



Sen. Laura M. Murphy

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10200SB3629sam001

LRB102 23455 LNS 36030 a

1 AMENDMENT TO SENATE BILL 3629

2 AMENDMENT NO. _____. Amend Senate Bill 3629 by replacing
3 everything after the enacting clause with the following:

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

1 highway other than a toll highway, interstate highway, or
2 expressway, outside of an urban district for 24 hours or more,
3 its removal by a towing service may be authorized by a law
4 enforcement agency having jurisdiction.

5 (d) When an abandoned, unattended, wrecked, burned or
6 partially dismantled vehicle is creating a traffic hazard
7 because of its position in relation to the highway or its
8 physical appearance is causing the impeding of traffic, its
9 immediate removal from the highway or private property
10 adjacent to the highway by a towing service may be authorized
11 by a law enforcement agency having jurisdiction.

12 (e) Whenever a peace officer reasonably believes that a
13 person under arrest for a violation of Section 11-501 of this
14 Code or a similar provision of a local ordinance is likely,
15 upon release, to commit a subsequent violation of Section
16 11-501, or a similar provision of a local ordinance, the
17 arresting officer shall have the vehicle which the person was
18 operating at the time of the arrest impounded for a period of
19 12 hours after the time of arrest. However, such vehicle may be
20 released by the arresting law enforcement agency prior to the
21 end of the impoundment period if:

22 (1) the vehicle was not owned by the person under
23 arrest, and the lawful owner requesting such release
24 possesses a valid operator's license, proof of ownership,
25 and would not, as determined by the arresting law
26 enforcement agency, indicate a lack of ability to operate

1 a motor vehicle in a safe manner, or who would otherwise,
2 by operating such motor vehicle, be in violation of this
3 Code; or

4 (2) the vehicle is owned by the person under arrest,
5 and the person under arrest gives permission to another
6 person to operate such vehicle, provided however, that the
7 other person possesses a valid operator's license and
8 would not, as determined by the arresting law enforcement
9 agency, indicate a lack of ability to operate a motor
10 vehicle in a safe manner or who would otherwise, by
11 operating such motor vehicle, be in violation of this
12 Code.

13 (e-5) Whenever a registered owner of a vehicle is taken
14 into custody for operating the vehicle in violation of Section
15 11-501 of this Code or a similar provision of a local ordinance
16 or Section 6-303 of this Code, a law enforcement officer may
17 have the vehicle immediately impounded for a period not less
18 than:

19 (1) 24 hours for a second violation of Section 11-501
20 of this Code or a similar provision of a local ordinance or
21 Section 6-303 of this Code or a combination of these
22 offenses; or

23 (2) 48 hours for a third violation of Section 11-501
24 of this Code or a similar provision of a local ordinance or
25 Section 6-303 of this Code or a combination of these
26 offenses.

1 The vehicle may be released sooner if the vehicle is owned
2 by the person under arrest and the person under arrest gives
3 permission to another person to operate the vehicle and that
4 other person possesses a valid operator's license and would
5 not, as determined by the arresting law enforcement agency,
6 indicate a lack of ability to operate a motor vehicle in a safe
7 manner or would otherwise, by operating the motor vehicle, be
8 in violation of this Code.

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

22 1. Any towed or removed vehicle must be stored at the
23 site of the towing service's place of business. The site
24 must be open during business hours, and for the purpose of
25 redemption of vehicles, during the time that the person or
26 firm towing such vehicle is open for towing purposes.

1 2. The towing service shall within 30 minutes of
2 completion of such towing or removal, notify the law
3 enforcement agency having jurisdiction of such towing or
4 removal, and the make, model, color and license plate
5 number of the vehicle, and shall obtain and record the
6 name of the person at the law enforcement agency to whom
7 such information was reported.

8 3. If the registered owner or legally authorized
9 person entitled to possession of the vehicle shall arrive
10 at the scene prior to actual removal or towing of the
11 vehicle, the vehicle shall be disconnected from the tow
12 truck and that person shall be allowed to remove the
13 vehicle without interference, upon the payment of a
14 reasonable service fee of not more than one half the
15 posted rate of the towing service as provided in paragraph
16 6 of this subsection, for which a receipt shall be given.

