



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2040

Introduced 2/6/2025, by Sen. Celina Villanueva

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-704	from Ch. 95 1/2, par. 3-704
625 ILCS 5/3-704.4 new	
625 ILCS 5/18a-501	from Ch. 95 1/2, par. 18a-501
625 ILCS 5/18d-105	
625 ILCS 5/18d-115	
625 ILCS 5/18d-116 new	
625 ILCS 5/18d-118 new	
625 ILCS 5/18d-119 new	
625 ILCS 5/18d-120	
625 ILCS 5/18d-121 new	
625 ILCS 5/18d-155	
625 ILCS 5/18d-157 new	
625 ILCS 5/18d-158 new	

Amends the Illinois Vehicle Code. Provides that any personal property belonging to the vehicle owner in a vehicle subject to a lien shall be subject to that lien, except for the specified items, which may be claimed by immediate family members at the authorization of the vehicle owner. Establishes registration requirements for commercial vehicle safety relocators and tasks the Illinois Commerce Commission with oversight duties and the imposition of penalties. Provides that commercial vehicle safety relocators must follow specified business address requirements. Sets forth provisions concerning liens against personal property in a towed vehicle, making false statements and the power of the Commission to deny an application or revoke registration from a commercial vehicle safety relocator, and the relocation and redemption of vehicles. Makes changes regarding liability for violations of specified provisions of the Code. Requires a commercial vehicle safety relocator to designate a registered agent within the State. Adds provisions concerning vehicle impoundment, failure to satisfy fines or penalties assessed by the Commission, and suspension of tow truck registrations. Makes other changes.

LRB104 10361 LNS 20436 b

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 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-704, 18a-501, 18d-105, 18d-115, 18d-120,
6 and 18d-155 and by adding Sections 3-704.4, 18d-116, 18d-118,
7 18d-119, 18d-121, 18d-157, and 18d-158 as follows:

8 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

9 Sec. 3-704. Authority of Secretary of State to suspend or
10 revoke a registration or certificate of title; authority to
11 suspend or revoke the registration of a vehicle.

12 (a) The Secretary of State may suspend or revoke the
13 registration of a vehicle or a certificate of title,
14 registration card, registration sticker or digital
15 registration sticker, registration plate or digital
16 registration plate, disability parking decal or device, or any
17 nonresident or other permit in any of the following events:

18 1. When the Secretary of State is satisfied that such
19 registration or that such certificate, card, plate or
20 digital plate, registration sticker or digital
21 registration sticker, or permit was fraudulently or
22 erroneously issued;

23 2. When a registered vehicle has been dismantled or

1 wrecked or is not properly equipped;

2 3. When the Secretary of State determines that any
3 finances, penalties, or required fees have not been paid to
4 the Secretary of State, to the Illinois Commerce
5 Commission, or to the Illinois Department of Revenue under
6 the Motor Fuel Tax Law, and the same are not paid upon
7 reasonable notice and demand;

8 4. When a registration card, registration plate or
9 digital registration plate, registration sticker or
10 digital registration sticker, or permit is knowingly
11 displayed upon a vehicle other than the one for which
12 issued;

13 5. When the Secretary of State determines that the
14 owner has committed any offense under this Chapter
15 involving the registration or the certificate, card, plate
16 or digital plate, registration sticker or digital
17 registration sticker, or permit to be suspended or
18 revoked;

19 6. When the Secretary of State determines that a
20 vehicle registered not-for-hire is used or operated
21 for-hire unlawfully, or used or operated for purposes
22 other than those authorized;

23 7. When the Secretary of State determines that an
24 owner of a for-hire motor vehicle has failed to give proof
25 of financial responsibility as required by this Act;

26 8. When the Secretary determines that the vehicle is

1 not subject to or eligible for a registration;

2 9. When the Secretary determines that the owner of a
3 vehicle registered under the mileage weight tax option
4 fails to maintain the records specified by law, or fails
5 to file the reports required by law, or that such vehicle
6 is not equipped with an operable and operating speedometer
7 or odometer;

8 10. When the Secretary of State is so authorized under
9 any other provision of law;

10 11. When the Secretary of State determines that the
11 holder of a disability parking decal or device has
12 committed any offense under Chapter 11 of this Code
13 involving the use of a disability parking decal or device.

