



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Denny Jacobs

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
625 ILCS 5/18a-300	from Ch. 95 1/2, par. 18a-300
625 ILCS 5/18a-501	from Ch. 95 1/2, par. 18a-501

Amends the Illinois Vehicle Code. Provides that, when a vehicle is towed or hauled away, the relocater or possessor of the vehicle must, within 25 days of relocation, notify any lienholders of the vehicle, via certified mail, return receipt requested, that the vehicle has been relocated. Provides that, if notification is not provided during that time, the relocater or possessor of the vehicle is entitled to recover from the lienholder not more than 25 days of storage charges. Provides that, if notification is provided within 25 days, the relocater or possessor of the vehicle is entitled to recover from the lienholder charges for the number of days in storage. Provides that the relocater or possessor of the vehicle is entitled to charge the lienholder for the reasonable costs of a title search necessary to identify the lienholder.

LRB093 17871 DRH 43553 b

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 changing
5 Sections 4-203, 18a-300, 18a-302, and 18a-501 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
17 highway other than a toll highway, interstate highway, or
18 expressway, outside of an urban district for 24 hours or more,
19 its removal by a towing service may be authorized by a law
20 enforcement agency having jurisdiction.

21 (d) When an abandoned, unattended, wrecked, burned or
22 partially dismantled vehicle is creating a traffic hazard
23 because of its position in relation to the highway or its
24 physical appearance is causing the impeding of traffic, its
25 immediate removal from the highway or private property adjacent
26 to the highway by a towing service may be authorized by a law
27 enforcement agency having jurisdiction.

28 (e) Whenever a peace officer reasonably believes that a
29 person under arrest for a violation of Section 11-501 of this
30 Code or a similar provision of a local ordinance is likely,
31 upon release, to commit a subsequent violation of Section
32 11-501, or a similar provision of a local ordinance, the

1 arresting officer shall have the vehicle which the person was
2 operating at the time of the arrest impounded for a period of
3 not more than 12 hours after the time of arrest. However, such
4 vehicle may be released by the arresting law enforcement agency
5 prior to the end of the impoundment period if:

6 (1) the vehicle was not owned by the person under
7 arrest, and the lawful owner requesting such release
8 possesses a valid operator's license, proof of ownership,
9 and would not, as determined by the arresting law
10 enforcement agency, indicate a lack of ability to operate a
11 motor vehicle in a safe manner, or who would otherwise, by
12 operating such motor vehicle, be in violation of this Code;
13 or

14 (2) the vehicle is owned by the person under arrest,
15 and the person under arrest gives permission to another
16 person to operate such vehicle, provided however, that the
17 other person possesses a valid operator's license and would
18 not, as determined by the arresting law enforcement agency,
19 indicate a lack of ability to operate a motor vehicle in a
20 safe manner or who would otherwise, by operating such motor
21 vehicle, be in violation of this Code.

22 (e-5) Whenever a registered owner of a vehicle is taken
23 into custody for operating the vehicle in violation of Section
24 11-501 of this Code or a similar provision of a local ordinance
25 or Section 6-303 of this Code, a law enforcement officer may
26 have the vehicle immediately impounded for a period not less
27 than:

28 (1) 24 hours for a second violation of Section 11-501
29 of this Code or a similar provision of a local ordinance or
30 Section 6-303 of this Code or a combination of these
31 offenses; or

32 (2) 48 hours for a third violation of Section 11-501 of
33 this Code or a similar provision of a local ordinance or
34 Section 6-303 of this Code or a combination of these
35 offenses.

36 The vehicle may be released sooner if the vehicle is owned

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

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

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

26 2. The towing service shall within 30 minutes of
27 completion of such towing or removal, notify the law
28 enforcement agency having jurisdiction of such towing or
29 removal, and the make, model, color and license plate
30 number of the vehicle, and shall obtain and record the name
31 of the person at the law enforcement agency to whom such
32 information was reported.

33 3. If the registered owner or legally authorized person
34 entitled to possession of the vehicle shall arrive at the
35 scene prior to actual removal or towing of the vehicle, the
36 vehicle shall be disconnected from the tow truck and that

1 person shall be allowed to remove the vehicle without
2 interference, upon the payment of a reasonable service fee
3 of not more than one half the posted rate of the towing
4 service as provided in paragraph 6 of this subsection, for
5 which a receipt shall be given.

