

SB2652



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2652

Introduced 1/10/2024, by Sen. Mary Edly-Allen

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203

from Ch. 95 1/2, par. 4-203

Amends the Illinois Vehicle Code. Allows a motor vehicle to be towed and impounded for a period of 48-hours if the driver operating the motor vehicle is arrested for reckless driving. Requires an impounding agency to release a motor vehicle regardless of the 48-hour holding period when specified conditions are met.

LRB103 35347 MXP 65411 b

A BILL FOR

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 for 10 hours or more, its removal by a towing service
15 may be authorized by a law enforcement agency having
16 jurisdiction.

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

22 (d) When an abandoned, unattended, wrecked, burned, or
23 partially dismantled vehicle is creating a traffic hazard

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

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

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

24 (2) the vehicle is owned by the person under arrest,
25 and the person under arrest gives permission to another
26 person to operate such vehicle, provided however, that the

1 other person possesses a valid operator's license and
2 would not, as determined by the arresting law enforcement
3 agency, indicate a lack of ability to operate a motor
4 vehicle in a safe manner or who would otherwise, by
5 operating such motor vehicle, be in violation of this
6 Code.

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

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

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

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

1 manner or would otherwise, by operating the motor vehicle, be
2 in violation of this Code.

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

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

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

1 such information was reported.

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

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

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

1 consent of the owner or other legally authorized person in
2 control of that vehicle, must post a notice meeting the
3 following requirements:

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

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

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

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

26 d. The sign structure containing the required

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

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

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

24 8. No removal of a vehicle from private property shall
25 be done except upon express written instructions of the
26 owners or persons in charge of the private property upon

1 which the vehicle is said to be trespassing.

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

8 9.5. Except as authorized by a law enforcement
9 officer, no towing service shall engage in the removal of
10 a commercial motor vehicle that requires a commercial
11 driver's license to operate by operating the vehicle under
12 its own power on a highway.

13 10. When a vehicle has been towed or removed pursuant
14 to this Section, it must be released to its owner,
15 custodian, agent, or lienholder within one-half hour after
16 requested, if such request is made during business hours.
17 Any vehicle owner, custodian, agent, or lienholder shall
18 have the right to inspect the vehicle before accepting its
19 return, and no release or waiver of any kind which would
20 release the towing service from liability for damages
21 incurred during the towing and storage may be required
22 from any vehicle owner or other legally authorized person
23 as a condition of release of the vehicle. A detailed,
24 signed receipt showing the legal name of the towing
25 service must be given to the person paying towing or
26 storage charges at the time of payment, whether requested

1 or not.

2 This Section shall not apply to law enforcement,
3 firefighting, rescue, ambulance, or other emergency
4 vehicles which are marked as such or to property owned by
5 any governmental entity.

6 When an authorized person improperly causes a motor
7 vehicle to be removed, such person shall be liable to the
8 owner or lessee of the vehicle for the cost of removal,
9 transportation and storage, any damages resulting from the
10 removal, transportation and storage, attorney's fee and
11 court costs.

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

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

21 Any person who fails to comply with the conditions and
22 restrictions of this subsection shall be guilty of a Class C
23 misdemeanor and shall be fined not less than \$100 nor more than
24 \$500.

25 (g)(1) When a vehicle is determined to be a hazardous
26 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the

1 Illinois Municipal Code or Section 5-12002.1 of the Counties
2 Code, its removal and impoundment by a towing service may be
3 authorized by a law enforcement agency with appropriate
4 jurisdiction.

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

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

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

19 (5) This paragraph (5) applies only in the case of a
20 vehicle that is towed as a result of being involved in a crash.
21 In addition to the personal property excepted under paragraph
22 (4), all other personal property in a vehicle subject to a lien
23 under this subsection (g) is exempt from that lien and may be
24 claimed by the vehicle owner if the vehicle owner provides the
25 commercial vehicle relocater or towing service with proof that
26 the vehicle owner has an insurance policy covering towing and

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

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

21 (h) Whenever a peace officer issues a citation to a driver
22 for a violation of subsection (a) of Section 11-506 of this
23 Code, the arresting officer may have the vehicle which the
24 person was operating at the time of the arrest impounded for a
25 period of 5 days after the time of arrest. An impounding agency
26 shall release a motor vehicle impounded under this subsection

1 (h) to the registered owner of the vehicle under any of the
2 following circumstances:

3 (1) if the vehicle is a stolen vehicle; or

4 (2) if the person ticketed for a violation of
5 subsection (a) of Section 11-506 of this Code was not
6 authorized by the registered owner of the vehicle to
7 operate the vehicle at the time of the violation; or

8 (3) if the registered owner of the vehicle was neither
9 the driver nor a passenger in the vehicle at the time of
10 the violation or was unaware that the driver was using the
11 vehicle to engage in street racing; or

12 (4) if the legal owner or registered owner of the
13 vehicle is a rental car agency; or

14 (5) if, prior to the expiration of the impoundment
15 period specified above, the citation is dismissed or the
16 defendant is found not guilty of the offense.

17 (i) Except for vehicles exempted under subsection (b) of
18 Section 7-601 of this Code, whenever a law enforcement officer
19 issues a citation to a driver for a violation of Section 3-707
20 of this Code, and the driver has a prior conviction for a
21 violation of Section 3-707 of this Code in the past 12 months,
22 the arresting officer shall authorize the removal and
23 impoundment of the vehicle by a towing service.

24 (j) Whenever a peace officer issues a citation to a driver
25 for a violation of subsection (a) of Section 11-503 of this
26 Code, the arresting officer may have the vehicle which the

1 person was operating at the time of the arrest impounded for a
2 period of 48 hours after the time of arrest. An impounding
3 agency shall release a motor vehicle impounded under this
4 subsection (j) to the registered owner of the vehicle under
5 any of the following circumstances:

6 (1) if the vehicle is a stolen vehicle; or

7 (2) if the person ticketed for a violation of
8 subsection (a) of Section 11-503 of this Code was not
9 authorized by the registered owner of the vehicle to
10 operate the vehicle at the time of the violation; or

11 (3) if the registered owner of the vehicle was neither
12 the driver nor a passenger in the vehicle at the time of
13 the violation or was unaware that the driver was using the
14 vehicle to engage in reckless driving; or

15 (4) if the legal owner or registered owner of the
16 vehicle is a rental car agency; or

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

20 (Source: P.A. 102-982, eff. 7-1-23; 103-154, eff. 6-30-23.)