14 (a-5) The Secretary of State may revoke a certificate of
15 title and registration card and issue a corrected certificate
16 of title and registration card, at no fee to the vehicle owner
17 or lienholder, if there is proof that the vehicle
18 identification number is erroneously shown on the original
19 certificate of title.

20 (b) The Secretary of State may suspend or revoke the
21 registration of a vehicle as follows:

22 1. When the Secretary of State determines that the
23 owner of a vehicle has not paid a civil penalty or a
24 settlement agreement arising from the violation of rules
25 adopted under the Illinois Motor Carrier Safety Law or the
26 Illinois Hazardous Materials Transportation Act or that a

1 vehicle, regardless of ownership, was the subject of
2 violations of these rules that resulted in a civil penalty
3 or settlement agreement which remains unpaid.

4 2. When the Secretary of State determines that a
5 vehicle registered for a gross weight of more than 16,000
6 pounds within an affected area is not in compliance with
7 the provisions of Section 13-109.1 of this Code.

8 3. When the Secretary of State is notified by the
9 United States Department of Transportation that a vehicle
10 is in violation of the Federal Motor Carrier Safety
11 Regulations, as they are now or hereafter amended, and is
12 prohibited from operating.

13 (c) The Secretary of State may suspend the registration of
14 a vehicle when a court finds that the vehicle was used in a
15 violation of Section 24-3A of the Criminal Code of 1961 or the
16 Criminal Code of 2012 relating to gunrunning. A suspension of
17 registration under this subsection (c) may be for a period of
18 up to 90 days.

19 (d) The Secretary shall deny, suspend, or revoke
20 registration if the applicant fails to disclose material
21 information required, if the applicant has made a materially
22 false statement on the application, if the applicant has
23 applied as a subterfuge for the real party in interest who has
24 been issued a federal out-of-service order, or if the
25 applicant's business is operated by, managed by, or otherwise
26 controlled by or affiliated with a person who is ineligible

1 for registration, including the applicant entity, a relative,
2 family member, corporate officer, or shareholder. The
3 Secretary shall deny, suspend, or revoke registration for
4 either (i) a vehicle if the motor carrier responsible for the
5 safety of the vehicle has been prohibited from operating by
6 the Federal Motor Carrier Safety Administration; or (ii) a
7 carrier whose business is operated by, managed by, or
8 otherwise controlled by or affiliated with a person who is
9 ineligible for registration, which may include the owner, a
10 relative, family member, corporate officer, or shareholder of
11 the carrier.

12 (Source: P.A. 101-185, eff. 1-1-20; 101-395, eff. 8-16-19;
13 102-558, eff. 8-20-21.)

14 (625 ILCS 5/3-704.4 new)

15 Sec. 3-704.4. Failure to satisfy fines or penalties
16 assessed by the Commission; suspension of tow truck
17 registrations.

18 (a) Upon receipt of a report pursuant to Section 18d-158,
19 as set forth in subsection (c), from the Commission stating
20 that the owner of a registered tow truck has failed to satisfy
21 any fine or penalty issued by the Commission, the Secretary of
22 State shall suspend all tow truck registrations of the person
23 in accordance with the procedures set forth in this Section.

24 (b) Following receipt of the certified report of the
25 Commission as specified in this Section, the Secretary of

1 State shall notify the person whose name appears on the
2 certified report that the person's tow truck registrations
3 will be suspended at the end of a reasonable, specified period
4 unless the Secretary of State is presented with a notice from
5 the Commission certifying that the fines or penalties owing
6 the Commission have been satisfied or that inclusion of that
7 person's name on the certified report was in error. The
8 Secretary's notice shall state in substance the information
9 contained in the Commission's certified report to the
10 Secretary, and shall be effective as specified by subsection
11 (c) of Section 6-211.

12 (c) The report from the Commission notifying the Secretary
13 of unsatisfied fines or penalties pursuant to this Section
14 shall be certified by the Transportation Division Manager, or
15 his or her designee, and shall contain the following:

16 (1) The name and last known address of the person that
17 failed to satisfy the fines or penalties and the vehicle
18 identification number of any tow trucks known to be
19 registered in the State to that person.

