



Rep. Jennifer Gong-Gershowitz

Filed: 4/17/2024

10300HB0588ham002

LRB103 04173 AWJ 72550 a

1 AMENDMENT TO HOUSE BILL 588

2 AMENDMENT NO. _____. Amend House Bill 588 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Regulation of Intercity Buses Act.

6 Section 2. Purpose. The purpose of this Act is to protect
7 the health and safety of people traveling on intercity buses
8 by regulating when and where carriers, operators, and bus
9 drivers can load and unload passengers. Buses with regular
10 schedules and stops provide local officials with sufficient
11 information to support passenger safety, including in an
12 emergency, in inclement weather, and when resources are
13 needed. This Act will ensure that passengers of all intercity
14 buses will have similar support.

15 Section 5. Definitions.

1 (a) As used in this Act:

2 "Carrier" means any natural individual or firm, trust,
3 partnership, association, joint venture, corporation, or other
4 legal entity with an ownership interest in, or right of
5 management or control of, an intercity bus.

6 "Designated days and hours" means the time during which
7 intercity buses may load or unload passengers.

8 "Designated transportation official" means a commissioner,
9 director of transportation, or other official designated by a
10 municipality's or county's local ordinance. If no ordinance
11 designates a designated transportation official, the chief of
12 police shall be deemed the designated transportation official
13 for a municipality and the sheriff of a county shall be deemed
14 the designated transportation official for unincorporated
15 areas within that county.

16 "Eligible weekday" means Monday through Friday, except a
17 day upon which a State holiday falls.

18 "Intercity bus" means a bus engaged in the transportation
19 of persons from one county, municipality, or township to
20 another county, municipality, or township, excluding:

21 (1) school buses, buses operated by institutions of
22 higher education, including universities, colleges, and
23 community colleges, in connection with any activity of
24 such entity, and buses providing transportation for school
25 events;

26 (2) commuter vans;

1 (3) shuttle buses;

2 (4) buses that are operating as part of a public
3 transportation system, including, but not limited to, the
4 Chicago Transit Authority, the Regional Transportation
5 Authority (including buses of the Suburban Bus Division),
6 and the Metropolitan Saint Louis Transit Agency;

7 (5) buses with fixed routes that operate trips
8 involving loading and unloading passengers on predictable
9 and recurring bases, that follow a schedule that is
10 published in advance and available to the general public,
11 and that provide service in exchange for paying a fare;
12 and

13 (6) buses used to carry members of a team, club, or
14 other athletic, charitable, or social group on a
15 prearranged trip for attending an organized, scheduled
16 athletic, charitable, or social event and that return the
17 passengers to the point of origin following such event.

18 "Landing zone" means a location identified by the
19 designated transportation official for intercity buses to load
20 or unload passengers.

21 "Shuttle buses" means motor vehicles designed for the
22 transportation of more than 16 passengers that are:

23 (1) used in a ridesharing arrangement; or

24 (2) owned or leased by or on behalf of a company or an
25 employee organization and operated on a nonprofit basis
26 with the primary purpose of transporting employees of the

1 company between the company's place of business and the
2 employees' homes or a public transportation station and in
3 which the operating, administrative, maintenance, and
4 reasonable depreciation costs are paid principally by the
5 persons utilizing the shuttle bus.

6 "State holiday" has the meaning ascribed to it in Section
7 1-6 of the Election Code.

8 (b) All definitions in Chapter 1 of the Illinois Vehicle
9 Code are incorporated and applicable to this Act except when
10 the context otherwise requires.

11 Section 10. Requirements for intercity bus service.

12 (a) Landing zones. The designated transportation official
13 for each municipality or county may identify, on its official
14 municipal or county public website, if it has one, and
15 conspicuously post in the primary office of the municipality
16 or county, one or more landing zones where intercity buses
17 shall be allowed to load and unload passengers by specifying
18 the street address. The designated transportation official
19 shall select the landing zone or zones by identifying and
20 selecting a safe location for the loading and unloading of
21 passengers that provides passengers access to heated and
22 sheltered premises from November 1 through April 30. A
23 designated transportation official shall also consider traffic
24 safety, access to public safety resources, and access to
25 public transportation when selecting a landing zone. The

1 designated transportation official may change the location of
2 a landing zone or close a landing zone by providing 7 days'
3 notice by posting on the municipality's or county's public
4 website, if it has one, and by conspicuously posting in the
5 primary office of the municipality or county.

