



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB3629

Introduced 1/19/2022, by Sen. Laura M. Murphy

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
770 ILCS 50/1.5	
770 ILCS 50/2	from Ch. 82, par. 47b

Amends the Illinois Vehicle Code. Provides that if a vehicle owner has a legal agreement with the owner of private property permitting the vehicle owner to park on the property, the owner or person in charge of the private property shall provide notice of a tow of the vehicle that is personally given to the owner or other legally authorized person in control of the vehicle. Amends the Labor and Storage Lien (Small Amount) Act. Provides that notice of a lien sale shall be personally given to the owner or other legally authorized person in control of the vehicle, in addition to written notice that is provided by certified mail, return receipt requested. Provides that the notice is effective upon the owner or other legally authorized person in control of the of the vehicle personally receiving notice, rather than upon the mailing of the notice. Makes a corresponding change.

LRB102 23455 RAM 32629 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 Section 4-203 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

7 Sec. 4-203. Removal of motor vehicles or other vehicles;  
8 towing or hauling away.

9 (a) When a vehicle is abandoned, or left unattended, on a  
10 toll highway, interstate highway, or expressway for 2 hours or  
11 more, its removal by a towing service may be authorized by a  
12 law enforcement agency having jurisdiction.

13 (b) When a vehicle is abandoned on a highway in an urban  
14 district 10 hours or more, its removal by a towing service may  
15 be authorized by a law enforcement agency having jurisdiction.

16 (c) When a vehicle is abandoned or left unattended on a  
17 highway other than a toll highway, interstate highway, or  
18 expressway, outside of an urban district for 24 hours or more,  
19 its removal by a towing service may be authorized by a law  
20 enforcement agency having jurisdiction.

21 (d) When an abandoned, unattended, wrecked, burned or  
22 partially dismantled vehicle is creating a traffic hazard  
23 because of its position in relation to the highway or its

1 physical appearance is causing the impeding of traffic, its  
2 immediate removal from the highway or private property  
3 adjacent to the highway by a towing service may be authorized  
4 by a law enforcement agency having jurisdiction.

5 (e) Whenever a peace officer reasonably believes that a  
6 person under arrest for a violation of Section 11-501 of this  
7 Code or a similar provision of a local ordinance is likely,  
8 upon release, to commit a subsequent violation of Section  
9 11-501, or a similar provision of a local ordinance, the  
10 arresting officer shall have the vehicle which the person was  
11 operating at the time of the arrest impounded for a period of  
12 12 hours after the time of arrest. However, such vehicle may be  
13 released by the arresting law enforcement agency prior to the  
14 end of the impoundment period if:

15 (1) the vehicle was not owned by the person under  
16 arrest, and the lawful owner requesting such release  
17 possesses a valid operator's license, proof of ownership,  
18 and would not, as determined by the arresting law  
19 enforcement agency, indicate a lack of ability to operate  
20 a motor vehicle in a safe manner, or who would otherwise,  
21 by operating such motor vehicle, be in violation of this  
22 Code; or

23 (2) the vehicle is owned by the person under arrest,  
24 and the person under arrest gives permission to another  
25 person to operate such vehicle, provided however, that the  
26 other person possesses a valid operator's license and

1 would not, as determined by the arresting law enforcement  
2 agency, indicate a lack of ability to operate a motor  
3 vehicle in a safe manner or who would otherwise, by  
4 operating such motor vehicle, be in violation of this  
5 Code.

6 (e-5) Whenever a registered owner of a vehicle is taken  
7 into custody for operating the vehicle in violation of Section  
8 11-501 of this Code or a similar provision of a local ordinance  
9 or Section 6-303 of this Code, a law enforcement officer may  
10 have the vehicle immediately impounded for a period not less  
11 than:

12 (1) 24 hours for a second violation of Section 11-501  
13 of this Code or a similar provision of a local ordinance or  
14 Section 6-303 of this Code or a combination of these  
15 offenses; or

16 (2) 48 hours for a third violation of Section 11-501  
17 of this Code or a similar provision of a local ordinance or  
18 Section 6-303 of this Code or a combination of these  
19 offenses.