20 (2) A statement that the Commission sent a notice
21 consistent with subsection (b) of Section 18d-158 to the
22 person named in the report at the address recorded with
23 the Secretary of State, the date on which the notice was
24 sent, and the address to which the notice was sent.

25 (d) The Commission, after making a certified report to the
26 Secretary pursuant to this Section, shall notify the

1 Secretary, on a form prescribed by the Secretary, whenever a
2 person named in the certified report has satisfied the
3 previously reported fines or penalties or whenever the
4 Commission determines that the original report was in error. A
5 certified copy of the notification shall also be given upon
6 request and at no additional charge to the person named
7 therein. Upon receipt of the Commission's notification or
8 presentation of a certified copy of the notification, the
9 Secretary shall terminate the suspension.

10 (e) A person may request an administrative hearing to
11 contest an impending suspension or a suspension made pursuant
12 to this Section upon filing a written request with the
13 Secretary. The filing fee for this hearing is \$50, to be paid
14 at the time of the request. The Commission may reimburse the
15 Secretary for all reasonable costs incurred by the Secretary
16 as a result of the filing of a certified report pursuant to
17 this Section, including, but not limited to, the costs of
18 providing notice required pursuant to subsection (b) and the
19 costs incurred by the Secretary in any hearing conducted with
20 respect to the report pursuant to this subsection and any
21 appeal from that hearing.

22 (f) The Secretary and the Commission may adopt rules to
23 enable them to carry out their duties under this Section.

24 (g) The Commission shall cooperate with the Secretary in
25 the administration of this Section and shall provide the
26 Secretary with any information the Secretary may deem

1 necessary for these purposes.

2 The Secretary shall cooperate with the Commission in the
3 administration of this Section and shall provide any
4 information that the Commission may deem necessary, subject to
5 the limitations set forth in Section 2-123.

6 (h) For purposes of this Section, "Commission" means the
7 Illinois Commerce Commission.

8 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

9 Sec. 18a-501. Liens against relocated vehicles.

10 (a) Unauthorized vehicles removed and stored by a
11 commercial vehicle relocater in compliance with this Chapter
12 shall be subject to a possessory lien for services pursuant to
13 the Labor and Storage Lien (Small Amount) Act, and the
14 provisions of Section 1 of that Act relating to notice and
15 implied consent shall be deemed satisfied by compliance with
16 Section 18a-302 and item (10) of Section 18a-300. In no event
17 shall such lien be greater than the rate or rates established
18 in accordance with item (6) of Section 18a-200. In no event
19 shall such lien be increased or altered to reflect any charge
20 for services or materials rendered in addition to those
21 authorized by this Act. Every such lien shall be payable by use
22 of any major credit card, in addition to being payable in cash.
23 Upon receipt of a properly signed credit card receipt, a
24 relocater shall become a holder in due course, and neither the
25 holder of the credit card nor the company which issued the

1 credit card may thereafter refuse to remit payment in the
2 amount shown on the credit card receipt minus the ordinary
3 charge assessed by the credit card company for processing the
4 charge. The Commission may adopt regulations governing
5 acceptance of credit cards by a relocater.

6 (b) Any personal property belonging to the vehicle owner
7 in a vehicle subject to a lien under this Section shall be
8 subject to that lien, excepting only: child restraint systems
9 as defined in Section 4 of the Child Passenger Protection Act
10 and other child booster seats; eyeglasses; food; medicine;
11 personal medical and health care devices, including hearing
12 instruments; perishable property; any operator's licenses; any
13 cash, credit cards, or checks or checkbooks; any wallet,
14 purse, or other property containing any operator's licenses,
15 social security cards, or other identifying documents or
16 materials, cash, credit cards, checks or checkbooks, or
17 passbooks; higher education textbooks and study materials; and
18 any personal property belonging to a person other than the
19 vehicle owner if that person provides adequate proof that the
20 personal property belongs to that person. The spouse, child,
21 mother, father, brother, or sister of the vehicle owner may
22 claim personal property excepted under this subsection if the
23 person claiming the personal property provides the commercial
24 vehicle relocater with the authorization of the vehicle owner.

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (625 ILCS 5/18d-105)

2 Sec. 18d-105. Definitions. As used in this Chapter:

3 (1) "Commercial vehicle safety relocater" or "safety
4 relocater" means any person or entity engaged in the business
5 of removing damaged or disabled vehicles from public or
6 private property by means of towing or otherwise, and
7 thereafter relocating and storing such vehicles.