6 (b) Designated days and hours for loading or unloading
7 passengers. The designated days and hours for loading or
8 unloading passengers shall be between the hours of 9:00 a.m.
9 and 5:00 p.m. on any eligible weekday. The designated
10 transportation official may shorten the designated days and
11 hours to a minimum of a 5-hour time period between the hours of
12 9:00 a.m. and 5:00 p.m., each eligible weekday. In order to
13 shorten the time period, the designated transportation
14 official must post that time period with a 7-day notice
15 provided on the municipality's or county's public website, if
16 it has one, and conspicuously posted in the primary office of
17 the municipality or county.

18 (c) Loading and unloading passengers. If a landing zone is
19 identified in a county or municipality, an intercity bus shall
20 only load or unload passengers in a municipality's or county's
21 landing zone during the municipality's or county's designated
22 days and hours for loading or unloading passengers. If a
23 landing zone is not identified in a county or municipality, an
24 intercity bus shall not load or unload passengers outside the
25 hours of 9:00 a.m. and 5:00 p.m. each eligible weekday at a
26 location where passengers do not have immediate and lawful

1 access to a heated and sheltered premises from November 1
2 through April 30.

3 Section 15. Penalties.

4 (a) A person commits the offense of unlawfully operating
5 an intercity bus if that person is the carrier, operator, or
6 driver of an intercity bus that loads or unloads passengers in
7 a municipality or county in violation of subsection (c) of
8 Section 10.

9 (b) A person found in violation of subsection (c) of
10 Section 10 shall be guilty of a Class A misdemeanor and fined
11 not less than \$1,000 for the first offense.

12 (c) A person found in violation of subsection (c) of
13 Section 10 shall be guilty of a Class A misdemeanor and fined
14 not less than \$2,500 for any subsequent offense.

15 (d) Law enforcement agencies shall report all violations
16 of this Act to the Illinois State Police.

17 (e) Local law enforcement officers, including, but not
18 limited to, those of a municipality or county, and the
19 Illinois State Police may enforce this Act.

20 Section 20. Civil cause of action.

21 (a) A carrier shall not direct a person and a person shall
22 not operate or drive an intercity bus that loads or unloads
23 passengers in a municipality or county in violation of
24 subsection (c) of Section 10.

1 (b) A carrier shall not direct an operator or driver of an
2 intercity bus operating in Illinois to, nor shall an operator
3 or driver of an intercity bus operating in Illinois, load or
4 unload passengers in violation of subsection (c) of Section
5 10.

6 (c) A passenger of an intercity bus who is aggrieved by a
7 violation of subsection (a) or (b) may commence an action in
8 circuit court or as a supplemental claim in federal district
9 court against the carrier, operator, or driver. No private
10 right of action exists against a municipality, county, or
11 other unit of local government in relation to this Act. A
12 prevailing party may recover:

13 (1) against the carrier, operator, or driver that
14 negligently violates a provision of this Act, liquidated
15 damages of \$1,000 or actual damages, whichever is greater;

16 (2) against the carrier, operator, or driver that
17 intentionally or recklessly violates a provision of this
18 Act, liquidated damages of \$5,000 or actual damages,
19 whichever is greater;

20 (3) reasonable attorney's fees and costs, including
21 expert witness fees and other litigation expenses; and

22 (4) other relief, including an injunction, as the
23 court deems appropriate.

24 (d) A passenger of an intercity bus may establish an
25 intentional or reckless violation of subsection (c) of Section
26 10 by a showing of facts, including, but not limited to: (1) a

1 past violation of this Act by the carrier, operator, or
2 driver; (2) that the passenger was left in a location without
3 access to public transportation departing within an hour of
4 being loaded or unloaded; or (3) that the passenger was left in
5 a location without immediate and lawful access to a heated and
6 sheltered premises from November 1 through April 30.

7 (e) A lawsuit must be brought under this Section not later
8 than 2 years after the violation of subsection (a) or
9 subsection (b) has occurred.

