

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

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

18 (13.1) To fail to distribute to each owner or operator
19 of a relocated vehicle, in written form as prescribed by
20 Commission rule or regulation, the relevant statutes,
21 regulations and ordinances governing commercial vehicle
22 relocators, including, in at least 12 point boldface type,
23 the name, address and telephone number of the nearest
24 office of the Commission to which inquiries or complaints
25 may be sent;

26 (13.2) To fail, in the office or location at which

1 relocated vehicles are routinely returned to their owners,
2 to ensure that the relocater's representative provides
3 suitable evidence of his or her identity to the owners of
4 relocated vehicles upon request;

5 (14) To remove any vehicle, otherwise in accordance
6 with this Chapter, more than 15 air miles from its location
7 when towed from a location in an unincorporated area of a
8 county or more than 10 air miles from its location when
9 towed from any other location;

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

24 Apart from any other penalty or liability authorized
25 under this Act, if after a reasonable effort, the owner of
26 the vehicle is unable to make telephone contact with the

1 relocator for a period of one hour from his initial attempt
2 during any time period in which the relocator is required
3 to respond at the number, all fees for towing, storage, or
4 otherwise are to be waived. Proof of 3 attempted phone
5 calls to the number provided to the police department by an
6 officer or employee of the department on behalf of the
7 vehicle owner within the space of one hour, at least 2 of
8 which are separated by 45 minutes, shall be deemed
9 sufficient proof of the owner's reasonable effort to make
10 contact with the vehicle relocator. Failure of the
11 relocator to respond to the phone calls is not a criminal
12 violation of this Chapter;

13 (16) To use equipment which the relocator does not own,
14 except in compliance with Section 18a-306 of this Chapter
15 and Commission regulations. No equipment can be leased to
16 more than one relocator at any time. Equipment leases shall
17 be filed with the Commission. If equipment is leased to one
18 relocator, it cannot thereafter be leased to another
19 relocator until a written cancellation of lease is properly
20 filed with the Commission;

21 (17) To use drivers or other personnel who are not
22 employees or contractors of the relocator;

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

25 (19) To violate any other provision of this Chapter, or
26 of Commission regulations or orders adopted under this

1 Chapter: -

2 (20) To engage in the removal of a commercial motor
3 vehicle that requires a commercial driver's license to
4 operate by operating the vehicle under its own power on a
5 highway without authorization by a law enforcement
6 officer.

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

8 (625 ILCS 5/18d-153)

9 Sec. 18d-153. Misrepresentation of affiliation. It shall
10 be unlawful for any tower to misrepresent an affiliation with
11 the State, a unit of local government, an insurance company, a
12 private club, or any other entity, or falsely claim to be
13 included on a law enforcement agency's tow rotation list
14 maintained under Section 4-203.5 of the Illinois Vehicle Code,
15 for the purpose of securing a business transaction with a
16 vehicle owner or operator.

17 (Source: P.A. 96-1369, eff. 1-1-11.)".