

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 1. Short Title. This Act may be cited as the  
5 Statewide Relocation Towing Licensure Commission Act.

6 Section 5. The Statewide Relocation Towing Licensure  
7 Commission.

8 (a) There is hereby created the Statewide Relocation Towing  
9 Licensure Commission.

10 (b) Within 60 days after the effective date of this Act,  
11 the members of the Commission shall be appointed with the  
12 following members:

13 (1) one member of the General Assembly, appointed by  
14 the President of the Senate;

15 (2) one member of the General Assembly, appointed by  
16 the Minority Leader of the Senate;

17 (3) one member of the General Assembly, appointed by  
18 the Speaker of the House of Representatives;

19 (4) one member of the General Assembly, appointed by  
20 the Minority Leader of the House of Representatives;

21 (5) the Mayor of the City of Chicago, or his or her  
22 designee;

23 (6) the Secretary of Transportation, or his or her

1           designee;

2           (7) the Director of State Police, or his or her  
3           designee;

4           (8) two members of the public who represent the towing  
5           industry, appointed by the President of the Professional  
6           Towing and Recovery Operators of Illinois;

7           (9) two members of the public who represent the  
8           property casualty insurance industry, appointed by the  
9           Executive Director of the Illinois Insurance Association;

10          (10) the President of the Illinois Municipal League, or  
11          his or her designee;

12          (11) the President of the Illinois Sheriffs'  
13          Association, or his or her designee;

14          (12) the Cook County State's Attorney, or his or her  
15          designee;

16          (13) the Chairman of the Illinois Commerce Commission,  
17          or his or her designee; and

18          (14) the President of the Northwest Municipal  
19          Conference, or his or her designee.

20          (c) The members of the Commission shall receive no  
21          compensation for serving as members of the Commission.

22          (d) The Illinois Commerce Commission shall provide  
23          administrative and other support to the Commission.

24          Section 10. Meetings.

25          (a) Each member of the Commission shall have voting rights

1 and all actions and recommendations shall be approved by a  
2 simple majority vote of the members.

3 (b) The Commission shall meet no less than 3 times before  
4 the end of the calendar year in which this Act of the 99th  
5 General Assembly becomes effective.

6 (c) At the initial meeting, the Commission shall elect one  
7 member as a Chairperson, through a simple majority vote, who  
8 shall thereafter call any subsequent meetings.

9 Section 15. Reporting.

10 (a) No later than July 1, 2017, the Commission shall submit  
11 a report to the Governor and to the General Assembly, which  
12 shall include, but is not limited to:

13 (1) an evaluation of the current towing laws in this  
14 State;

15 (2) a recommendation for an appropriate towing program  
16 for this State;

17 (3) a review of all potential litigation costs for an  
18 owner of an impounded vehicle, a towing company, and a  
19 county or municipality; and

20 (3) any other matters the Commission deems necessary.

21 Section 20. Repealer. This Act is repealed on January 1,  
22 2018.

23 Section 105. The Illinois Vehicle Code is amended by

1 changing Sections 11-208.7, 11-1303, 11-1431, 18d-120, and  
2 18d-125 as follows:

3 (625 ILCS 5/11-208.7)

4 Sec. 11-208.7. Administrative fees and procedures for  
5 impounding vehicles for specified violations.

6 (a) Any county or municipality may, consistent with this  
7 Section, provide by ordinance procedures for the release of  
8 properly impounded vehicles and for the imposition of a  
9 reasonable administrative fee related to its administrative  
10 and processing costs associated with the investigation,  
11 arrest, and detention of an offender, or the removal,  
12 impoundment, storage, and release of the vehicle. The  
13 administrative fee imposed by the county or municipality may be  
14 in addition to any fees charged for the towing and storage of  
15 an impounded vehicle. The administrative fee shall be waived by  
16 the county or municipality upon verifiable proof that the  
17 vehicle was stolen at the time the vehicle was impounded.

