

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 fines, 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) Beginning July 1, 2026, upon receipt of a report
19 pursuant to Section 18d-158, as set forth in subsection (c),
20 from the Commission stating that the owner of a registered tow
21 truck has failed to satisfy any fine or penalty issued by the
22 Commission, the Secretary of State shall suspend all tow truck
23 registrations of the person in accordance with the procedures
24 set forth in this Section.

25 (b) Following receipt of the certified report of the

1 Commission as specified in this Section, the Secretary of
2 State shall notify the person whose name appears on the
3 certified report that the person's tow truck registrations
4 shall be suspended within 30 calendar days unless the
5 Secretary of State is presented with a notice from the
6 Commission certifying that the fines or penalties owing the
7 Commission have been satisfied or that inclusion of that
8 person's name on the certified report was in error. The
9 Secretary's notice shall state in substance the information
10 contained in the Commission's certified report to the
11 Secretary, and shall be effective as specified by subsection
12 (c) of Section 6-211.

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

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

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

26 (d) The Commission, after making a certified report to the

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

11 (e) A person may request an administrative hearing to
12 contest a suspension or impending suspension made pursuant to
13 this Section as authorized under Section 2-118. The Commission
14 may reimburse the Secretary for all reasonable costs incurred
15 by the Secretary as a result of the filing of a certified
16 report pursuant to this Section, including, but not limited
17 to, the costs of providing notice required pursuant to
18 subsection (b) and the costs incurred by the Secretary in any
19 hearing conducted with respect to the report pursuant to this
20 subsection and any appeal from that hearing.

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

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

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

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

7 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

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

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

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

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

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

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

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

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

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

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

13 (625 ILCS 5/18d-115)

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

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

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

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

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

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

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

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

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

24 (d) If the Commission finds any failure to satisfy a fine
25 or penalty issued by the Commission or a judgment entered by a
26 court of competent jurisdiction, as set forth in subsection

1 (b), it shall revoke the issued safety relocators'
2 registration unless the Commission finds, through clear and
3 convincing evidence, good cause for the failure.

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

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

17 (625 ILCS 5/18d-116 new)

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

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

24 (b) The application shall also list by address all
25 locations of secure areas for vehicle storage and redemption

1 maintained by the commercial vehicle safety relocater.

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

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

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

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

21 (625 ILCS 5/18d-118 new)

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

24 (a) All child restraint systems, as defined in Section 4
25 of the Child Passenger Protection Act, and other child booster

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

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

1 shall be subject to the tower's lien.

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

11 (625 ILCS 5/18d-119 new)

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

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

22 (b) The Commission shall not issue a commercial vehicle
23 safety relocater registration to an applicant who has been
24 denied or revoked pursuant to subsection (a) for a period of up
25 to 3 years from the date the application was denied or

1 registration was revoked.

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
8 after 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
17 of your vehicle."

18 (c) The commercial vehicle safety relocater shall provide
19 a 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
26 of 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.

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

25 (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
25 penalties up to \$1,000 for each violation. Each day of a

1 continuing violation of subsection (a) of this Section shall
2 be a separate violation.

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

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

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

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

2 (625 ILCS 5/18d-157 new)

3 Sec. 18d-157. Vehicle impoundment.

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

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

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

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

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

1 receiving the information.

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

7 At minimum, the notice of impoundment shall contain:

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

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

11 (3) the reason for impoundment;

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

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

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

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

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

25 To obtain a release from the Commission, the owner or
26 lienholder shall furnish to the Commission proof of ownership,

1 such as title, vehicle registration, or bill of sale, or right
2 to possession of the vehicle and valid identification, and:

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

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

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

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

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

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

26 The Commission shall determine, by a preponderance of the

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

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

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

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

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

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

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

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

7 (625 ILCS 5/18d-158 new)

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

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

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