8 (2) "Commission" means the Illinois Commerce Commission.

9 (3) "Beneficial owner" means an individual who either,
10 directly or indirectly: (a) exercises substantial control over
11 a person or entity; or (b) owns or controls at least 25% of the
12 person's or entity's ownership interests.

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

14 (625 ILCS 5/18d-115)

15 Sec. 18d-115. Safety relocater registration required;
16 application disclosures.

17 (a) It is unlawful for any commercial vehicle safety
18 relocater to operate in any county in which this Chapter is
19 applicable without a valid, current safety relocater's
20 registration certificate issued by the Commission.

21 (b) The Commission shall issue safety relocater's
22 registration certificates in accordance with administrative
23 rules adopted by the Commission. The Commission shall require
24 that in addition to such other information as the Commission
25 may require by rule, any application for a safety relocater's

1 registration be verified and disclose whether:

2 (1) the applicant has failed to satisfy any fine or
3 penalty issued by the Commission;

4 (2) any officer, employee, or agent of the applicant
5 has failed to satisfy any fine or penalty issued by the
6 Commission;

7 (3) any person or entity other than the applicant with
8 a beneficial owner in common with the applicant has failed
9 to satisfy any fine or penalty issued by the Commission;
10 or

11 (4) the applicant has failed to satisfy a judgment
12 entered by a court of competent jurisdiction for violation
13 of this Chapter or rules of the Commission adopted under
14 this Chapter.

15 If the Commission finds that any failure to satisfy a fine
16 or penalty issued by the Commission or a judgment entered by a
17 court of competent jurisdiction was, or should have been,
18 disclosed by the applicant, the Commission may deny the
19 application.

20 (c) The Commission may inquire into the conduct of any
21 commercial vehicle safety relocater, or the beneficial owner
22 of a commercial vehicle safety relocater, to determine if the
23 provisions of this Chapter and the rules of the Commission
24 adopted pursuant to this Chapter are being observed.

25 (d) If the Commission finds any failure to satisfy a fine
26 or penalty issued by the Commission or a judgment entered by a

1 court of competent jurisdiction, as set forth in subsection
2 (b), it shall revoke the issued safety relocater's
3 registration unless the Commission finds, through clear and
4 convincing evidence, good cause for the failure.

5 ~~It shall be unlawful for any commercial vehicle safety~~
6 ~~relocater to operate in any county in which this Chapter is~~
7 ~~applicable without a valid, current safety relocater's~~
8 ~~registration certificate issued by the Illinois Commerce~~
9 ~~Commission. The Illinois Commerce Commission shall issue~~
10 ~~safety relocater's registration certificates in accordance~~
11 ~~with administrative rules adopted by the Commission. The~~
12 ~~Commission may, at any time during the term of the~~
13 ~~registration certificate, make inquiry, into the licensee's~~
14 ~~management or conduct of business or otherwise, to determine~~
15 ~~that the provisions of this Chapter and the rules of the~~
16 ~~Commission adopted under this Chapter are being observed.~~

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

18 (625 ILCS 5/18d-116 new)

19 Sec. 18d-116. Business and storage location requirements;
20 proof of right to use premises.

21 (a) The office address that the commercial vehicle safety
22 relocater lists on the application shall be the primary
23 business location of the firm where its records are
24 maintained, as required by Section 18d-135.

25 (b) The application shall also list by address all

1 locations of secure areas for vehicle storage and redemption
2 maintained by the commercial vehicle safety relocater.

3 (c) A safety relocater shall own or have a right to use and
4 occupy, under a written lease, all business locations and
5 vehicle storage and redemption locations listed on an
6 application.

7 (d) The commercial vehicle safety relocater shall notify
8 the Commission in writing of any change in or addition of a
9 primary business location or location of secure areas for
10 vehicle storage and redemption.

11 (e) Listing a primary business location or vehicle storage
12 and redemption location on an application or update form that
13 the safety relocater does not have a right to use or occupy by
14 virtue of ownership or a written lease shall be considered a
15 materially false statement for purposes of Section 18d-119.
16 Failure to list a primary business location or vehicle storage
17 and redemption location on an application or update form shall
18 be considered a material omission for purposes of Section
19 18d-119.