18 (b) An ~~Any~~ ordinance establishing procedures for the  
19 release of properly impounded vehicles under this Section may  
20 impose fees only for the following violations:

21 (1) operation or use of a motor vehicle in the  
22 commission of, or in the attempt to commit, an offense for  
23 which a motor vehicle may be seized and forfeited pursuant  
24 to Section 36-1 of the Criminal Code of 2012; or

25 (2) driving under the influence of alcohol, another

1 drug or drugs, an intoxicating compound or compounds, or  
2 any combination thereof, in violation of Section 11-501 of  
3 this Code; or

4 (3) operation or use of a motor vehicle in the  
5 commission of, or in the attempt to commit, a felony or in  
6 violation of the Cannabis Control Act; or

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

10 (5) operation or use of a motor vehicle in the  
11 commission of, or in the attempt to commit, an offense in  
12 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012; or

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

21 (7) operation or use of a motor vehicle while  
22 soliciting, possessing, or attempting to solicit or  
23 possess cannabis or a controlled substance, as defined by  
24 the Cannabis Control Act or the Illinois Controlled  
25 Substances Act; or

26 (8) operation or use of a motor vehicle with an expired

1 driver's license, in violation of Section 6-101 of this  
2 Code, if the period of expiration is greater than one year;  
3 or

4 (9) operation or use of a motor vehicle without ever  
5 having been issued a driver's license or permit, in  
6 violation of Section 6-101 of this Code, or operating a  
7 motor vehicle without ever having been issued a driver's  
8 license or permit due to a person's age; or

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

13 (11) operation or use of a motor vehicle in the  
14 commission of, or in the attempt to commit, an offense in  
15 violation of Article 16 or 16A of the Criminal Code of 1961  
16 or the Criminal Code of 2012; or

17 (12) operation or use of a motor vehicle in the  
18 commission of, or in the attempt to commit, any other  
19 misdemeanor or felony offense in violation of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, when so provided  
21 by local ordinance; ~~or~~

22 (13) operation or use of a motor vehicle in violation  
23 of Section 11-503 of this Code:

24 (A) while the vehicle is part of a funeral  
25 procession; or

26 (B) in a manner that interferes with a funeral

1            procession; or -

2            (14) parking a vehicle in violation of Section  
3            11-1301.3 or Section 11-1303 of this Code, or parking a  
4            vehicle on a designated snow route or tow zone established  
5            by a county or municipality.

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

8 (b) :

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

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

16            (3) The fees shall be uniform for all similarly  
17 situated vehicles.

18            (4) The fees shall be collected by and paid to the  
19 county or municipality imposing the fees.

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

23            (d) Any ordinance establishing procedures for the release  
24 of properly impounded vehicles under this Section shall provide  
25 for an opportunity for a hearing, as provided in subdivision  
26 (b) (4) of Section 11-208.3 of this Code, and for the release of

1 the vehicle to the owner of record, lessee, or a lienholder of  
2 record upon payment of all administrative fees and towing and  
3 storage fees.

4 (e) Any ordinance establishing procedures for the  
5 impoundment and release of vehicles under this Section shall  
6 include the following provisions concerning notice of  
7 impoundment:

8 (1) Whenever a police officer has cause to believe that  
9 a motor vehicle is subject to impoundment, the officer  
10 shall provide for the towing of the vehicle to a facility  
11 authorized by the county or municipality.

12 (2) At the time the vehicle is towed, the county or  
13 municipality shall notify or make a reasonable attempt to  
14 notify the owner, lessee, or person identifying himself or  
15 herself as the owner or lessee of the vehicle, or any  
16 person who is found to be in control of the vehicle at the  
17 time of the alleged offense, of the fact of the seizure,  
18 and of the vehicle owner's or lessee's right to an  
19 administrative hearing.

20 (3) The county or municipality shall also provide  
21 notice that the motor vehicle will remain impounded pending  
22 the completion of an administrative hearing, unless the  
23 owner or lessee of the vehicle or a lienholder posts with  
24 the county or municipality a bond equal to the  
25 administrative fee as provided by ordinance and pays for  
26 all towing and storage charges.



