

1 AN ACT concerning vehicles.

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 Sections 18a-200 and 18a-300 as follows:

6 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

7 Sec. 18a-200. General powers and duties of Commission.
8 The Commission shall:

9 (1) Regulate commercial vehicle relocators and their
10 employees or agents in accordance with this Chapter and to
11 that end may establish reasonable requirements with respect
12 to proper service and practices relating thereto;

13 (2) Require the maintenance of uniform systems of
14 accounts, records and the preservation thereof;

15 (3) Require that all drivers and other personnel used in
16 relocation be employees of a licensed relocater;

17 (4) Regulate equipment leasing to and by relocators;

18 (5) Adopt reasonable and proper rules covering the
19 exercise of powers conferred upon it by this Chapter, and
20 reasonable rules governing investigations, hearings and
21 proceedings under this Chapter;

22 (6) Set reasonable rates for the commercial towing or
23 removal of trespassing vehicles from private property. The
24 rates shall not exceed the mean average of the 5 highest
25 rates for police tows within the territory to which this
26 Chapter applies that are performed under Sections 4-201 and
27 4-214 of this Code and that are of record at hearing;
28 provided that the Commission shall not re-calculate the
29 maximum specified herein if the order containing the previous
30 calculation was entered within one calendar year of the date
31 on which the new order is entered. Set reasonable rates for

1 the storage, for periods in excess of 24 hours, of the
2 vehicles in connection with the towing or removal; however,
3 no relocater shall impose charges for storage for the first
4 24 hours after towing or removal. Set reasonable rates for
5 other services provided by relocators, provided that the
6 rates shall not be charged to the owner or operator of a
7 relocated vehicle. Any fee charged by a relocater for the
8 use of a credit card that is used to pay for any service
9 rendered by the relocater shall be included in the total
10 amount that shall not exceed the maximum reasonable rate
11 established by the Commission. The Commission shall require
12 a relocater to refund any amount charged in excess of the
13 reasonable rate established by the Commission, including any
14 fee for the use of a credit card;

15 (7) Investigate and maintain current files of the
16 criminal records, if any, of all relocators and their
17 employees and of all applicants for relocater's license,
18 operator's licenses and dispatcher's licenses. If the
19 Commission determines that an applicant for a license issued
20 under this Chapter will be subjected to a criminal history
21 records check, the applicant shall submit his or her
22 fingerprints to the Department of State Police in the form
23 and manner prescribed by the Department of State Police.
24 These fingerprints shall be checked against the Department of
25 State Police and Federal Bureau of Investigation criminal
26 history record information databases now and hereafter filed.
27 The Department of State Police shall charge the applicant a
28 fee for conducting the criminal history records check, which
29 shall be deposited in the State Police Services Fund and
30 shall not exceed the actual cost of the records check. The
31 Department of State Police shall furnish pursuant to positive
32 identification, records of conviction to the Commission;

33 (8) Issue relocater's licenses, dispatcher's employment
34 permits, and operator's employment permits in accordance with

1 Article IV of this Chapter;

2 (9) Establish fitness standards for applicants seeking
3 relocator licensees and holders of relocator licenses;

4 (10) Upon verified complaint in writing by any person,
5 organization or body politic, or upon its own initiative may,
6 investigate whether any commercial vehicle relocater,
7 operator, dispatcher, or person otherwise required to comply
8 with any provision of this Chapter or any rule promulgated
9 hereunder, has failed to comply with any provision or rule;

10 (11) Whenever the Commission receives notice from the
11 Secretary of State that any domestic or foreign corporation
12 regulated under this Chapter has not paid a franchise tax,
13 license fee or penalty required under the Business
14 Corporation Act of 1983, institute proceedings for the
15 revocation of the license or right to engage in any business
16 required under this Chapter or the suspension thereof until
17 such time as the delinquent franchise tax, license fee or
18 penalty is paid.

19 (Source: P.A. 93-418, eff. 1-1-04.)

20 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

21 Sec. 18a-300. Commercial vehicle relocators - Unlawful
22 practices. It shall be unlawful for any commercial vehicle
23 relocater:

24 (1) To operate in any county in which this Chapter is
25 applicable without a valid, current relocater's license as
26 provided in Article IV of this Chapter;

27 (2) To employ as an operator, or otherwise so use the
28 services of, any person who does not have at the commencement
29 of employment or service, or at any time during the course of
30 employment or service, a valid, current operator's employment
31 permit, or temporary operator's employment permit issued in
32 accordance with Sections 18a-403 or 18a-405 of this Chapter;
33 or to fail to notify the Commission, in writing, of any known

1 criminal conviction of any employee occurring at any time
2 before or during the course of employment or service;

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

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

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

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

1 from the payment of the penalty hereinafter provided upon
2 a showing that the license was issued by the Commission,
3 but was subsequently lost or destroyed;

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

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

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

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

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

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

1 (11) To fail to notify law enforcement authorities in
2 the jurisdiction in which the trespassing vehicle was removed
3 within one hour of the removal. Notification shall include a
4 complete description of the vehicle, registration numbers if
5 possible, the locations from which and to which the vehicle
6 was removed, the time of removal, and any other information
7 required by regulation, statute or ordinance;

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

11 (13) To fail, in the office or location at which
12 relocated vehicles are routinely returned to their owners, to
13 prominently post the name, address and telephone number of
14 the nearest office of the Commission to which inquiries or
15 complaints may be sent;

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

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

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

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

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

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

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

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

1 (19) To violate any other provision of this Chapter, or
2 of Commission regulations or orders adopted under this
3 Chapter.

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