20 The vehicle may be released sooner if the vehicle is owned  
21 by the person under arrest and the person under arrest gives  
22 permission to another person to operate the vehicle and that  
23 other person possesses a valid operator's license and would  
24 not, as determined by the arresting law enforcement agency,  
25 indicate a lack of ability to operate a motor vehicle in a safe  
26 manner or would otherwise, by operating the motor vehicle, be

1 in violation of this Code.

2 (f) Except as provided in Chapter 18a of this Code, the  
3 owner or lessor of privately owned real property within this  
4 State, or any person authorized by such owner or lessor, or any  
5 law enforcement agency in the case of publicly owned real  
6 property may cause any motor vehicle abandoned or left  
7 unattended upon such property without permission to be removed  
8 by a towing service without liability for the costs of  
9 removal, transportation or storage or damage caused by such  
10 removal, transportation or storage. The towing or removal of  
11 any vehicle from private property without the consent of the  
12 registered owner or other legally authorized person in control  
13 of the vehicle is subject to compliance with the following  
14 conditions and restrictions:

15 1. Any towed or removed vehicle must be stored at the  
16 site of the towing service's place of business. The site  
17 must be open during business hours, and for the purpose of  
18 redemption of vehicles, during the time that the person or  
19 firm towing such vehicle is open for towing purposes.

20 2. The towing service shall within 30 minutes of  
21 completion of such towing or removal, notify the law  
22 enforcement agency having jurisdiction of such towing or  
23 removal, and the make, model, color and license plate  
24 number of the vehicle, and shall obtain and record the  
25 name of the person at the law enforcement agency to whom  
26 such information was reported.

1           3. If the registered owner or legally authorized  
2 person entitled to possession of the vehicle shall arrive  
3 at the scene prior to actual removal or towing of the  
4 vehicle, the vehicle shall be disconnected from the tow  
5 truck and that person shall be allowed to remove the  
6 vehicle without interference, upon the payment of a  
7 reasonable service fee of not more than one half the  
8 posted rate of the towing service as provided in paragraph  
9 6 of this subsection, for which a receipt shall be given.

10           4. The rebate or payment of money or any other  
11 valuable consideration from the towing service or its  
12 owners, managers or employees to the owners or operators  
13 of the premises from which the vehicles are towed or  
14 removed, for the privilege of removing or towing those  
15 vehicles, is prohibited. Any individual who violates this  
16 paragraph shall be guilty of a Class A misdemeanor.

17           5. Except for property appurtenant to and obviously a  
18 part of a single family residence, and except for  
19 instances where notice is personally given to the owner or  
20 other legally authorized person in control of the vehicle  
21 that the area in which that vehicle is parked is reserved  
22 or otherwise unavailable to unauthorized vehicles and they  
23 are subject to being removed at the owner or operator's  
24 expense, any property owner or lessor, prior to towing or  
25 removing any vehicle from private property without the  
26 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the  
2 following requirements:

3 a. Except as otherwise provided in subparagraph  
4 a.1 of this subdivision (f)5, the notice must be  
5 prominently placed at each driveway access or curb cut  
6 allowing vehicular access to the property within 5  
7 feet from the public right-of-way line. If there are  
8 no curbs or access barriers, the sign must be posted  
9 not less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less  
11 than 250,000, as an alternative to the requirement of  
12 subparagraph a of this subdivision (f)5, the notice  
13 for a parking lot contained within property used  
14 solely for a 2-family, 3-family, or 4-family residence  
15 may be prominently placed at the perimeter of the  
16 parking lot, in a position where the notice is visible  
17 to the occupants of vehicles entering the lot.

18 b. The notice must indicate clearly, in not less  
19 than 2 inch high light-reflective letters on a  
20 contrasting background, that unauthorized vehicles  
21 will be towed away at the owner's expense.

22 c. The notice must also provide the name and  
23 current telephone number of the towing service towing  
24 or removing the vehicle.

25 d. The sign structure containing the required  
26 notices must be permanently installed with the bottom

1 of the sign not less than 4 feet above ground level,  
2 and must be continuously maintained on the property  
3 for not less than 24 hours prior to the towing or  
4 removing of any vehicle.

5 6. Any towing service that tows or removes vehicles  
6 and proposes to require the owner, operator, or person in  
7 control of the vehicle to pay the costs of towing and  
8 storage prior to redemption of the vehicle must file and  
9 keep on record with the local law enforcement agency a  
10 complete copy of the current rates to be charged for such  
11 services, and post at the storage site an identical rate  
12 schedule and any written contracts with property owners,  
13 lessors, or persons in control of property which authorize  
14 them to remove vehicles as provided in this Section. The  
15 towing and storage charges, however, shall not exceed the  
16 maximum allowed by the Illinois Commerce Commission under  
17 Section 18a-200.

