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LRB094 05931 DRH 45534 a

1 AMENDMENT TO SENATE BILL 66

2 AMENDMENT NO. _____. Amend Senate Bill 66 by replacing
3 everything after the enacting clause with the following:

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 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

1 immediate removal from the highway or private property adjacent
2 to the highway by a towing service may be authorized by a law
3 enforcement agency having jurisdiction.

4 (e) Whenever a peace officer reasonably believes that a
5 person under arrest for a violation of Section 11-501 of this
6 Code or a similar provision of a local ordinance is likely,
7 upon release, to commit a subsequent violation of Section
8 11-501, or a similar provision of a local ordinance, the
9 arresting officer shall have the vehicle which the person was
10 operating at the time of the arrest impounded for a period of
11 not more than 12 hours after the time of arrest. However, such
12 vehicle may be released by the arresting law enforcement agency
13 prior to the end of the impoundment period if:

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

22 (2) the vehicle is owned by the person under arrest,
23 and the person under arrest gives permission to another
24 person to operate such vehicle, provided however, that the
25 other person possesses a valid operator's license and would
26 not, as determined by the arresting law enforcement agency,
27 indicate a lack of ability to operate a motor vehicle in a
28 safe manner or who would otherwise, by operating such motor
29 vehicle, be in violation of this Code.

30 (e-5) Whenever a registered owner of a vehicle is taken
31 into custody for operating the vehicle in violation of Section
32 11-501 of this Code or a similar provision of a local ordinance
33 or Section 6-303 of this Code, a law enforcement officer may
34 have the vehicle immediately impounded for a period not less

1 than:

2 (1) 24 hours for a second violation of Section 11-501
3 of this Code or a similar provision of a local ordinance or
4 Section 6-303 of this Code or a combination of these
5 offenses; or

6 (2) 48 hours for a third violation of Section 11-501 of
7 this Code or a similar provision of a local ordinance or
8 Section 6-303 of this Code or a combination of these
9 offenses.

10 The vehicle may be released sooner if the vehicle is owned
11 by the person under arrest and the person under arrest gives
12 permission to another person to operate the vehicle and that
13 other person possesses a valid operator's license and would
14 not, as determined by the arresting law enforcement agency,
15 indicate a lack of ability to operate a motor vehicle in a safe
16 manner or would otherwise, by operating the motor vehicle, be
17 in violation of this Code.

18 (f) Except as provided in Chapter 18a of this Code, the
19 owner or lessor of privately owned real property within this
20 State, or any person authorized by such owner or lessor, or any
21 law enforcement agency in the case of publicly owned real
22 property may cause any motor vehicle abandoned or left
23 unattended upon such property without permission to be removed
24 by a towing service without liability for the costs of removal,
25 transportation or storage or damage caused by such removal,
26 transportation or storage. The towing or removal of any vehicle
27 from private property without the consent of the registered
28 owner or other legally authorized person in control of the
29 vehicle is subject to compliance with the following conditions
30 and restrictions:

31 1. Any towed or removed vehicle must be stored at the
32 site of the towing service's place of business. The site
33 must be open during business hours, and for the purpose of
34 redemption of vehicles, during the time that the person or

1 firm towing such vehicle is open for towing purposes.

2 2. The towing service shall within 30 minutes of
3 completion of such towing or removal, notify the law
4 enforcement agency having jurisdiction of such towing or
5 removal, and the make, model, color and license plate
6 number of the vehicle, and shall obtain and record the name
7 of the person at the law enforcement agency to whom such
8 information was reported.

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

18 4. The rebate or payment of money or any other valuable
19 consideration from the towing service or its owners,
20 managers or employees to the owners or operators of the
21 premises from which the vehicles are towed or removed, for
22 the privilege of removing or towing those vehicles, is
23 prohibited. Any individual who violates this paragraph
24 shall be guilty of a Class A misdemeanor.

25 5. Except for property appurtenant to and obviously a
26 part of a single family residence, and except for instances
27 where notice is personally given to the owner or other
28 legally authorized person in control of the vehicle that
29 the area in which that vehicle is parked is reserved or
30 otherwise unavailable to unauthorized vehicles and they
31 are subject to being removed at the owner or operator's
32 expense, any property owner or lessor, prior to towing or
33 removing any vehicle from private property without the
34 consent of the owner or other legally authorized person in

1 control of that vehicle, must post a notice meeting the
2 following requirements:

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

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

13 c. The notice must also provide the name and
14 current telephone number of the towing service towing
15 or removing the vehicle.

