

1 AMENDMENT TO HOUSE BILL 475

2 AMENDMENT NO. _____. Amend House Bill 475 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 adding Sections 11-208.5 and 11-208.6 as follows:

7 (625 ILCS 5/11-208.5 new)

8 Sec. 11-208.5 Booting of motor vehicles; registration
9 required.

10 (a) No person or entity may engage in the booting of any
11 motor vehicle without first having registered with the
12 Secretary of State. As used in this Section and Section
13 11-208.6, to "boot" or "booting" means the act of placing on
14 a parked motor vehicle a mechanical device, known as a boot,
15 that is designed to be attached to a wheel or tire or other
16 part of the vehicle to prohibit its usual manner of movement.
17 This Section does not apply to the booting of a motor vehicle
18 by a governmental entity, or a person or entity acting under
19 the direction of a governmental entity, when the booting is
20 authorized by any provision of law or rule.

21 (b) An application for registration under this Section

1 must include:

2 (1) The name, business address, and telephone
3 number of the applicant.

4 (2) The name, residence address, and age of each
5 person having at least a 10% beneficial ownership of the
6 booting operation, if the applicant is other than a
7 natural person.

8 (3) The name, residence address, and age of the
9 manager of each location.

10 (4) Proof of liability insurance in an amount not
11 less than \$500,000 per person and not less than
12 \$1,000,000 per incident, issued by an insurer authorized
13 to underwrite risks in this State.

14 (5) Payment of a registration fee.

15 (6) Any additional information necessary to ensure
16 compliance with eligibility requirements.

17 (c) An applicant is ineligible to receive, and an
18 operator is ineligible to retain, registration as a booting
19 operation if the applicant, operator, or any employee of the
20 applicant or operator has been convicted of a felony within
21 the last 3 years.

22 (d) The Secretary shall adopt rules for implementing
23 this Section and Section 11-208.6.

24 (e) This Section and Section 11-208.6 do not apply in a
25 municipality with a population of 1,000,000 or more.

26 (625 ILCS 5/11-208.6 new)

27 Sec. 11-208.6 Regulation of booting operations.

28 (a) An operator may conduct booting operations
29 exclusively on private property and only under a written
30 agreement with the owner or manager of the property.

31 (b) An operator may not provide booting service at any
32 property at which any person having a beneficial interest in
33 the booting operation also has a beneficial interest in the

1 subject property.

2 (c) No fewer than 14 days before commencement of a
3 booting operation, at every location where a booting
4 operation is to be conducted, the operator must post, and
5 must maintain in a conspicuous location, a minimum of 2
6 signs, no smaller than 24 inches in height and 36 inches in
7 width, setting forth:

8 (1) The date upon which a booting operation shall
9 commence.

10 (2) The terms of use of the subject property.

11 (3) The fee for removal of a boot.

12 (4) The name and address of, and a 24-hour
13 telephone number for, the operator.

14 (5) The name and telephone number of the property
15 owner or manager.

16 The signs must remain in place as long as a booting
17 operation is being conducted.

18 (d) Upon discontinuation of booting operations at a
19 property, the signs required by subsection (c) must be
20 removed. No person may post or allow the presence of the
21 warning signs described in subsection (c) on any property not
22 covered by a booting operation agreement. The operator, the
23 property owner, and the property manager are jointly and
24 severally responsible for compliance with this subsection.

25 (e) At every location where an operator conducts booting
26 operations, the operator must post at least one employee to
27 install and remove boots and to receive payments. The
28 employee must wear, in a conspicuous manner, an
29 identification placard clearly displaying the name of the
30 employee and the name, address, and telephone number of the
31 operator. The posted employee must personally inform each
32 person who leaves a vehicle on the premises that the vehicle
33 is subject to booting if the terms of use of the subject
34 property are violated. Before leaving the location where

1 booting operations are conducted, the posted employee must
2 remove all boots from vehicles at that location.

3 (f) It is illegal to place a boot upon any occupied
4 motor vehicle or upon any motor vehicle parked in accordance
5 with the terms of use for the subject property.

6 (g) An operator must immediately remove a boot, for no
7 charge, from any motor vehicle if the owner of the motor
8 vehicle returns prior to the complete attachment of the boot.

9 (h) The fee for removal of a boot shall be \$90.

10 (i) At every location where a booting operation is
11 conducted, the operator must have available means of
12 collecting any fees in cash or by credit card.

13 (j) An operator must notify the local law enforcement
14 agency of any booted vehicle that remains in a lot or garage
15 for over 24 hours.

16 (k) Each operator must maintain a sufficient number of
17 copies of the relevant portions of this Section and Section
18 11-208.5 and must provide a copy to any individual requesting
19 a copy.

20 (l) An operator's place of business must maintain
21 minimum business hours of 9:00 a.m. to 5:00 p.m., Monday
22 through Friday."