



Sen. William R. Haine

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09900SB2261sam002

LRB099 16684 AXK 47863 a

1 AMENDMENT TO SENATE BILL 2261

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

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

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

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

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

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

16 (2) one member of the General Assembly, appointed by

1 the Minority Leader of the Senate;

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

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

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

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

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

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

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

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

20 (11) the President of the Illinois Sheriff's  
21 Association, or his or her designee;

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

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

26 (14) the President of the Northwest Municipal

1 Conference, or his or her designee.

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

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

6 Section 10. Meetings.

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

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

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

16 Section 15. Reporting.

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

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

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

24 (3) a review of all potential litigation costs for an

1 owner of an impounded vehicle, a towing company, and a  
2 county or municipality; and

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

4 Section 20. Repealer. This Act is repealed on January 1,  
5 2018.

6 Section 105. The Illinois Vehicle Code is amended by  
7 changing Sections 11-208.7, 11-1303, 11-1431, 18d-120, and  
8 18d-125 as follows:

9 (625 ILCS 5/11-208.7)

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

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

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

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

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

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

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

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

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

1 moving) or due to failure to comply with emission testing;

2 or

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

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

11 or

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

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

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

25 (12) operation or use of a motor vehicle in the  
26 commission of, or in the attempt to commit, any other

1 misdemeanor or felony offense in violation of the Criminal  
2 Code of 1961 or the Criminal Code of 2012, when so provided  
3 by local ordinance; ~~or~~

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

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

8 (B) in a manner that interferes with a funeral  
9 procession; or ~~or~~

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

14 (c) The following shall apply to any fees imposed for  
15 administrative and processing costs pursuant to subsection  
16 (b):

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

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

24 (3) The fees shall be uniform for all similarly  
25 situated vehicles.

26 (4) The fees shall be collected by and paid to the

1 county or municipality imposing the fees.

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

5 (d) Any ordinance establishing procedures for the release  
6 of properly impounded vehicles under this Section shall provide  
7 for an opportunity for a hearing, as provided in subdivision  
8 (b) (4) of Section 11-208.3 of this Code, and for the release of  
9 the vehicle to the owner of record, lessee, or a lienholder of  
10 record upon payment of all administrative fees and towing and  
11 storage fees.

12 (e) Any ordinance establishing procedures for the  
13 impoundment and release of vehicles under this Section shall  
14 include the following provisions concerning notice of  
15 impoundment:

16 (1) Whenever a police officer has cause to believe that  
17 a motor vehicle is subject to impoundment, the officer  
18 shall provide for the towing of the vehicle to a facility  
19 authorized by the county or municipality.

20 (2) At the time the vehicle is towed, the county or  
21 municipality shall notify or make a reasonable attempt to  
22 notify the owner, lessee, or person identifying himself or  
23 herself as the owner or lessee of the vehicle, or any  
24 person who is found to be in control of the vehicle at the  
25 time of the alleged offense, of the fact of the seizure,  
26 and of the vehicle owner's or lessee's right to an



1 administrative hearing.

2 (3) The county or municipality shall also provide  
3 notice that the motor vehicle will remain impounded pending  
4 the completion of an administrative hearing, unless the  
5 owner or lessee of the vehicle or a lienholder posts with  
6 the county or municipality a bond equal to the  
7 administrative fee as provided by ordinance and pays for  
8 all towing and storage charges.

9 (f) Any ordinance establishing procedures for the  
10 impoundment and release of vehicles under this Section shall  
11 include a provision providing that the registered owner or  
12 lessee of the vehicle and any lienholder of record shall be  
13 provided with a notice of hearing. The notice shall:

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

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

20 (3) contain the date, time, and location of the  
21 administrative hearing. An initial hearing shall be  
22 scheduled and convened no later than 45 days after the date  
23 of the mailing of the notice of hearing.