17 4. The rebate or payment of money or any other
18 valuable consideration from the towing service or its
19 owners, managers or employees to the owners or operators
20 of the premises from which the vehicles are towed or
21 removed, for the privilege of removing or towing those
22 vehicles, is prohibited. Any individual who violates this
23 paragraph shall be guilty of a Class A misdemeanor.

24 5. Except for property appurtenant to and obviously a
25 part of a single family residence, and except for
26 instances where notice is personally given to the owner or

1 other legally authorized person in control of the vehicle
2 that the area in which that vehicle is parked is reserved
3 or otherwise unavailable to unauthorized vehicles and they
4 are subject to being removed at the owner or operator's
5 expense, any property owner or lessor, prior to towing or
6 removing any vehicle from private property without the
7 consent of the owner or other legally authorized person in
8 control of that vehicle, must post a notice meeting the
9 following requirements:

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

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

25 b. The notice must indicate clearly, in not less
26 than 2 inch high light-reflective letters on a

1 contrasting background, that unauthorized vehicles
2 will be towed away at the owner's expense.

3 c. The notice must also provide the name and
4 current telephone number of the towing service towing
5 or removing the vehicle.

6 d. The sign structure containing the required
7 notices must be permanently installed with the bottom
8 of the sign not less than 4 feet above ground level,
9 and must be continuously maintained on the property
10 for not less than 24 hours prior to the towing or
11 removing of any vehicle.

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

25 7. No person shall engage in the removal of vehicles
26 from private property as described in this Section without

1 filing a notice of intent in each community where he
2 intends to do such removal, and such notice shall be filed
3 at least 7 days before commencing such towing.

4 8. No removal of a vehicle from private property shall
5 be done except upon express written instructions of the
6 owners or persons in charge of the private property upon
7 which the vehicle is said to be trespassing. If the owner
8 or other legally authorized person in control of a vehicle
9 has an agreement with the owner or owner's agent of the
10 property from which the vehicle was nonconsensually towed
11 permitting the vehicle to be parked on the property, and
12 the property owner or owner's agent fails to give personal
13 notice of the tow to the owner or other legally authorized
14 person in control of the vehicle, the property owner or
15 owner's agent shall be liable to the owner or other
16 legally authorized person in control of the vehicle for
17 towing charges and storage charges accrued through release
18 of the vehicle that were paid by or on behalf of the owner
19 or other legally authorized person in control of the
20 vehicle to secure the release of the vehicle.

21 9. Vehicle entry for the purpose of removal shall be
22 allowed with reasonable care on the part of the person or
23 firm towing the vehicle. Such person or firm shall be
24 liable for any damages occasioned to the vehicle if such
25 entry is not in accordance with the standards of
26 reasonable care.

1 9.5. Except as authorized by a law enforcement
2 officer, no towing service shall engage in the removal of
3 a commercial motor vehicle that requires a commercial
4 driver's license to operate by operating the vehicle under
5 its own power on a highway.

6 10. When a vehicle has been towed or removed pursuant
7 to this Section, it must be released to its owner,
8 custodian, agent, or lienholder within one half hour after
9 requested, if such request is made during business hours.
10 Any vehicle owner, custodian, agent, or lienholder shall
11 have the right to inspect the vehicle before accepting its
12 return, and no release or waiver of any kind which would
13 release the towing service from liability for damages
14 incurred during the towing and storage may be required
15 from any vehicle owner or other legally authorized person
16 as a condition of release of the vehicle. A detailed,
17 signed receipt showing the legal name of the towing
18 service must be given to the person paying towing or
19 storage charges at the time of payment, whether requested
20 or not.

21 This Section shall not apply to law enforcement,
22 firefighting, rescue, ambulance, or other emergency
23 vehicles which are marked as such or to property owned by
24 any governmental entity.