18 7. No person shall engage in the removal of vehicles  
19 from private property as described in this Section without  
20 filing a notice of intent in each community where he  
21 intends to do such removal, and such notice shall be filed  
22 at least 7 days before commencing such towing.

23 8. No removal of a vehicle from private property shall  
24 be done except upon express written instructions of the  
25 owners or persons in charge of the private property upon  
26 which the vehicle is said to be trespassing. If a vehicle



1 owner has a legal agreement with the owner of private  
2 property permitting the vehicle owner to park on the  
3 property, the owner or person in charge of the private  
4 property shall provide notice of the tow that is  
5 personally given to the owner or other legally authorized  
6 person in control of the vehicle.

7 9. Vehicle entry for the purpose of removal shall be  
8 allowed with reasonable care on the part of the person or  
9 firm towing the vehicle. Such person or firm shall be  
10 liable for any damages occasioned to the vehicle if such  
11 entry is not in accordance with the standards of  
12 reasonable care.

13 9.5. Except as authorized by a law enforcement  
14 officer, no towing service shall engage in the removal of  
15 a commercial motor vehicle that requires a commercial  
16 driver's license to operate by operating the vehicle under  
17 its own power on a highway.

18 10. When a vehicle has been towed or removed pursuant  
19 to this Section, it must be released to its owner,  
20 custodian, agent, or lienholder within one half hour after  
21 requested, if such request is made during business hours.  
22 Any vehicle owner, custodian, agent, or lienholder shall  
23 have the right to inspect the vehicle before accepting its  
24 return, and no release or waiver of any kind which would  
25 release the towing service from liability for damages  
26 incurred during the towing and storage may be required

1 from any vehicle owner or other legally authorized person  
2 as a condition of release of the vehicle. A detailed,  
3 signed receipt showing the legal name of the towing  
4 service must be given to the person paying towing or  
5 storage charges at the time of payment, whether requested  
6 or not.

7 This Section shall not apply to law enforcement,  
8 firefighting, rescue, ambulance, or other emergency  
9 vehicles which are marked as such or to property owned by  
10 any governmental entity.

11 When an authorized person improperly causes a motor  
12 vehicle to be removed, such person shall be liable to the  
13 owner or lessee of the vehicle for the cost or removal,  
14 transportation and storage, any damages resulting from the  
15 removal, transportation and storage, attorney's fee and  
16 court costs.

17 Any towing or storage charges accrued shall be payable  
18 in cash or by cashier's check, certified check, debit  
19 card, credit card, or wire transfer, at the option of the  
20 party taking possession of the vehicle.

21 11. Towing companies shall also provide insurance  
22 coverage for areas where vehicles towed under the  
23 provisions of this Chapter will be impounded or otherwise  
24 stored, and shall adequately cover loss by fire, theft or  
25 other risks.

26 Any person who fails to comply with the conditions and

1 restrictions of this subsection shall be guilty of a Class C  
2 misdemeanor and shall be fined not less than \$100 nor more than  
3 \$500.

4 (g)(1) When a vehicle is determined to be a hazardous  
5 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
6 Illinois Municipal Code or Section 5-12002.1 of the Counties  
7 Code, its removal and impoundment by a towing service may be  
8 authorized by a law enforcement agency with appropriate  
9 jurisdiction.

10 (2) When a vehicle removal from either public or private  
11 property is authorized by a law enforcement agency, the owner  
12 of the vehicle shall be responsible for all towing and storage  
13 charges.

14 (3) Vehicles removed from public or private property and  
15 stored by a commercial vehicle relocater or any other towing  
16 service authorized by a law enforcement agency in compliance  
17 with this Section and Sections 4-201 and 4-202 of this Code, or  
18 at the request of the vehicle owner or operator, shall be  
19 subject to a possessor lien for services pursuant to the Labor  
20 and Storage Lien (Small Amount) Act. The provisions of Section  
21 1 of that Act relating to notice and implied consent shall be  
22 deemed satisfied by compliance with Section 18a-302 and  
23 subsection (6) of Section 18a-300. In no event shall such lien  
24 be greater than the rate or rates established in accordance  
25 with subsection (6) of Section 18a-200 of this Code. In no  
26 event shall such lien be increased or altered to reflect any

1 charge for services or materials rendered in addition to those  
2 authorized by this Code. Every such lien shall be payable in  
3 cash or by cashier's check, certified check, debit card,  
4 credit card, or wire transfer, at the option of the party  
5 taking possession of the vehicle.