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

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

25 a. The notice must be prominently placed at each
26 driveway access or curb cut allowing vehicular access
27 to the property within 5 feet from the public
28 right-of-way line. If there are no curbs or access
29 barriers, the sign must be posted not less than one
30 sign each 100 feet of lot frontage.

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

35 c. The notice must also provide the name and
36 current telephone number of the towing service towing

1 or removing the vehicle.

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

8 6. Any towing service that tows or removes vehicles and
9 proposes to require the owner, operator, or person in
10 control of the vehicle to pay the costs of towing and
11 storage prior to redemption of the vehicle must file and
12 keep on record with the local law enforcement agency a
13 complete copy of the current rates to be charged for such
14 services, and post at the storage site an identical rate
15 schedule and any written contracts with property owners,
16 lessors, or persons in control of property which authorize
17 them to remove vehicles as provided in this Section.

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

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

27 9. Vehicle entry for the purpose of removal shall be
28 allowed with reasonable care on the part of the person or
29 firm towing the vehicle. Such person or firm shall be
30 liable for any damages occasioned to the vehicle if such
31 entry is not in accordance with the standards of reasonable
32 care.

33 10. When a vehicle has been towed or removed pursuant
34 to this Section, it must be released to its owner or
35 custodian within one half hour after requested, if such
36 request is made during business hours. Any vehicle owner or

1 custodian or agent shall have the right to inspect the
2 vehicle before accepting its return, and no release or
3 waiver of any kind which would release the towing service
4 from liability for damages incurred during the towing and
5 storage may be required from any vehicle owner or other
6 legally authorized person as a condition of release of the
7 vehicle. A detailed, signed receipt showing the legal name
8 of the towing service must be given to the person paying
9 towing or storage charges at the time of payment, whether
10 requested or not.

11 This Section shall not apply to law enforcement,
12 firefighting, rescue, ambulance, or other emergency vehicles
13 which are marked as such or to property owned by any
14 governmental entity.

15 When an authorized person improperly causes a motor vehicle
16 to be removed, such person shall be liable to the owner or
17 lessee of the vehicle for the cost or removal, transportation
18 and storage, any damages resulting from the removal,
19 transportation and storage, attorney's fee and court costs.

20 Any towing or storage charges accrued shall be payable by
21 the use of any major credit card, in addition to being payable
22 in cash.

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

28 Any person who fails to comply with the conditions and
29 restrictions of this subsection shall be guilty of a Class C
30 misdemeanor and shall be fined not less than \$100 nor more than
31 \$500.

32 (g) When a vehicle is determined to be a hazardous
33 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
34 Illinois Municipal Code, its removal and impoundment by a
35 towing service may be authorized by a law enforcement agency
36 with appropriate jurisdiction.

1 When a vehicle removal from either public or private
2 property is authorized by a law enforcement agency, the owner
3 of the vehicle shall be responsible for all towing and storage
4 charges.

5 Vehicles removed from public or private property and stored
6 by a commercial vehicle relocater or any other towing service
7 in compliance with this Section and Sections 4-201 and 4-202 of
8 this Code, shall be subject to a possessor lien for services
9 pursuant to the Labor and Storage Lien (Small Amount) Act ~~"An~~
10 ~~Act concerning liens for labor, services, skill or materials~~
11 ~~furnished upon or storage furnished for chattels", filed July~~
12 ~~24, 1941, as amended, and, subject to subsection (b) of Section~~
13 18a-501 of this Code, the provisions of Section 1 of that Act
14 relating to notice and implied consent shall be deemed
15 satisfied by compliance with Section 18a-302 and subsection (6)
16 of Section 18a-300. In no event shall such lien be greater than
17 the rate or rates established in accordance with subsection (6)
18 of Section 18a-200 of this Code. In no event shall such lien be
19 increased or altered to reflect any charge for services or
20 materials rendered in addition to those authorized by this Act.
21 Every such lien shall be payable by use of any major credit
22 card, in addition to being payable in cash.