20 (f) Each business and storage location shall conform to
21 Section 18d-130.

22 (625 ILCS 5/18d-118 new)

23 Sec. 18d-118. Liens against personal property in a towed
24 vehicle.

25 (a) All child restraint systems, as defined in Section 4

1 of the Child Passenger Protection Act, and other child booster
2 seats; eyeglasses; food; medicine; or personal medical and
3 health care devices, including hearing instruments; perishable
4 property; any operator's licenses; any cash, credit cards, or
5 checks or checkbooks; any wallet, purse, or other property
6 containing any operator's license, social security card, or
7 other identifying documents or materials, cash, credit cards,
8 checks or checkbooks, or passbooks; higher education textbooks
9 and study materials in a vehicle towed pursuant to this
10 Chapter shall be exempt from a lien under the Labor and Storage
11 Lien (Small Amount) Act and may be reclaimed by the vehicle
12 owner or operator or the spouse, parent, child, or sibling of
13 the vehicle owner or operator, as long as the related person
14 provides the commercial vehicle safety relocater written
15 authorization from the owner of the personal property.

16 (b) Other personal property in a relocated vehicle,
17 excluding cargo, is exempt from a lien under the Labor and
18 Storage Lien (Small Amount) Act and may be claimed by the owner
19 of such personal property, or by the spouse, child, parent, or
20 sibling of the owner of such personal property, as long as the
21 related person provides the commercial vehicle safety
22 relocater written authorization from the owner of such
23 personal property, and provided the vehicle owner or related
24 person provides the commercial vehicle safety relocater with
25 proof that the vehicle owner has an insurance policy
26 sufficient to pay applicable recovery, towing, and storage

1 charges. Notwithstanding other provisions of this Code, cargo
2 shall be subject to the tower's lien.

3 The regulation of liens on personal property and
4 exceptions to those liens in the case of vehicles towed as a
5 result of being involved in a crash are exclusive powers and
6 functions of the State. A home rule unit may not regulate liens
7 on personal property and exceptions to those liens in the case
8 of vehicles towed as a result of being involved in a crash.
9 This Section is a denial and limitation of home rule powers and
10 functions under subsection (h) of Section 6 of Article VII of
11 the Illinois Constitution.

12 (625 ILCS 5/18d-119 new)

13 Sec. 18d-119. Making false statement; power to deny
14 application and revoke registration.

15 (a) The Commission may deny, suspend, or revoke a
16 commercial vehicle safety relocater registration if the
17 applicant or licensee is found to have made a materially false
18 statement or a material omission in a filing with the
19 Commission, if the applicant has applied as a subterfuge for
20 another party in interest, or if the applicant's business is
21 operated, managed, or otherwise controlled by a person who was
22 not disclosed on the application.

23 (b) The Commission shall not issue a commercial vehicle
24 safety relocater registration to an applicant who has been
25 denied or revoked pursuant to subsection (a) for a period of up

1 to 3 years from the date the application was denied or
2 registration was revoked.

3 (625 ILCS 5/18d-120)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (d) If the vehicle owner or operator is incapacitated,
26 incompetent, or otherwise unable to knowingly accept receipt

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

5 (e) If the commercial vehicle safety relocater fails to
6 comply with the requirements of this Section, the commercial
7 vehicle safety relocater shall be prohibited from seeking any
8 compensation whatsoever from the vehicle owner or operator,
9 including but not limited to any towing, storage, or other
10 incidental fees. Furthermore, if the commercial vehicle safety
11 relocater or operator fails to comply with the requirements of
12 this Section, any contracts entered into by the commercial
13 vehicle safety relocater and the vehicle owner or operator
14 shall be deemed null, void, and unenforceable.

15 (f) The authorization and disclosures required under this
16 Section are not required if a tow was authorized by a law
17 enforcement agency or officer, as evidenced by a tow sheet
18 issued by the law enforcement agency or officer. If no tow
19 sheet was issued by the authorizing law enforcement agency or
20 officer, then the evidence may be presented through records of
21 the safety relocater showing the date and time of
22 authorization, the department and star or badge number of the
23 officer from whom authorization was received, and the incident
24 report number assigned by the law enforcement agency or
25 officer.