25 When an authorized person improperly causes a motor
26 vehicle to be removed, such person shall be liable to the

1 owner or lessee of the vehicle for the cost or removal,
2 transportation and storage, any damages resulting from the
3 removal, transportation and storage, attorney's fee and
4 court costs.

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

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

14 Any person who fails to comply with the conditions and
15 restrictions of this subsection shall be guilty of a Class C
16 misdemeanor and shall be fined not less than \$100 nor more than
17 \$500.

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

24 (2) When a vehicle removal from either public or private
25 property is authorized by a law enforcement agency, the owner
26 of the vehicle shall be responsible for all towing and storage

1 charges.

2 (3) Vehicles removed from public or private property and
3 stored by a commercial vehicle relocater or any other towing
4 service authorized by a law enforcement agency in compliance
5 with this Section and Sections 4-201 and 4-202 of this Code, or
6 at the request of the vehicle owner or operator, shall be
7 subject to a possessor lien for services pursuant to the Labor
8 and Storage Lien (Small Amount) Act. The provisions of Section
9 1 of that Act relating to notice and implied consent shall be
10 deemed satisfied by compliance with Section 18a-302 and
11 subsection (6) of Section 18a-300. In no event shall such lien
12 be greater than the rate or rates established in accordance
13 with subsection (6) of Section 18a-200 of this Code. In no
14 event shall such lien be increased or altered to reflect any
15 charge for services or materials rendered in addition to those
16 authorized by this Code. Every such lien shall be payable in
17 cash or by cashier's check, certified check, debit card,
18 credit card, or wire transfer, at the option of the party
19 taking possession of the vehicle.

20 (4) Any personal property belonging to the vehicle owner
21 in a vehicle subject to a lien under this subsection (g) shall
22 likewise be subject to that lien, excepting only: child
23 restraint systems as defined in Section 4 of the Child
24 Passenger Protection Act and other child booster seats;
25 eyeglasses; food; medicine; perishable property; any
26 operator's licenses; any cash, credit cards, or checks or

1 checkbooks; any wallet, purse, or other property containing
2 any operator's license or other identifying documents or
3 materials, cash, credit cards, checks, or checkbooks; and any
4 personal property belonging to a person other than the vehicle
5 owner if that person provides adequate proof that the personal
6 property belongs to that person. The spouse, child, mother,
7 father, brother, or sister of the vehicle owner may claim
8 personal property excepted under this paragraph (4) if the
9 person claiming the personal property provides the commercial
10 vehicle relocater or towing service with the authorization of
11 the vehicle owner.

12 (5) This paragraph (5) applies only in the case of a
13 vehicle that is towed as a result of being involved in an
14 accident. In addition to the personal property excepted under
15 paragraph (4), all other personal property in a vehicle
16 subject to a lien under this subsection (g) is exempt from that
17 lien and may be claimed by the vehicle owner if the vehicle
18 owner provides the commercial vehicle relocater or towing
19 service with proof that the vehicle owner has an insurance
20 policy covering towing and storage fees. The spouse, child,
21 mother, father, brother, or sister of the vehicle owner may
22 claim personal property in a vehicle subject to a lien under
23 this subsection (g) if the person claiming the personal
24 property provides the commercial vehicle relocater or towing
25 service with the authorization of the vehicle owner and proof
26 that the vehicle owner has an insurance policy covering towing

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

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

14 (h) Whenever a peace officer issues a citation to a driver
15 for a violation of subsection (a) of Section 11-506 of this
16 Code, the arresting officer may have the vehicle which the
17 person was operating at the time of the arrest impounded for a
18 period of 5 days after the time of arrest. An impounding agency
19 shall release a motor vehicle impounded under this subsection
20 (h) to the registered owner of the vehicle under any of the
21 following circumstances:

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

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

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

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

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

10 (i) Except for vehicles exempted under subsection (b) of
11 Section 7-601 of this Code, whenever a law enforcement officer
12 issues a citation to a driver for a violation of Section 3-707
13 of this Code, and the driver has a prior conviction for a
14 violation of Section 3-707 of this Code in the past 12 months,
15 the arresting officer shall authorize the removal and
16 impoundment of the vehicle by a towing service.

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