



Rep. Michael J. Zalewski

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09900SB2261ham001

LRB099 16684 AXK 48635 a

1 AMENDMENT TO SENATE BILL 2261

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2261 by replacing  
3 everything after the enacting clause with the following:

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;

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

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

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

7           (6) the Secretary of Transportation, or his or her  
8 designee;

9           (7) the Director of State Police, or his or her  
10 designee;

11           (8) two members of the public who represent the towing  
12 industry, appointed by the President of the Professional  
13 Towing and Recovery Operators of Illinois;

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

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

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

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

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

25           (14) the President of the Northwest Municipal  
26 Conference, or his or her designee.

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

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

5 Section 10. Meetings.

6 (a) Each member of the Commission shall have voting rights  
7 and all actions and recommendations shall be approved by a  
8 simple majority vote of the members.

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

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

15 Section 15. Reporting.

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

19 (1) an evaluation of the current towing laws in this  
20 State;

21 (2) a recommendation for an appropriate towing program  
22 for this State;

23 (3) a review of all potential litigation costs for an  
24 owner of an impounded vehicle, a towing company, and a

1 county or municipality; and

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

3 Section 20. Repealer. This Act is repealed on January 1,  
4 2018.

5 Section 105. The Illinois Vehicle Code is amended by  
6 changing Sections 11-208.7, 11-1431, 18d-120, and 18d-125 as  
7 follows:

8 (625 ILCS 5/11-208.7)

9 Sec. 11-208.7. Administrative fees and procedures for  
10 impounding vehicles for specified violations.

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

23 (b) An ~~Any~~ ordinance establishing procedures for the

1 release of properly impounded vehicles under this Section may  
2 impose fees only for the following violations:

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

7 (2) driving under the influence of alcohol, another  
8 drug or drugs, an intoxicating compound or compounds, or  
9 any combination thereof, in violation of Section 11-501 of  
10 this Code; or

11 (3) operation or use of a motor vehicle in the  
12 commission of, or in the attempt to commit, a felony or in  
13 violation of the Cannabis Control Act; or

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

17 (5) operation or use of a motor vehicle in the  
18 commission of, or in the attempt to commit, an offense in  
19 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012; or

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

1 or

2 (7) operation or use of a motor vehicle while  
3 soliciting, possessing, or attempting to solicit or  
4 possess cannabis or a controlled substance, as defined by  
5 the Cannabis Control Act or the Illinois Controlled  
6 Substances Act; or

7 (8) operation or use of a motor vehicle with an expired  
8 driver's license, in violation of Section 6-101 of this  
9 Code, if the period of expiration is greater than one year;  
10 or

11 (9) operation or use of a motor vehicle without ever  
12 having been issued a driver's license or permit, in  
13 violation of Section 6-101 of this Code, or operating a  
14 motor vehicle without ever having been issued a driver's  
15 license or permit due to a person's age; or

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

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

24 (12) operation or use of a motor vehicle in the  
25 commission of, or in the attempt to commit, any other  
26 misdemeanor or felony offense in violation of the Criminal

1 Code of 1961 or the Criminal Code of 2012, when so provided  
2 by local ordinance; or

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

5 (A) while the vehicle is part of a funeral  
6 procession; or

7 (B) in a manner that interferes with a funeral  
8 procession.

9 (c) The following shall apply to any fees imposed for  
10 administrative and processing costs pursuant to subsection  
11 (b):

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

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

19 (3) The fees shall be uniform for all similarly  
20 situated vehicles.

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

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

26 (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall provide  
2 for an opportunity for a hearing, as provided in subdivision  
3 (b) (4) of Section 11-208.3 of this Code, and for the release of  
4 the vehicle to the owner of record, lessee, or a lienholder of  
5 record upon payment of all administrative fees and towing and  
6 storage fees.

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

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

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

23 (3) The county or municipality shall also provide  
24 notice that the motor vehicle will remain impounded pending  
25 the completion of an administrative hearing, unless the  
26 owner or lessee of the vehicle or a lienholder posts with



1 the county or municipality a bond equal to the  
2 administrative fee as provided by ordinance and pays for  
3 all towing and storage charges.

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

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

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

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

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

25 (1) administrative hearings shall be conducted by a  
26 hearing officer who is an attorney licensed to practice law

1 in this State for a minimum of 3 years;

2 (2) at the conclusion of the administrative hearing,  
3 the hearing officer shall issue a written decision either  
4 sustaining or overruling the vehicle impoundment;

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

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

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

20 (6) if the administrative hearing officer finds that a  
21 county or municipality that impounds a vehicle exceeded its  
22 authority under this Code, the county or municipality shall  
23 be liable to the registered owner or lessee of the vehicle  
24 for the cost of storage fees and reasonable attorney's  
25 fees.

26 (h) Vehicles not retrieved from the towing facility or

1 storage facility within 35 days after the administrative  
2 hearing officer issues a written decision shall be deemed  
3 abandoned and disposed of in accordance with the provisions of  
4 Article II of Chapter 4 of this Code.