10 Section 25. Attorney General enforcement.

11 (a) The Attorney General may investigate alleged or
12 suspected violations of this Act and may issue subpoenas to
13 any person, administer an oath or affirmation to any person,
14 conduct hearings in aid of any investigation or inquiry, and
15 prescribe such forms and adopt such rules and regulations as
16 may be necessary.

17 (b) Whenever the Attorney General has reason to believe
18 that the Act has been violated, the Attorney General may file
19 suit in circuit court to enjoin the violation and recover any
20 civil or criminal penalties that may be due.

21 Section 30. Home rule. A home rule unit may not regulate
22 the operations of intercity buses pertaining to the loading
23 and unloading of passengers in a manner less restrictive than
24 under this Act. This Section is a limitation under subsection

1 (i) of Section 6 of Article VII of the Illinois Constitution on
2 the concurrent exercise by home rule units of powers and
3 functions exercised by the State.

4 Section 35. Non-home rule municipalities and counties. The
5 corporate authorities of a non-home rule county or
6 municipality may adopt ordinances to regulate the operations
7 of intercity buses pertaining to the loading and unloading of
8 passengers in a manner more restrictive than under this Act.
9 Such an ordinance may include, but is not limited to, a
10 requirement for the provision of advance notice to the county
11 or municipality of the proposed arrival of an unscheduled
12 intercity bus or for the submission of an application for
13 permission for an unscheduled intercity bus to arrive in a
14 county or municipality on a date and time certain. If a
15 non-home rule county or municipality requires an unscheduled
16 intercity bus to apply for permission to arrive, the county or
17 municipality must also provide a process for the carrier to
18 appeal a denial of an arrival application. A non-home rule
19 county or municipality may only shorten the designated days
20 and hours of arrival to a minimum of a 5-hour period between
21 the hours of 9:00 am and 5:00 pm on any eligible weekday.

22 Section 98. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

1 Section 100. The Illinois Vehicle Code is amended by
2 changing Section 11-208.7 as follows:

3 (625 ILCS 5/11-208.7)

4 Sec. 11-208.7. Administrative fees and procedures for
5 impounding vehicles for specified violations.

6 (a) Any county or municipality may, consistent with this
7 Section, provide by ordinance procedures for the release of
8 properly impounded vehicles and for the imposition of a
9 reasonable administrative fee related to its administrative
10 and processing costs associated with the investigation,
11 arrest, and detention of an offender, or the removal,
12 impoundment, storage, and release of the vehicle. The
13 administrative fee imposed by the county or municipality may
14 be in addition to any fees charged for the towing and storage
15 of an impounded vehicle. The administrative fee shall be
16 waived by the county or municipality upon verifiable proof
17 that the vehicle was stolen or hijacked at the time the vehicle
18 was impounded.

19 (b) An ordinance establishing procedures for the release
20 of properly impounded vehicles under this Section may impose
21 fees only for the following violations:

22 (1) operation or use of a motor vehicle in the
23 commission of, or in the attempt to commit, an offense for
24 which a motor vehicle may be seized and forfeited pursuant
25 to Section 36-1 of the Criminal Code of 2012; or

1 (2) driving under the influence of alcohol, another
2 drug or drugs, an intoxicating compound or compounds, or
3 any combination thereof, in violation of Section 11-501 of
4 this Code; or

5 (3) operation or use of a motor vehicle in the
6 commission of, or in the attempt to commit, a felony or in
7 violation of the Cannabis Control Act; or

8 (4) operation or use of a motor vehicle in the
9 commission of, or in the attempt to commit, an offense in
10 violation of the Illinois Controlled Substances Act; or

11 (5) operation or use of a motor vehicle in the
12 commission of, or in the attempt to commit, an offense in
13 violation of Section 24-1, 24-1.5, or 24-3.1 of the
14 Criminal Code of 1961 or the Criminal Code of 2012; or

15 (6) driving while a driver's license, permit, or
16 privilege to operate a motor vehicle is suspended or
17 revoked pursuant to Section 6-303 of this Code; except
18 that vehicles shall not be subjected to seizure or
19 impoundment if the suspension is for an unpaid citation
20 (parking or moving) or due to failure to comply with
21 emission testing; or

22 (7) operation or use of a motor vehicle while
23 soliciting, possessing, or attempting to solicit or
24 possess cannabis or a controlled substance, as defined by
25 the Cannabis Control Act or the Illinois Controlled
26 Substances Act; or