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

24 (5) This paragraph (5) applies only in the case of a  
25 vehicle that is towed as a result of being involved in an  
26 accident. In addition to the personal property excepted under

1 paragraph (4), all other personal property in a vehicle  
2 subject to a lien under this subsection (g) is exempt from that  
3 lien and may be claimed by the vehicle owner if the vehicle  
4 owner provides the commercial vehicle relocater or towing  
5 service with proof that the vehicle owner has an insurance  
6 policy covering towing and storage fees. The spouse, child,  
7 mother, father, brother, or sister of the vehicle owner may  
8 claim personal property in a vehicle subject to a lien under  
9 this subsection (g) if the person claiming the personal  
10 property provides the commercial vehicle relocater or towing  
11 service with the authorization of the vehicle owner and proof  
12 that the vehicle owner has an insurance policy covering towing  
13 and storage fees. The regulation of liens on personal property  
14 and exceptions to those liens in the case of vehicles towed as  
15 a result of being involved in an accident are exclusive powers  
16 and functions of the State. A home rule unit may not regulate  
17 liens on personal property and exceptions to those liens in  
18 the case of vehicles towed as a result of being involved in an  
19 accident. This paragraph (5) is a denial and limitation of  
20 home rule powers and functions under subsection (h) of Section  
21 6 of Article VII of the Illinois Constitution.

22 (6) No lien under this subsection (g) shall: exceed \$2,000  
23 in its total amount; or be increased or altered to reflect any  
24 charge for services or materials rendered in addition to those  
25 authorized by this Code.

26 (h) Whenever a peace officer issues a citation to a driver

1 for a violation of subsection (a) of Section 11-506 of this  
2 Code, the arresting officer may have the vehicle which the  
3 person was operating at the time of the arrest impounded for a  
4 period of 5 days after the time of arrest. An impounding agency  
5 shall release a motor vehicle impounded under this subsection  
6 (h) to the registered owner of the vehicle under any of the  
7 following circumstances:

8 (1) If the vehicle is a stolen vehicle; or

9 (2) If the person ticketed for a violation of  
10 subsection (a) of Section 11-506 of this Code was not  
11 authorized by the registered owner of the vehicle to  
12 operate the vehicle at the time of the violation; or

13 (3) If the registered owner of the vehicle was neither  
14 the driver nor a passenger in the vehicle at the time of  
15 the violation or was unaware that the driver was using the  
16 vehicle to engage in street racing; or

17 (4) If the legal owner or registered owner of the  
18 vehicle is a rental car agency; or

19 (5) If, prior to the expiration of the impoundment  
20 period specified above, the citation is dismissed or the  
21 defendant is found not guilty of the offense.

22 (i) Except for vehicles exempted under subsection (b) of  
23 Section 7-601 of this Code, whenever a law enforcement officer  
24 issues a citation to a driver for a violation of Section 3-707  
25 of this Code, and the driver has a prior conviction for a  
26 violation of Section 3-707 of this Code in the past 12 months,

1 the arresting officer shall authorize the removal and  
2 impoundment of the vehicle by a towing service.

3 (Source: P.A. 99-438, eff. 1-1-16; 100-311, eff. 11-23-17;  
4 100-537, eff. 6-1-18; 100-863, eff. 8-14-18.)