1 (f) Any ordinance establishing procedures for the  
2 impoundment and release of vehicles under this Section shall  
3 include a provision providing that the registered owner or  
4 lessee of the vehicle and any lienholder of record shall be  
5 provided with a notice of hearing. The notice shall:

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

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

12 (3) contain the date, time, and location of the  
13 administrative hearing. An initial hearing shall be  
14 scheduled and convened no later than 45 days after the date  
15 of the mailing of the notice of hearing.

16 (g) In addition to the requirements contained in  
17 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
18 administrative hearings, any ordinance providing for the  
19 impoundment and release of vehicles under this Section shall  
20 include the following requirements concerning administrative  
21 hearings:

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

25 (2) at the conclusion of the administrative hearing,  
26 the hearing officer shall issue a written decision either

1           sustaining or overruling the vehicle impoundment;

2           (3) if the basis for the vehicle impoundment is  
3           sustained by the administrative hearing officer, any  
4           administrative fee posted to secure the release of the  
5           vehicle shall be forfeited to the county or municipality;

6           (4) all final decisions of the administrative hearing  
7           officer shall be subject to review under the provisions of  
8           the Administrative Review Law, unless the county or  
9           municipality allows in the enabling ordinance for direct  
10          appeal to the circuit court having jurisdiction over the  
11          county or municipality; ~~and~~

12          (5) unless the administrative hearing officer  
13          overturns the basis for the vehicle impoundment, no vehicle  
14          shall be released to the owner, lessee, or lienholder of  
15          record until all administrative fees and towing and storage  
16          charges are paid; and -

17          (6) if the administrative hearing officer finds no  
18          probable cause for vehicle impoundment, the county or  
19          municipality shall be liable to the registered owner or  
20          lessee of the vehicle for the cost of storage fees and  
21          reasonable attorney's fees; except for a home rule unit  
22          that, on the effective date of this amendatory Act of the  
23          99th General Assembly, owns and operates a towing facility  
24          within its boundaries for the storage of towed vehicles and  
25          owns and operates tow trucks or enters into a contract with  
26          a third party vendor to operate tow trucks, the

1 administrative hearing officer shall not award attorney's  
2 fees if the reason for vehicle impoundment is a parking  
3 violation under Section 11-1301.3 or Section 11-1303 of  
4 this Code or parking a vehicle on a designated snow route  
5 or tow zone in violation of a county or municipal  
6 ordinance.

7 (h) Vehicles not retrieved from the towing facility or  
8 storage facility within 35 days after the administrative  
9 hearing officer issues a written decision shall be deemed  
10 abandoned and disposed of in accordance with the provisions of  
11 Article II of Chapter 4 of this Code.

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

18 (j) Except as provided in subsection (k) of this Section, a  
19 home rule unit may not regulate the administrative fees and  
20 procedures for impounding vehicles in a manner inconsistent  
21 with this Section. This subsection (j) is a denial and  
22 limitation of home rule powers and functions under subsection  
23 (h) of Section 6 of Article VII of the Illinois Constitution.

24 (k) The fee limits and provisions in paragraph (6) of  
25 subsection (b) and paragraph (6) of subsection (g) of this  
26 Section shall not apply to a home rule unit that tows a vehicle

1 on a public way if a circumstance requires the towing of the  
2 vehicle or if the vehicle is towed due to a violation of a  
3 statute or local ordinance, and the home rule unit:

4 (1) owns and operates a towing facility within its  
5 boundaries for the storage of towed vehicles; and

6 (2) owns and operates tow trucks or enters into a  
7 contract with a third party vendor to operate tow trucks.

8 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;  
9 98-518, eff. 8-22-13; 98-734, eff. 1-1-15; 98-756, eff.  
10 7-16-14.)

