

1 AMENDMENT TO SENATE BILL 1108

2 AMENDMENT NO. _____. Amend Senate Bill 1108, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 18a-300 and 18a-302 as follows:

7 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

8 Sec. 18a-300. Commercial vehicle relocators - Unlawful
9 practices. It shall be unlawful for any commercial vehicle
10 relocator:

11 (1) To operate in any county in which this Chapter is
12 applicable without a valid, current relocator's license as
13 provided in Article IV of this Chapter;

14 (2) To employ as an operator, or otherwise so use the
15 services of, any person who does not have at the commencement
16 of employment or service, or at any time during the course of
17 employment or service, a valid, current operator's employment
18 permit, or temporary operator's employment permit issued in
19 accordance with Sections 18a-403 or 18a-405 of this Chapter;
20 or to fail to notify the Commission, in writing, of any known
21 criminal conviction of any employee occurring at any time
22 before or during the course of employment or service;

1 (3) To employ as a dispatcher, or otherwise so use the
2 services of, any person who does not have at the commencement
3 of employment or service, or at any time during the course of
4 employment or service, a valid, current dispatcher's or
5 operator's employment permit or temporary dispatcher's or
6 operator's employment permit issued in accordance with
7 Sections 18a-403 or 18a-407 of this Chapter; or to fail to
8 notify the Commission, in writing, of any known criminal
9 conviction of any employee occurring at any time before or
10 during the course of employment or service;

11 (4) To operate upon the highways of this State any
12 vehicle used in connection with any commercial vehicle
13 relocation service unless:

14 (A) There is painted or firmly affixed to the
15 vehicle on both sides of the vehicle in a color or colors
16 vividly contrasting to the color of the vehicle the name,
17 address and telephone number of the relocater. The
18 Commission shall prescribe reasonable rules and
19 regulations pertaining to insignia to be painted or
20 firmly affixed to vehicles and shall waive the
21 requirements of the address on any vehicle in cases where
22 the operator of a vehicle has painted or otherwise firmly
23 affixed to the vehicle a seal or trade mark that clearly
24 identifies the operator of the vehicle; and

25 (B) There is carried in the power unit of the
26 vehicle a certified copy of the currently effective
27 relocater's license and operator's employment permit.
28 Copies may be photographed, photocopied, or reproduced or
29 printed by any other legible and durable process. Any
30 person guilty of not causing to be displayed a copy of
31 his relocater's license and operator's employment permit
32 may in any hearing concerning the violation be excused
33 from the payment of the penalty hereinafter provided upon
34 a showing that the license was issued by the Commission,

1 but was subsequently lost or destroyed;

2 (5) To operate upon the highways of this State any
3 vehicle used in connection with any commercial vehicle
4 relocation service that bears the name or address and
5 telephone number of any person or entity other than the
6 relocater by which it is owned or to which it is leased;

7 (6) To advertise in any newspaper, book, list,
8 classified directory or other publication unless there is
9 contained in the advertisement the license number of the
10 relocater;

11 (7) To remove any vehicle from private property without
12 having first obtained the written authorization of the
13 property owner or other person in lawful possession or
14 control of the property, his authorized agent, or an
15 authorized law enforcement officer. The authorization may be
16 on a contractual basis covering a period of time or limited
17 to a specific removal;

18 (8) To charge the private property owner, who requested
19 that an unauthorized vehicle be removed from his property,
20 with the costs of removing the vehicle contrary to any terms
21 that may be a part of the contract between the property owner
22 and the commercial relocater. Nothing in this paragraph shall
23 prevent a relocater from assessing, collecting, or receiving
24 from the property owner, lessee, or their agents any fee
25 prescribed by the Commission;

26 (9) To remove a vehicle when the owner or operator of
27 the vehicle is present or arrives at the vehicle location at
28 any time prior to the completion of removal, and is willing
29 and able to remove the vehicle immediately;

30 (10) To remove any vehicle from property on which signs
31 are required and on which there are not posted appropriate
32 signs under Section 18a-302;

33 (11) To fail to notify law enforcement authorities in
34 the jurisdiction in which the trespassing vehicle was removed

1 within one hour of the removal. Notification shall include a
2 complete description of the vehicle, registration numbers if
3 possible, the locations from which and to which the vehicle
4 was removed, the time of removal, and any other information
5 required by regulation, statute or ordinance;

6 (12) To impose any charge other than in accordance with
7 the rates set by the Commission as provided in paragraph (6)
8 of Section 18a-200 of this Chapter;