16 d. The sign structure containing the required
17 notices must be permanently installed with the bottom
18 of the sign not less than 4 feet above ground level,
19 and must be continuously maintained on the property for
20 not less than 24 hours prior to the towing or removing
21 of any vehicle.

22 6. Any towing service that tows or removes vehicles and
23 proposes to require the owner, operator, or person in
24 control of the vehicle to pay the costs of towing and
25 storage prior to redemption of the vehicle must file and
26 keep on record with the local law enforcement agency a
27 complete copy of the current rates to be charged for such
28 services, and post at the storage site an identical rate
29 schedule and any written contracts with property owners,
30 lessors, or persons in control of property which authorize
31 them to remove vehicles as provided in this Section.

32 7. No person shall engage in the removal of vehicles
33 from private property as described in this Section without
34 filing a notice of intent in each community where he

1 intends to do such removal, and such notice shall be filed
2 at least 7 days before commencing such towing.

3 8. No removal of a vehicle from private property shall
4 be done except upon express written instructions of the
5 owners or persons in charge of the private property upon
6 which the vehicle is said to be trespassing.

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

13 10. When a vehicle has been towed or removed pursuant
14 to this Section, it must be released to its owner or
15 custodian within one half hour after requested, if such
16 request is made during business hours. Any vehicle owner or
17 custodian or agent shall have the right to inspect the
18 vehicle before accepting its return, and no release or
19 waiver of any kind which would release the towing service
20 from liability for damages incurred during the towing and
21 storage may be required from any vehicle owner or other
22 legally authorized person as a condition of release of the
23 vehicle. A detailed, signed receipt showing the legal name
24 of the towing service must be given to the person paying
25 towing or storage charges at the time of payment, whether
26 requested or not.

27 This Section shall not apply to law enforcement,
28 firefighting, rescue, ambulance, or other emergency vehicles
29 which are marked as such or to property owned by any
30 governmental entity.

31 When an authorized person improperly causes a motor vehicle
32 to be removed, such person shall be liable to the owner or
33 lessee of the vehicle for the cost or removal, transportation
34 and storage, any damages resulting from the removal,

1 transportation and storage, attorney's fee and court costs.

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

5 11. Towing companies shall also provide insurance
6 coverage for areas where vehicles towed under the
7 provisions of this Chapter will be impounded or otherwise
8 stored, and shall adequately cover loss by fire, theft or
9 other risks.

10 Any person who fails to comply with the conditions and
11 restrictions of this subsection shall be guilty of a Class C
12 misdemeanor and shall be fined not less than \$100 nor more than
13 \$500.

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

19 When a vehicle removal from either public or private
20 property is authorized by a law enforcement agency, the owner
21 of the vehicle shall be responsible for all towing and storage
22 charges.

23 Vehicles removed from public or private property and stored
24 by a commercial vehicle relocator or any other towing service
25 in compliance with this Section and Sections 4-201 and 4-202 of
26 this Code, or at the request of the vehicle owner or operator,
27 shall be subject to a possessor lien for services pursuant to
28 the Labor and Storage Lien (Small Amount) Act. "An Act
29 ~~concerning liens for labor, services, skill or materials~~
30 ~~furnished upon or storage furnished for chattels", filed July~~
31 ~~24, 1941, as amended, and~~ The provisions of Section 1 of that
32 Act relating to notice and implied consent shall be deemed
33 satisfied by compliance with Section 18a-302 and subsection (6)
34 of Section 18a-300. In no event shall such lien be greater than

1 the rate or rates established in accordance with subsection (6)
2 of Section 18a-200 of this Code. In no event shall such lien be
3 increased or altered to reflect any charge for services or
4 materials rendered in addition to those authorized by this Act.
5 Every such lien shall be payable by use of any major credit
6 card, in addition to being payable in cash.

7 Any personal property in a vehicle subject to a lien under
8 this subsection (g) shall likewise be subject to that lien,
9 excepting only: food; medicine; perishable property; any
10 operator's licenses; any cash, credit cards, or checks or
11 checkbooks; and any wallet, purse, or other property containing
12 any operator's license or other identifying documents or
13 materials, cash, credit cards, checks, or checkbooks.

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."