24 (g) In addition to the requirements contained in  
25 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
26 administrative hearings, any ordinance providing for the

1 impoundment and release of vehicles under this Section shall  
2 include the following requirements concerning administrative  
3 hearings:

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

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

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

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

20 (5) unless the administrative hearing officer  
21 overturns the basis for the vehicle impoundment, no vehicle  
22 shall be released to the owner, lessee, or lienholder of  
23 record until all administrative fees and towing and storage  
24 charges are paid; and -

25 (6) if the administrative hearing officer finds no  
26 probable cause for vehicle impoundment, the county or

1       municipality shall be liable to the registered owner or  
2       lessee of the vehicle for the cost of storage fees and  
3       reasonable attorney's fees; except for a home rule unit  
4       that, on the effective date of this amendatory Act of the  
5       99th General Assembly, owns and operates a towing facility  
6       within its boundaries for the storage of towed vehicles and  
7       owns and operates tow trucks or enters into a contract with  
8       a third party vendor to operate tow trucks, the  
9       administrative hearing officer shall not award attorney's  
10       fees if the reason for vehicle impoundment is a parking  
11       violation under Section 11-1301.3 or Section 11-1303 of  
12       this Code or parking a vehicle on a designated snow route  
13       or tow zone in violation of a county or municipal  
14       ordinance.

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

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

26       (j) Except as provided in subsection (k) of this Section, a

1 home rule unit may not regulate the administrative fees and  
2 procedures for impounding vehicles in a manner inconsistent  
3 with this Section. This subsection (j) is a denial and  
4 limitation of home rule powers and functions under subsection  
5 (h) of Section 6 of Article VII of the Illinois Constitution.

6 (k) The fee limits and provisions in paragraph (6) of  
7 subsection (b) and paragraph (6) of Section (g) of this Section  
8 shall not apply to a home rule unit that tows a vehicle on a  
9 public way if a circumstance requires the towing of the vehicle  
10 or if the vehicle is towed due to a violation of a statute or  
11 local ordinance, and the home rule unit:

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

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

16 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;  
17 98-518, eff. 8-22-13; 98-734, eff. 1-1-15; 98-756, eff.  
18 7-16-14.)

19 (625 ILCS 5/11-1303) (from Ch. 95 1/2, par. 11-1303)

20 Sec. 11-1303. Stopping, standing or parking prohibited in  
21 specified places.

22 (a) Except when necessary to avoid conflict with other  
23 traffic, or in compliance with law or the directions of a  
24 police officer or official traffic-control device, no person  
25 shall:

1 1. Stop, stand or park a vehicle:

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

4 b. On a sidewalk;

5 c. Within an intersection;

6 d. On a crosswalk;

7 e. Between a safety zone and the adjacent curb or  
8 within 30 feet of points on the curb immediately  
9 opposite the ends of a safety zone, unless a different  
10 length is indicated by signs or markings;

11 f. Alongside or opposite any street excavation or  
12 obstruction when stopping, standing or parking would  
13 obstruct traffic;

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

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

20 i. At any place where official signs prohibit  
21 stopping;

22 j. On any controlled-access highway;

23 k. In the area between roadways of a divided  
24 highway, including crossovers;

25 l. In a public parking area if the vehicle does not  
26 display a current annual registration sticker or

1 current temporary permit pending registration.

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

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

5 b. Within 15 feet of a fire hydrant;

6 c. Within 20 feet of a crosswalk at an  
7 intersection;

8 d. Within 30 feet upon the approach to any flashing  
9 signal, stop sign, yield sign, or traffic control  
10 signal located at the side of a roadway;

11 e. Within 20 feet of the driveway entrance to any  
12 fire station and on the side of a street opposite the  
13 entrance to any fire station within 75 feet of such  
14 entrance (when properly sign-posted);

15 f. At any place where official signs prohibit  
16 standing.

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

20 a. Within 50 feet of the nearest rail of a railroad  
21 crossing;

22 b. At any place where official signs prohibit  
23 parking; ~~or~~

24 c. On a parkway; or

25 d. On a bicycle path or lane.

26 (b) No person shall move a vehicle not lawfully under his

1 control into any such prohibited area or away from a curb such  
2 distance as is unlawful.

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

4 (625 ILCS 5/11-1431)

5 Sec. 11-1431. Solicitations at accident or disablement  
6 scene prohibited.

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

1 location of the motor vehicle accident or damaged or disabled  
2 vehicle.