9 (13) To fail, in the office or location at which
10 relocated vehicles are routinely returned to their owners, to
11 prominently post on a sign at least 24 inches in height and
12 36 inches in width the name, address and telephone number of
13 the nearest office of the Commission to which inquiries or
14 complaints may be sent;

15 (13.1) To fail to distribute to each owner or operator
16 of a relocated vehicle, in written form as prescribed by
17 Commission rule or regulation, the relevant statutes,
18 regulations and ordinances governing commercial vehicle
19 relocators, including, in at least 12 point boldface type,
20 the name, address and telephone number of the nearest office
21 of the Commission to which inquiries or complaints may be
22 sent;

23 (14) To remove any vehicle, otherwise in accordance with
24 this Chapter, more than 15 air miles from its location when
25 towed from a location in an unincorporated area of a county
26 or more than 10 air miles from its location when towed from
27 any other location;

28 (15) To fail to make a telephone number available to the
29 police department of any municipality in which a relocater
30 operates at which the relocater or an employee of the
31 relocater may be contacted at any time during the hours in
32 which the relocater is engaged in the towing of vehicles, or
33 advertised as engaged in the towing of vehicles, for the
34 purpose of effectuating the release of a towed vehicle; or to

1 fail to include the telephone number in any advertisement of
2 the relocator's services published or otherwise appearing on
3 or after the effective date of this amendatory Act; or to
4 fail to have an employee available at any time on the
5 premises owned or controlled by the relocator for the
6 purposes of arranging for the immediate release of the
7 vehicle.

8 Apart from any other penalty or liability authorized
9 under this Act, if after a reasonable effort, the owner of
10 the vehicle is unable to make telephone contact with the
11 relocator for a period of one hour from his initial attempt
12 during any time period in which the relocator is required to
13 respond at the number, all fees for towing, storage, or
14 otherwise are to be waived. Proof of 3 attempted phone calls
15 to the number provided to the police department by an officer
16 or employee of the department on behalf of the vehicle owner
17 within the space of one hour, at least 2 of which are
18 separated by 45 minutes, shall be deemed sufficient proof of
19 the owner's reasonable effort to make contact with the
20 vehicle relocator. Failure of the relocator to respond to the
21 phone calls is not a criminal violation of this Chapter;

22 (16) To use equipment which the relocator does not own,
23 except in compliance with Section 18a-306 of this Chapter and
24 Commission regulations. No equipment can be leased to more
25 than one relocator at any time. Equipment leases shall be
26 filed with the Commission. If equipment is leased to one
27 relocator, it cannot thereafter be leased to another
28 relocator until a written cancellation of lease is properly
29 filed with the Commission;

30 (17) To use drivers or other personnel who are not
31 employees or contractors of the relocator;

32 (18) To fail to refund any amount charged in excess of
33 the reasonable rate established by the Commission;

34 (19) To violate any other provision of this Chapter, or

1 of Commission regulations or orders adopted under this
2 Chapter.

3 (Source: P.A. 88-448.)

4 (625 ILCS 5/18a-302) (from Ch. 95 1/2, par. 18a-302)

5 Sec. 18a-302. Owner or other person in lawful possession
6 or control of private property - Right to employ relocation
7 service.

8 (a) It shall be unlawful for an owner or other person in
9 lawful possession or control of private property to remove or
10 employ a commercial relocater to remove an unauthorized
11 vehicle from such property unless written notice is provided
12 to the effect that such vehicles will be removed, including
13 the name, address and telephone number of the appropriate
14 commercial vehicle relocater, if any.

15 (b) Except as provided in subsection (c), such notice
16 shall consist of an unobstructed a sign, posted in a
17 conspicuous place in the affected area, of a size at least 24
18 inches in height by 36 inches in width. Such sign shall be
19 at least 6 4 feet from the ground but less than 9 8 feet from
20 the ground and shall be either illuminated or brightly
21 painted with reflective paint, or both. Such sign shall
22 state the amount of towing charges to which the person
23 parking may be subject. This provision shall not be construed
24 as prohibiting any unit of local government from imposing
25 additional or greater notice requirements.

26 (c) All new signs posted on or after January 1, 2004 on
27 private lots in a municipality with a population of 1,000,000
28 or more must be at least 48 inches in height and 48 inches in
29 width. This subsection (c) does not prohibit any unit of
30 local government from imposing additional or greater notice
31 requirements.

32 (d) No express notice shall be required under this
33 Section upon residential property which, paying due regard to

1 the circumstances and the surrounding area, is clearly
2 reserved or intended exclusively for the use or occupation of
3 residents or their vehicles.

4 (Source: P.A. 81-332.)

5 Section 99. Effective date. This Act takes effect
6 January 1, 2004."