11 (625 ILCS 5/11-1303) (from Ch. 95 1/2, par. 11-1303)

12 Sec. 11-1303. Stopping, standing or parking prohibited in  
13 specified places.

14 (a) Except when necessary to avoid conflict with other  
15 traffic, or in compliance with law or the directions of a  
16 police officer or official traffic-control device, no person  
17 shall:

18 1. Stop, stand or park a vehicle:

19 a. On the roadway side of any vehicle stopped or  
20 parked at the edge or curb of a street;

21 b. On a sidewalk;

22 c. Within an intersection;

23 d. On a crosswalk;

24 e. Between a safety zone and the adjacent curb or  
25 within 30 feet of points on the curb immediately

1 opposite the ends of a safety zone, unless a different  
2 length is indicated by signs or markings;

3 f. Alongside or opposite any street excavation or  
4 obstruction when stopping, standing or parking would  
5 obstruct traffic;

6 g. Upon any bridge or other elevated structure upon  
7 a highway or within a highway tunnel, including, but  
8 not limited to, a viaduct or an underpass;

9 h. On any railroad tracks. A violation of any part  
10 of this subparagraph h. shall result in a mandatory  
11 fine of \$500 or 50 hours of community service.

12 i. At any place where official signs prohibit  
13 stopping;

14 j. On any controlled-access highway;

15 k. In the area between roadways of a divided  
16 highway, including crossovers;

17 l. In a public parking area if the vehicle does not  
18 display a current annual registration sticker or  
19 current temporary permit pending registration.

20 2. Stand or park a vehicle, whether occupied or not,  
21 except momentarily to pick up or discharge passengers:

22 a. In front of a public or private driveway;

23 b. Within 15 feet of a fire hydrant;

24 c. Within 20 feet of a crosswalk at an  
25 intersection;

26 d. Within 30 feet upon the approach to any flashing

1 signal, stop sign, yield sign, or traffic control  
2 signal located at the side of a roadway;

3 e. Within 20 feet of the driveway entrance to any  
4 fire station and on the side of a street opposite the  
5 entrance to any fire station within 75 feet of such  
6 entrance (when properly sign-posted);

7 f. At any place where official signs prohibit  
8 standing.

9 3. Park a vehicle, whether occupied or not, except  
10 temporarily for the purpose of and while actually engaged  
11 in loading or unloading property or passengers:

12 a. Within 50 feet of the nearest rail of a railroad  
13 crossing;

14 b. At any place where official signs prohibit  
15 parking;

16 c. On a parkway; or

17 d. On a bicycle path or lane.

18 (b) No person shall move a vehicle not lawfully under his  
19 control into any such prohibited area or away from a curb such  
20 distance as is unlawful.

21 (Source: P.A. 89-245, eff. 1-1-96; 89-658, eff. 1-1-97.)

22 (625 ILCS 5/11-1431)

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

25 (a) A tower, as defined by Section 1-205.2 of this Code, or

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

21 (b) A person or company who violates this Section is guilty  
22 of a Class 4 felony ~~business offense and shall be required to~~  
23 ~~pay a fine of more than \$500, but not more than \$1,000.~~ A  
24 person convicted of violating this Section shall also have his  
25 or her driver's license, permit, or privileges suspended for 3  
26 months. After the expiration of the 3 month suspension, the

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

9 (Source: P.A. 99-438, eff. 1-1-16.)

10 (625 ILCS 5/18d-120)

11 Sec. 18d-120. Disclosure to vehicle owner or operator  
12 before towing of damaged or disabled vehicle commences.

13 (a) A commercial vehicle safety relocater shall not  
14 commence the towing of a damaged or disabled vehicle without  
15 specific authorization from the vehicle owner or operator after  
16 the disclosures set forth in this Section.

17 (b) Every commercial vehicle safety relocater shall,  
18 before towing a damaged or disabled vehicle, give to each  
19 vehicle owner or operator a written disclosure providing:

20 (1) The formal business name of the commercial vehicle  
21 safety relocater, as registered with the Illinois  
22 Secretary of State, and its business address and telephone  
23 number.

24 (2) The address of the location to which the vehicle  
25 shall be relocated.



1           (3) The cost of all relocation, storage, and any other  
2 fees, without limitation, that the commercial vehicle  
3 safety relocater will charge for its services.