23 (Source: P.A. 90-738, eff. 1-1-99.)

24 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

25 Sec. 18a-300. Commercial vehicle relocators - Unlawful
26 practices. It shall be unlawful for any commercial vehicle
27 relocater:

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

31 (2) To employ as an operator, or otherwise so use the
32 services of, any person who does not have at the commencement
33 of employment or service, or at any time during the course of
34 employment or service, a valid, current operator's employment
35 permit, or temporary operator's employment permit issued in

1 accordance with Sections 18a-403 or 18a-405 of this Chapter; or
2 to fail to notify the Commission, in writing, of any known
3 criminal conviction of any employee occurring at any time
4 before or during the course of employment or service;

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

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

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

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

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

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

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

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

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

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

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

34 (11) To fail to notify law enforcement authorities in the
35 jurisdiction in which the trespassing vehicle was removed
36 within one hour of the removal. Notification shall include a

1 complete description of the vehicle, registration numbers if
2 possible, the locations from which and to which the vehicle was
3 removed, the time of removal, and any other information
4 required by regulation, statute or ordinance;

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

8 (12.1) To impose any charge other than in accordance with
9 subsection (b) of Section 18a-501 of this Chapter.

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

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

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

27 (15) To fail to make a telephone number available to the
28 police department of any municipality in which a relocater
29 operates at which the relocater or an employee of the relocater
30 may be contacted at any time during the hours in which the
31 relocater is engaged in the towing of vehicles, or advertised
32 as engaged in the towing of vehicles, for the purpose of
33 effectuating the release of a towed vehicle; or to fail to
34 include the telephone number in any advertisement of the
35 relocater's services published or otherwise appearing on or
36 after the effective date of this amendatory Act; or to fail to

1 have an employee available at any time on the premises owned or
2 controlled by the relocater for the purposes of arranging for
3 the immediate release of the vehicle.

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

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

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

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

30 (19) To violate any other provision of this Chapter, or of
31 Commission regulations or orders adopted under this Chapter.

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

33 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

34 Sec. 18a-501. Liens against relocated vehicles.

35 (a) Subject to subsection (b), unauthorized ~~Unauthorized~~

1 vehicles removed and stored by a commercial vehicle relocater
2 in compliance with this Chapter shall be subject to a
3 possessory lien for services pursuant to the Labor and Storage
4 Lien (Small Amount) Act, and the provisions of Section 1 of
5 that Act relating to notice and implied consent shall be deemed
6 satisfied by compliance with Section 18a-302 and item (10) of
7 Section 18a-300. In no event shall such lien be greater than
8 the rate or rates established in accordance with item (6) of
9 Section 18a-200. In no event shall such lien be increased or
10 altered to reflect any charge for services or materials
11 rendered in addition to those authorized by this Act. Every
12 such lien shall be payable by use of any major credit card, in
13 addition to being payable in cash. Upon receipt of a properly
14 signed credit card receipt, a relocater shall become a holder
15 in due course, and neither the holder of the credit card nor
16 the company which issued the credit card may thereafter refuse
17 to remit payment in the amount shown on the credit card receipt
18 minus the ordinary charge assessed by the credit card company
19 for processing the charge. The Commission may adopt regulations
20 governing acceptance of credit cards by a relocater.

21 (b) The relocater or possessor of any relocated vehicle
22 must, within 25 days of taking possession of the vehicle,
23 notify any lienholders of the vehicle, by certified mail,
24 return receipt requested, that the vehicle has been relocated.
25 If the required notice is not provided within 25 days of
26 relocation, the relocater or possessor of the vehicle is
27 entitled to recover from the lienholder not more than the
28 vehicle storage charges for the 25 days before notification was
29 required. If notice is given within 25 days of relocation, the
30 relocater or possessor of the vehicle is entitled to recover
31 from the lienholder storage charges for the number of days the
32 vehicle was in storage. The tower or possessor of the vehicle
33 also may charge the lienholder the reasonable costs of a title
34 search necessary to identify the lienholder.

35 This subsection (b) does not apply to the relocation or
36 possession of any vehicle relocated on or before December 31,

1 2004.

2 (Source: P.A. 91-357, eff. 7-29-99.)