1 (8) operation or use of a motor vehicle with an
2 expired driver's license, in violation of Section 6-101 of
3 this Code, if the period of expiration is greater than one
4 year; or

5 (9) operation or use of a motor vehicle without ever
6 having been issued a driver's license or permit, in
7 violation of Section 6-101 of this Code, or operating a
8 motor vehicle without ever having been issued a driver's
9 license or permit due to a person's age; or

10 (10) operation or use of a motor vehicle by a person
11 against whom a warrant has been issued by a circuit clerk
12 in Illinois for failing to answer charges that the driver
13 violated Section 6-101, 6-303, or 11-501 of this Code; or

14 (11) operation or use of a motor vehicle in the
15 commission of, or in the attempt to commit, an offense in
16 violation of Article 16 or 16A of the Criminal Code of 1961
17 or the Criminal Code of 2012; or

18 (12) operation or use of a motor vehicle in the
19 commission of, or in the attempt to commit, any other
20 misdemeanor or felony offense in violation of the Criminal
21 Code of 1961 or the Criminal Code of 2012, when so provided
22 by local ordinance; or

23 (13) operation or use of a motor vehicle in violation
24 of Section 11-503 of this Code:

25 (A) while the vehicle is part of a funeral
26 procession; or

1 (B) in a manner that interferes with a funeral
2 procession; ~~or-~~

3 (14) operation or use of a motor vehicle in violation
4 of the Regulation of Intercity Buses Act.

5 (c) The following shall apply to any fees imposed for
6 administrative and processing costs pursuant to subsection
7 (b):

8 (1) All administrative fees and towing and storage
9 charges shall be imposed on the registered owner of the
10 motor vehicle or the agents of that owner.

11 (1.5) No administrative fees shall be imposed on the
12 registered owner or the agents of that owner if the motor
13 vehicle was stolen or hijacked at the time the vehicle was
14 impounded. To demonstrate that the motor vehicle was
15 hijacked or stolen at the time the vehicle was impounded,
16 the owner or the agents of the owner must submit proof that
17 a report concerning the motor vehicle was filed with a law
18 enforcement agency in a timely manner.

19 (2) The fees shall be in addition to (i) any other
20 penalties that may be assessed by a court of law for the
21 underlying violations; and (ii) any towing or storage
22 fees, or both, charged by the towing company.

23 (3) The fees shall be uniform for all similarly
24 situated vehicles.

25 (4) The fees shall be collected by and paid to the
26 county or municipality imposing the fees.

1 (5) The towing or storage fees, or both, shall be
2 collected by and paid to the person, firm, or entity that
3 tows and stores the impounded vehicle.

4 (d) Any ordinance establishing procedures for the release
5 of properly impounded vehicles under this Section shall
6 provide for an opportunity for a hearing, as provided in
7 subdivision (b)(4) of Section 11-208.3 of this Code, and for
8 the release of the vehicle to the owner of record, lessee, or a
9 lienholder of record upon payment of all administrative fees
10 and towing and storage fees.

11 (e) Any ordinance establishing procedures for the
12 impoundment and release of vehicles under this Section shall
13 include the following provisions concerning notice of
14 impoundment:

15 (1) Whenever a police officer has cause to believe
16 that a motor vehicle is subject to impoundment, the
17 officer shall provide for the towing of the vehicle to a
18 facility authorized by the county or municipality.

19 (2) At the time the vehicle is towed, the county or
20 municipality shall notify or make a reasonable attempt to
21 notify the owner, lessee, or person identifying himself or
22 herself as the owner or lessee of the vehicle, or any
23 person who is found to be in control of the vehicle at the
24 time of the alleged offense, of the fact of the seizure,
25 and of the vehicle owner's or lessee's right to an
26 administrative hearing.

1 (3) The county or municipality shall also provide
2 notice that the motor vehicle will remain impounded
3 pending the completion of an administrative hearing,
4 unless the owner or lessee of the vehicle or a lienholder
5 posts with the county or municipality a bond equal to the
6 administrative fee as provided by ordinance and pays for
7 all towing and storage charges.