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

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

18 (625 ILCS 5/18d-120)

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

21 (a) A commercial vehicle safety relocater shall not  
22 commence the towing of a damaged or disabled vehicle without  
23 specific authorization from the vehicle owner or operator after  
24 the disclosures set forth in this Section.

25 (b) Every commercial vehicle safety relocater shall,



1 before towing a damaged or disabled vehicle, give to each  
2 vehicle owner or operator a written disclosure providing:

3 (1) The formal business name of the commercial vehicle  
4 safety relocater, as registered with the Illinois  
5 Secretary of State, and its business address and telephone  
6 number.

7 (2) The address of the location to which the vehicle  
8 shall be relocated.

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

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

14 "As a customer, you also have the following rights under  
15 Illinois law:

16 (1) This written disclosure must be provided to you  
17 before your vehicle is towed, providing the business name,  
18 business address, address where the vehicle will be towed,  
19 and a reliable telephone number;

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

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

25 (4) Upon your demand, your vehicle must be returned  
26 during business hours, upon your prompt payment of all

1 reasonable fees;

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

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

8 (c) The commercial vehicle safety relocater shall provide a  
9 copy of the completed disclosure required by this Section to  
10 the vehicle owner or operator, before towing the damaged or  
11 disabled vehicle, and shall maintain an identical copy of the  
12 completed disclosure in its records for a minimum of 5 years  
13 after the transaction concludes.

14 (d) If the vehicle owner or operator is incapacitated,  
15 incompetent, or otherwise unable to knowingly accept receipt of  
16 the disclosure described in this Section, the commercial  
17 vehicle safety relocater shall provide a completed copy of the  
18 disclosure to local law enforcement and, if known, the vehicle  
19 owner or operator's automobile insurance company.

20 (e) If the commercial vehicle safety relocater fails to  
21 comply with the requirements of this Section, the commercial  
22 vehicle safety relocater shall be prohibited from seeking any  
23 compensation whatsoever from the vehicle owner or operator,  
24 including but not limited to any towing, storage, or other  
25 incidental fees. Furthermore, if the commercial vehicle safety  
26 relocater or operator fails to comply with the requirements of

1 this Section, any contracts entered into by the commercial  
2 vehicle safety relocater and the vehicle owner or operator  
3 shall be deemed null, void, and unenforceable. A vehicle owner,  
4 or his or her authorized agent or automobile insurer, may bring  
5 a claim against a commercial vehicle safety relocater who  
6 willfully and materially violates this Section. A court may  
7 award the prevailing party reasonable attorney's fees, costs,  
8 and expenses relating to that action.

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

10 (625 ILCS 5/18d-125)

11 Sec. 18d-125. Disclosures to vehicle owners or operators;  
12 invoices.

13 (a) Upon demand of the vehicle owner or operator, the  
14 commercial vehicle safety relocater shall provide an itemized  
15 final invoice that fairly and accurately documents the charges  
16 owed by the vehicle owner or operator for relocation of damaged  
17 or disabled vehicles. The final ~~estimate or~~ invoice shall  
18 accurately record in writing all of the items set forth in this  
19 Section.

20 (b) The final invoice shall show the formal business name  
21 of the commercial vehicle safety relocater, as registered with  
22 the Illinois Secretary of State, its business address and  
23 telephone number, the date of the invoice, the odometer reading  
24 at the time the final invoice was prepared, the name of the  
25 vehicle owner or operator, and the description of the motor

1 vehicle, including the motor vehicle identification number. In  
2 addition, the invoice shall describe any modifications made to  
3 the vehicle by the commercial vehicle safety relocater, any  
4 observable damage to the vehicle upon its initial receipt by  
5 the commercial vehicle safety relocater, and any observable  
6 damage to the vehicle at the time of its release to the vehicle  
7 owner or operator. The invoice shall itemize any additional  
8 charges and include those charges in the total presented to the  
9 vehicle owner or operator.

10 (c) A legible copy of the invoice shall be given to the  
11 vehicle owner or operator, and a legible copy shall be retained  
12 by the commercial vehicle safety relocater for a period of 5  
13 years from the date of release of the vehicle. The copy may be  
14 retained in electronic format. Records may be stored at a  
15 separate location.

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

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

19 Section 999. Effective date. This Act takes effect upon  
20 becoming law."