4           (4) An itemized description of the vehicle owner or  
5 operator's rights under this Code, as follows:

6           "As a customer, you also have the following rights under  
7 Illinois law:

8           (1) This written disclosure must be provided to you  
9 before your vehicle is towed, providing the business name,  
10 business address, address where the vehicle will be towed,  
11 and a reliable telephone number;

12           (2) Before towing, you must be advised of the price of  
13 all services;

14           (3) Upon your demand, a final invoice itemizing all  
15 charges, as well as any damage to the vehicle upon its  
16 receipt and return to you, must be provided;

17           (4) Upon your demand, your vehicle must be returned  
18 during business hours, upon your prompt payment of all  
19 reasonable fees;

20           (5) You have the right to pay all charges in cash or by  
21 major credit card;

22           (6) Upon your demand, you must be provided with proof  
23 of the existence of mandatory insurance insuring against  
24 all risks associated with the transportation and storage of  
25 your vehicle."

26           (c) The commercial vehicle safety relocater shall provide a

1 copy of the completed disclosure required by this Section to  
2 the vehicle owner or operator, before towing the damaged or  
3 disabled vehicle, and shall maintain an identical copy of the  
4 completed disclosure in its records for a minimum of 5 years  
5 after the transaction concludes.

6 (d) If the vehicle owner or operator is incapacitated,  
7 incompetent, or otherwise unable to knowingly accept receipt of  
8 the disclosure described in this Section, the commercial  
9 vehicle safety relocater shall provide a completed copy of the  
10 disclosure to local law enforcement and, if known, the vehicle  
11 owner or operator's automobile insurance company.

12 (e) If the commercial vehicle safety relocater fails to  
13 comply with the requirements of this Section, the commercial  
14 vehicle safety relocater shall be prohibited from seeking any  
15 compensation whatsoever from the vehicle owner or operator,  
16 including but not limited to any towing, storage, or other  
17 incidental fees. Furthermore, if the commercial vehicle safety  
18 relocater or operator fails to comply with the requirements of  
19 this Section, any contracts entered into by the commercial  
20 vehicle safety relocater and the vehicle owner or operator  
21 shall be deemed null, void, and unenforceable. A vehicle owner,  
22 or his or her authorized agent or automobile insurer, may bring  
23 a claim against a commercial vehicle safety relocater who  
24 willfully and materially violates this Section. A court may  
25 award the prevailing party reasonable attorney's fees, costs,  
26 and expenses relating to that action.

1 (Source: P.A. 95-562, eff. 7-1-08.)

2 (625 ILCS 5/18d-125)

3 Sec. 18d-125. Disclosures to vehicle owners or operators;  
4 invoices.

5 (a) Upon demand of the vehicle owner or operator, the  
6 commercial vehicle safety relocater shall provide an itemized  
7 final invoice that fairly and accurately documents the charges  
8 owed by the vehicle owner or operator for relocation of damaged  
9 or disabled vehicles. The final ~~estimate or~~ invoice shall  
10 accurately record in writing all of the items set forth in this  
11 Section.

12 (b) The final invoice shall show the formal business name  
13 of the commercial vehicle safety relocater, as registered with  
14 the Illinois Secretary of State, its business address and  
15 telephone number, the date of the invoice, the odometer reading  
16 at the time the final invoice was prepared, the name of the  
17 vehicle owner or operator, and the description of the motor  
18 vehicle, including the motor vehicle identification number. In  
19 addition, the invoice shall describe any modifications made to  
20 the vehicle by the commercial vehicle safety relocater, any  
21 observable damage to the vehicle upon its initial receipt by  
22 the commercial vehicle safety relocater, and any observable  
23 damage to the vehicle at the time of its release to the vehicle  
24 owner or operator. The invoice shall itemize any additional  
25 charges and include those charges in the total presented to the

1 vehicle owner or operator.

2 (c) A legible copy of the invoice shall be given to the  
3 vehicle owner or operator, and a legible copy shall be retained  
4 by the commercial vehicle safety relocater for a period of 5  
5 years from the date of release of the vehicle. The copy may be  
6 retained in electronic format. Records may be stored at a  
7 separate location.

8 (d) Disclosure forms required in accordance with this  
9 Section 18d-120 must be approved by the Commission.

10 (Source: P.A. 95-562, eff. 7-1-08.)

11 Section 999. Effective date. This Act takes effect upon  
12 becoming law.