5 Section 10. The Labor and Storage Lien (Small Amount) Act  
6 is amended by changing Sections 1.5 and 2 as follows:

7 (770 ILCS 50/1.5)

8 Sec. 1.5. Storage fees; notice to lienholder of record.

9 (a) Any person, firm, or private corporation seeking to  
10 impose fees in connection with the furnishing of storage for a  
11 vehicle in the person's, firm's, or corporation's possession  
12 must provide ~~written~~ notice personally given to the owner or  
13 other legally authorized person in control of the vehicle, in  
14 addition to written notice that is provided by<sup>7</sup> by certified  
15 mail, return receipt requested, to the lienholder of record  
16 prior to the assessment and accrual of such fees, regardless  
17 of whether it enforces a lien under this Act. The notice shall  
18 be effective upon the owner or other legally authorized person  
19 in control of the of the vehicle personally receiving notice,  
20 in addition to mailing, and include the rate at which fees will  
21 be incurred, and shall provide the lienholder with an  
22 opportunity to inspect the vehicle on the premises where the  
23 vehicle is stored within 2 business days of the lienholder's  
24 request. For impounded vehicles, the date on which the

1 assessment and accrual of storage fees may commence is the  
2 date of the impoundment of the vehicle, subject to any  
3 applicable limitations set forth by a municipality authorizing  
4 the vehicle removal, if the notification required under this  
5 Section is sent to the lienholder of record within 2 business  
6 days. Payment of the storage fees by the lienholder may be made  
7 in cash or by cashier's check, certified check, debit card,  
8 credit card, or wire transfer, at the option of the lienholder  
9 taking possession of the vehicle. The person, firm, or private  
10 corporation seeking to impose storage fees shall furnish a  
11 copy of the certified mail receipt to the lienholder upon  
12 request.

13 (b) The notification requirements in subsection (a) of  
14 this Section apply in addition to any lienholder notice  
15 requirements under the Illinois Vehicle Code relating to the  
16 removal or towing of an abandoned, lost, stolen, or unclaimed  
17 vehicle. If a person, firm, or private corporation fails to  
18 comply with the notification requirements set forth in  
19 subsection (a) of this Section, storage fees shall not be  
20 assessed and collected and the lienholder shall be entitled to  
21 injunctive relief for possession of the vehicle without the  
22 payment of any storage fees.

23 (c) If the notification required under subsection (a) was  
24 not sent and a lienholder discovers its collateral is in the  
25 possession of a person, firm, or private corporation by means  
26 other than the notification required in subsection (a) of this



1 Section, the lienholder is entitled to recover any storage  
2 fees paid to the person, firm, or private corporation to  
3 reclaim possession of its collateral.

4 (d) An action under this Section may be brought by the  
5 lienholder against the person, firm, or private corporation in  
6 the circuit court.

7 (e) Notwithstanding any provision to the contrary in this  
8 Act or the Illinois Vehicle Code, a person, firm, or private  
9 corporation seeking to impose storage fees for a vehicle in  
10 its possession may not foreclose or otherwise enforce its lien  
11 under this Act unless it first complies with the lienholder  
12 notification requirements set forth in subsection (a) of this  
13 Section.

14 (f) If the vehicle that is incurring storage fees is  
15 registered in a state other than Illinois, the assessment and  
16 accrual of storage fees may commence on the date that the  
17 request for lienholder information is filed with the  
18 applicable administrative agency or office in that state by  
19 the person, firm, or private corporation seeking to impose  
20 fees, if the following conditions are met: (i) the person,  
21 firm, or private corporation furnishes the lienholder with a  
22 copy or proof of filing of the request for lienholder  
23 information; (ii) the person, firm, or private corporation  
24 provides to the lienholder of record the notification required  
25 by this Section within one business day after receiving the  
26 requested lienholder information; and (iii) the assessment of

1 storage fees complies with any applicable limitations set  
2 forth by a municipality authorizing the vehicle removal.

3 (g) This Section does not apply to a municipality with  
4 1,000,000 or more inhabitants that is seeking to impose  
5 storage fees for a vehicle in its possession.

6 (Source: P.A. 99-759, eff. 8-12-16; 100-311, eff. 11-23-17.)

7 (770 ILCS 50/2) (from Ch. 82, par. 47b)

8 Sec. 2. Unless the chattel is redeemed within 90 days of  
9 the completion of the expenditure of such labor, services,  
10 skill, or material or furnishing of storage, or within 90 days  
11 of the date agreed upon for redemption, the lien may be  
12 enforced by a commercially reasonable public or private sale  
13 conducted so as to maximize the net proceeds of said sale as  
14 hereinafter provided. The public or private sale of a vehicle  
15 shall only be conducted upon the owner or other legally  
16 authorized person in control of the of the vehicle personally  
17 receiving notice of the sale under subsection (a) of Section  
18 1.5.

19 (Source: P.A. 85-1283.)