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

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

14 (625 ILCS 5/11-1431)

15 Sec. 11-1431. Solicitations at accident or disablement  
16 scene prohibited.

17 (a) A tower, as defined by Section 1-205.2 of this Code, or  
18 an employee or agent of a tower may not: (i) stop at the scene  
19 of a motor vehicle accident or at or near a damaged or disabled  
20 vehicle for the purpose of soliciting the owner or operator of  
21 the damaged or disabled vehicle to enter into a towing service  
22 transaction; or (ii) stop at the scene of an accident or at or  
23 near a damaged or disabled vehicle unless called to the  
24 location by a law enforcement officer, the Illinois Department  
25 of Transportation, the Illinois State Toll Highway Authority, a

1 local agency having jurisdiction over the highway, ~~or~~ the owner  
2 or operator of the damaged or disabled vehicle, or the owner or  
3 operator's authorized agent, including his or her insurer or  
4 motor club of which the owner or operator is a member. This  
5 Section shall not apply to employees of the Department, the  
6 Illinois State Toll Highway Authority, or local agencies when  
7 engaged in their official duties. Nothing in this Section shall  
8 prevent a tower from stopping at the scene of a motor vehicle  
9 accident or at or near a damaged or disabled vehicle if the  
10 owner or operator signals the tower for assistance from the  
11 location of the motor vehicle accident or damaged or disabled  
12 vehicle.

13 (b) A person or company who violates this Section is guilty  
14 of a Class 4 felony ~~business offense and shall be required to~~  
15 ~~pay a fine of more than \$500, but not more than \$1,000.~~ A  
16 person convicted of violating this Section shall also have his  
17 or her driver's license, permit, or privileges suspended for 3  
18 months. After the expiration of the 3 month suspension, the  
19 person's driver's license, permit, or privileges shall not be  
20 reinstated until he or she has paid a reinstatement fee of  
21 \$100. If a person violates this Section while his or her  
22 driver's license, permit, or privileges are suspended under  
23 this subsection (b), his or her driver's license, permit, or  
24 privileges shall be suspended for an additional 6 months, and  
25 shall not be reinstated after the expiration of the 6 month  
26 suspension until he or she pays a reinstatement fee of \$100.

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

2 (625 ILCS 5/18d-120)

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

5 (a) A commercial vehicle safety relocater shall not  
6 commence the towing of a damaged or disabled vehicle without  
7 specific authorization from the vehicle owner or operator after  
8 the disclosures set forth in this Section.

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

12 (1) The formal business name of the commercial vehicle  
13 safety relocater, as registered with the Illinois  
14 Secretary of State, and its business address and telephone  
15 number.

16 (2) The address of the location to which the vehicle  
17 shall be relocated.

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

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

23 "As a customer, you also have the following rights under  
24 Illinois law:

25 (1) This written disclosure must be provided to you

1 before your vehicle is towed, providing the business name,  
2 business address, address where the vehicle will be towed,  
3 and a reliable telephone number;

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

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

9 (4) Upon your demand, your vehicle must be returned  
10 during business hours, upon your prompt payment of all  
11 reasonable fees;

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

14 (6) Upon your demand, you must be provided with proof  
15 of the existence of mandatory insurance insuring against  
16 all risks associated with the transportation and storage of  
17 your vehicle."

18 (c) The commercial vehicle safety relocater shall provide a  
19 copy of the completed disclosure required by this Section to  
20 the vehicle owner or operator, before towing the damaged or  
21 disabled vehicle, and shall maintain an identical copy of the  
22 completed disclosure in its records for a minimum of 5 years  
23 after the transaction concludes.

24 (d) If the vehicle owner or operator is incapacitated,  
25 incompetent, or otherwise unable to knowingly accept receipt of  
26 the disclosure described in this Section, the commercial

1 vehicle safety relocater shall provide a completed copy of the  
2 disclosure to local law enforcement and, if known, the vehicle  
3 owner or operator's automobile insurance company.

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

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

20 (625 ILCS 5/18d-125)

21 Sec. 18d-125. Disclosures to vehicle owners or operators;  
22 invoices.

23 (a) Upon demand of the vehicle owner or operator, the  
24 commercial vehicle safety relocater shall provide an itemized  
25 final invoice that fairly and accurately documents the charges

1 owed by the vehicle owner or operator for relocation of damaged  
2 or disabled vehicles. The final ~~estimate or~~ invoice shall  
3 accurately record in writing all of the items set forth in this  
4 Section.

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

20 (c) A legible copy of the invoice shall be given to the  
21 vehicle owner or operator, and a legible copy shall be retained  
22 by the commercial vehicle safety relocater for a period of 5  
23 years from the date of release of the vehicle. The copy may be  
24 retained in electronic format. Records may be stored at a  
25 separate location.

26 (d) Disclosure forms required in accordance with this



1 Section 18d-120 must be approved by the Commission.

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

3 Section 999. Effective date. This Act takes effect upon  
4 becoming law.".