8 (f) Any ordinance establishing procedures for the
9 impoundment and release of vehicles under this Section shall
10 include a provision providing that the registered owner or
11 lessee of the vehicle and any lienholder of record shall be
12 provided with a notice of hearing. The notice shall:

13 (1) be served upon the owner, lessee, and any
14 lienholder of record either by personal service or by
15 first class mail to the interested party's address as
16 registered with the Secretary of State;

17 (2) be served upon interested parties within 10 days
18 after a vehicle is impounded by the municipality; and

19 (3) contain the date, time, and location of the
20 administrative hearing. An initial hearing shall be
21 scheduled and convened no later than 45 days after the
22 date of the mailing of the notice of hearing.

23 (g) In addition to the requirements contained in
24 subdivision (b)(4) of Section 11-208.3 of this Code relating
25 to administrative hearings, any ordinance providing for the
26 impoundment and release of vehicles under this Section shall

1 include the following requirements concerning administrative
2 hearings:

3 (1) administrative hearings shall be conducted by a
4 hearing officer who is an attorney licensed to practice
5 law in this State for a minimum of 3 years;

6 (1.5) the hearing officer shall consider as a defense
7 to the vehicle impoundment that the motor vehicle was
8 stolen or hijacked at the time the vehicle was impounded;
9 to demonstrate that the motor vehicle was hijacked or
10 stolen at the time the vehicle was impounded, the owner or
11 the agents of the owner or a lessee must submit proof that
12 a report concerning the motor vehicle was filed with a law
13 enforcement agency in a timely manner;

14 (2) at the conclusion of the administrative hearing,
15 the hearing officer shall issue a written decision either
16 sustaining or overruling the vehicle impoundment;

17 (3) if the basis for the vehicle impoundment is
18 sustained by the administrative hearing officer, any
19 administrative fee posted to secure the release of the
20 vehicle shall be forfeited to the county or municipality;

21 (4) all final decisions of the administrative hearing
22 officer shall be subject to review under the provisions of
23 the Administrative Review Law, unless the county or
24 municipality allows in the enabling ordinance for direct
25 appeal to the circuit court having jurisdiction over the
26 county or municipality;

1 (5) unless the administrative hearing officer
2 overturns the basis for the vehicle impoundment, no
3 vehicle shall be released to the owner, lessee, or
4 lienholder of record until all administrative fees and
5 towing and storage charges are paid;

6 (6) if the administrative hearing officer finds that a
7 county or municipality that impounds a vehicle exceeded
8 its authority under this Code, the county or municipality
9 shall be liable to the registered owner or lessee of the
10 vehicle for the cost of storage fees and reasonable
11 attorney's fees; and

12 (7) notwithstanding any other provision of law to the
13 contrary, if the administrative hearing officer finds that
14 a county or municipality impounded a motor vehicle that
15 was stolen or hijacked at the time the vehicle was
16 impounded, the county or municipality shall refund any
17 administrative fees already paid by the registered owner
18 or lessee of the vehicle.

19 (h) Vehicles not retrieved from the towing facility or
20 storage facility within 35 days after the administrative
21 hearing officer issues a written decision shall be deemed
22 abandoned and disposed of in accordance with the provisions of
23 Article II of Chapter 4 of this Code.

24 (i) Unless stayed by a court of competent jurisdiction,
25 any fine, penalty, or administrative fee imposed under this
26 Section which remains unpaid in whole or in part after the

1 expiration of the deadline for seeking judicial review under
2 the Administrative Review Law may be enforced in the same
3 manner as a judgment entered by a court of competent
4 jurisdiction.

5 (j) The fee limits in subsection (b), the exceptions in
6 paragraph (6) of subsection (b), and all of paragraph (6) of
7 subsection (g) of this Section shall not apply to a home rule
8 unit that tows a vehicle on a public way if a circumstance
9 requires the towing of the vehicle or if the vehicle is towed
10 due to a violation of a statute or local ordinance, and the
11 home rule unit:

12 (1) owns and operates a towing facility within its
13 boundaries for the storage of towed vehicles; and

14 (2) owns and operates tow trucks or enters into a
15 contract with a third party vendor to operate tow trucks.

16 (Source: P.A. 102-905, eff. 1-1-23.)

17 Section 999. Effective date. This Act takes effect upon
18 becoming law."