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

1 (625 ILCS 5/18d-121 new)

2 Sec. 18d-121. Vehicle relocation.

3 (a) All vehicles subject to this Chapter shall be
4 relocated to a storage and redemption lot registered with the
5 Commission unless the owner or operator requests another
6 location in writing. This subsection shall not apply to
7 vehicles relocated pursuant to authorization from a law
8 enforcement agency or official.

9 (b) Vehicles subject to this Chapter shall be released
10 only after payment of applicable recovery, towing, and storage
11 charges, as long as the charges were disclosed in compliance
12 with Section 18d-120 or are exempt from disclosure under
13 subsection (f) of Section 18d-120.

14 (625 ILCS 5/18d-155)

15 Sec. 18d-155. (a) The Commission may demand documentation
16 or investigate business practices by a commercial vehicle
17 safety relocater to determine compliance with this Chapter and
18 rules adopted by the Commission pursuant to this Chapter.

19 (b) Failure to comply with any Section of this Chapter, or
20 any rules adopted by the Commission pursuant to this Chapter,
21 as determined by the Commission shall subject a commercial
22 vehicle safety relocater to penalties imposed by the
23 Commission. Penalties may include suspension or revocation of
24 registration certificate and monetary fines and civil

1 penalties up to \$1,000 for each violation. Each day of a
2 continuing violation of subsection (a) of this Section shall
3 be a separate violation.

4 (c) In addition to a person or entity deemed to be a
5 commercial vehicle safety relocater pursuant to Section
6 18d-105, any officer of a corporation, manager of a limited
7 liability company, partner of a partnership, or employee or
8 agent of any such entity who knowingly permits a commercial
9 vehicle safety relocater to violate provisions of this Chapter
10 or rules adopted by the Commission pursuant to this Chapter
11 shall be subject to penalties as provided in this Section.

12 (d) Every commercial vehicle safety relocater must
13 designate and maintain a registered agent for service of
14 process. The registered agent must have a physical address
15 within the State where the registered agent can receive legal
16 documents and official notices. This address must be a
17 physical location, not a post office box, and must be open and
18 staffed during regular business hours.

19 ~~The Illinois Commerce Commission may request documentation or~~
20 ~~investigate business practices by a commercial vehicle safety~~
21 ~~relocater to determine compliance with this Chapter. Failure~~
22 ~~to comply with any Section of this Chapter, as determined by~~
23 ~~the Illinois Commerce Commission shall subject a commercial~~
24 ~~vehicle safety relocater to penalties imposed by the Illinois~~
25 ~~Commerce Commission. Penalties may include suspension of~~
26 ~~registration certificate and monetary fines up to \$1,000 for~~

1 ~~each violation.~~

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

3 (625 ILCS 5/18d-157 new)

4 Sec. 18d-157. Vehicle impoundment.

5 (a) The Commission police may seize and impound a tow
6 truck by authorizing the towing and storage of the tow truck
7 where the officer has probable cause to believe that:

8 (1) the tow truck is being used, or was used, to remove
9 a damaged or disabled vehicle from public or private
10 property while the owner or operator of the tow truck does
11 not hold a valid, current safety relocater's registration
12 certificate issued by the Commission; or

13 (2) the registered owner of the tow truck owes past
14 due fines, civil penalties, or fees to the Commission.

15 (b) At the time the vehicle is towed, the officer ordering
16 the tow shall provide to the person in control of the tow truck
17 a copy of the vehicle impoundment report.

18 The Commission shall mail a notice of impoundment to all
19 registered owners and lienholders within 2 business days after
20 the date the vehicle was impounded if the vehicle is
21 registered in this State. If the vehicle is registered in a
22 jurisdiction other than this State, the Commission shall
23 request owner and lienholder information from the appropriate
24 agency within 2 business days after the date the vehicle was
25 impounded and shall mail a notice of impoundment to all

1 registered owners and lienholders within 2 business days after
2 receiving the information.

3 Notices shall be mailed by certified mail, return receipt
4 requested, to the addresses on file with the Secretary of
5 State, or in the case of a foreign-registered vehicle, to the
6 addresses on file with the State where the vehicle is
7 registered.

8 At minimum, the notice of impoundment shall contain:

9 (1) in bold typeface, a heading with the words "Notice
10 of Impoundment";

11 (2) a description of the impounded tow truck;

12 (3) the reason for impoundment;

13 (4) the location where the impounded tow truck is
14 being stored;

15 (5) the potential fines, civil penalties, and fees
16 that must be satisfied to reclaim the tow truck;

17 (6) procedures to request a hearing before the
18 Commission; and

19 (7) a notice that if the tow truck remains unclaimed,
20 it may be sold or disposed of in accordance with
21 applicable law.

22 (c) Before a vehicle impounded under this Section may be
23 released, the owner or lienholder must obtain a release from
24 the Commission and pay all storage and towing fees to the
25 towing service.

26 To obtain a release from the Commission, the owner or

1 lienholder shall furnish to the Commission proof of ownership,
2 such as title, vehicle registration, or bill of sale, or right
3 to possession of the vehicle and valid identification, and:

4 (1) pay the \$1,000 administrative fine plus any fines
5 for concurrent violations, and pay all other fines, civil
6 penalties, and fees owed to the Commission. Such payment
7 shall constitute an admission of liability and a waiver of
8 the right to a hearing;

9 (2) post a bond in the amount of the \$1,000
10 administrative fine plus any fines for concurrent
11 violations, which bond shall be held by the Commission;
12 pay all other unpaid fines, civil penalties, and fees owed
13 to the Commission; and request a hearing to contest the
14 impoundment; or

15 (3) request a hearing. A release shall not be issued
16 under this subparagraph until ordered by the Commission
17 after the conclusion of the hearing and any fines, civil
18 penalties or fees ordered have been paid.

19 Fines and civil penalties and posting of bond may be paid
20 by certified or cashier's check or money order.

21 (d) A request for hearing shall, unless otherwise provided
22 for by the Commission, be mailed to the Commission within 15
23 calendar days after the mailing date of the notice of
24 impoundment.

25 The Commission shall conduct a hearing within 10 business
26 days after receipt of a request for hearing.

1 The Commission shall determine, by a preponderance of the
2 evidence, whether the vehicle should be released without
3 payment of the administrative fine and any fines for
4 concurrent violations. The failure of the owner of record to
5 appear at the hearing or to request a continuance in a timely
6 manner shall be deemed a waiver of the right to a hearing, and
7 a default order in favor of the Commission may be entered.

8 If, after the hearing, the Commission determines that the
9 vehicle should be released without payment of the
10 administrative fine and any fines for concurrent violations,
11 any bond posted shall be refunded.

12 If, after the hearing, the Commission determines that the
13 vehicle should not be released without payment of the
14 administrative fine and any fines for concurrent violations,
15 the bond shall be forfeited to the Commission in the amount of
16 the fines, civil penalties, and fees owed, and any surplus
17 shall be refunded.

18 Fines, civil penalties, and fees imposed pursuant to this
19 Chapter shall constitute a debt owed to the Commission, which
20 may be enforced in any manner provided for by law. Any cash
21 bond posted pursuant to this Section shall be applied to the
22 fines, civil penalties, and fees owed.

23 (e) Except as otherwise provided in this Section, a
24 vehicle shall continue to be impounded until:

25 (1) the vehicle has been reclaimed pursuant to
26 subsection (d); or

1 (2) the vehicle or equipment is deemed unclaimed.

2 (f) Any vehicle not reclaimed within 10 working days after
3 the expiration of the time during which the owner of record may
4 seek judicial review of the Commission's action, or within 10
5 working days after a final judgment in favor of the
6 Commission, may be disposed of as an unclaimed vehicle in
7 accordance with Sections 4-208 and 4-209.

8 (625 ILCS 5/18d-158 new)

9 Sec. 18d-158. Failure to satisfy fines or penalties;
10 referral to Secretary of State.

11 (a) In addition to any other remedies provided by law, the
12 Commission may report any person with unpaid fees, fines, or
13 penalties issued by the Commission to the Secretary of State
14 for suspension of the person's tow truck registrations.

15 (b) Prior to referral under this Section, the Commission
16 shall issue a final demand for payment which shall clearly
17 state that failure to pay the outstanding fines or penalties
18 by the date provided in the demand will result in a referral to
19 the Secretary of State for the suspension of that person's tow
20 truck registrations in accordance with Section 3-704.4.