



Sen. Terry Link

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LRB094 05931 DRH 41893 a

1 AMENDMENT TO SENATE BILL 66

2 AMENDMENT NO. _____. Amend Senate Bill 66 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-203 and 18a-300 and by adding Section
6 18a-402.1 as follows:"; and

7 on page 7, by replacing lines 10 through 12 with the following:
8 "the Labor and Storage Lien (Small Amount) Act. ~~An~~"; and

9 on page 7, line 32, by replacing "\$5,000" with "\$2,000"; and

10 on page 8, below line 7, by inserting the following:

11 "(625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

12 Sec. 18a-300. Commercial vehicle relocators - Unlawful
13 practices. It shall be unlawful for any commercial vehicle
14 relocater:

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

18 (2) To employ as an operator, or otherwise so use the
19 services of, any person who does not have at the commencement
20 of employment or service, or at any time during the course of
21 employment or service, a valid, current operator's employment

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

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

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

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

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

1 causing to be displayed a copy of his relocator's license
2 and operator's employment permit may in any hearing
3 concerning the violation be excused from the payment of the
4 penalty hereinafter provided upon a showing that the
5 license was issued by the Commission, but was subsequently
6 lost or destroyed;

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

12 (6) To advertise in any newspaper, book, list, classified
13 directory or other publication unless there is contained in the
14 advertisement the license number of the relocator;

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

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

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

34 (10) To remove any vehicle from property on which signs are

1 required and on which there are not posted appropriate signs
2 under Section 18a-302;

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

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

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

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

25 (13.2) To fail, in a county with a population of more than
26 2,000,000, to make available to their owners or operators, 24
27 hours per day, 7 days per week, 52 weeks per year, relocated
28 vehicles.

29 (14) To remove any vehicle, otherwise in accordance with
30 this Chapter, more than 15 air miles from its location when
31 towed from a location in an unincorporated area of a county or
32 more than 10 air miles from its location when towed from any
33 other location;

34 (15) To fail to make a telephone number available to the

1 police department of any municipality in which a relocator
2 operates at which the relocator or an employee of the relocator
3 may be contacted at any time during the hours in which the
4 relocator is engaged in the towing of vehicles, or advertised
5 as engaged in the towing of vehicles, for the purpose of
6 effectuating the release of a towed vehicle; or to fail to
7 include the telephone number in any advertisement of the
8 relocator's services published or otherwise appearing on or
9 after the effective date of this amendatory Act; or to fail to
10 have an employee available at any time on the premises owned or
11 controlled by the relocator for the purposes of arranging for
12 the immediate release of the vehicle.

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

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

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

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

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

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

8 (625 ILCS 5/18a-402.1 new)

9 Sec. 18a-402.1. Relocator's licenses; expedited transfer
10 procedures.

11 (a) The Commission may provide for the transfer of a
12 license, without notice and hearing, and without the necessity
13 of making the findings provided for in Sections 18a-400 and
14 18a-401, when the transfer is to:

15 (1) a member or members of the transferor's immediate
16 family;

17 (2) a corporation, the stock of which is wholly owned
18 by the transferor or members of the transferor's immediate
19 family or a member or members of the transferor
20 partnership;

21 (3) a member or members of a partnership of which the
22 transferor is a partner;

23 (4) a stockholder or stockholders of the transferor
24 corporation or of a corporation wholly owned by the
25 transferor or the transferor's immediate family;

26 (5) the heirs of a person who dies intestate or the
27 legatees of a testator, upon order of the court having
28 jurisdiction;

29 (6) the heirs or legatees of the transferor under the
30 Probate Act of 1975;

31 (7) a corporation, more than 50% of the stock of which
32 is controlled by the stockholders of the transferor
33 corporation; or

1 (8) a corporation, all of the stock of which is
2 controlled by a member or members of the immediate family
3 of the stockholder or stockholders of the transferor
4 corporation.

5 (b) When a transfer of a license may be accomplished on an
6 expedited basis without notice and hearing through 2 or more
7 transactions of the type described in subsection (a), and they
8 do, in fact, represent a single, contemporaneous transaction,
9 then the Commission shall allow the transfer to be made as a
10 single transaction in a single application. It shall, however,
11 be the applicants' burden to demonstrate that the applicants
12 are entitled to this treatment of their application by setting
13 forth each of the individual qualifying transactions under
14 subsection (a) with the same detail and specificity as if each
15 individual application were filed.

16 (c) Upon the filing of an application for expedited
17 transfer under this Section, the Commission shall issue to the
18 proposed transferee a provisional license that shall remain
19 valid for 90 days. During that 90 days, the Commission shall
20 consider, with regard to the proposed transferee, the
21 following:

22 (1) the criminal conviction records of the applicant,
23 its owners or controllers, directors, officers, employees
24 and agents;

25 (2) the safety record of the applicant, its owners or
26 controllers, directors, officers, employees and agents;

27 (3) the compliance record of the applicant, its owners
28 or controllers, directors, officers, employees and agents;

29 (4) the equipment, facilities, and storage lots of the
30 applicant; and

31 (5) other facts which may bear on the fitness of the
32 applicant, its owners or controllers, directors, officers,
33 employees and agents to hold a relocater's license.

34 (d) The Commission shall issue a new relocater's license to

1 the proposed transferee if the Commission determines, after
2 completion of the investigation described in subsection (c),
3 that the proposed transferee is fit, willing, and able properly
4 to perform the proposed service and to conform to the law and
5 the rules and of the Commission. The license shall be deemed a
6 successor license bearing all of the obligations and
7 responsibilities of the original licensee under this Act.

8 (e) The Commission shall deny the expedited transfer
9 application if the the Commission determines, after completion
10 of the investigation, that the proposed transferee is not fit,
11 willing, and able properly to perform as described in
12 subsection (d).

13 (625 ILCS 5/18a-402 rep.) (from Ch. 95 1/2, par. 18a-402)

14 Section 10. The Illinois Vehicle Code is amended by
15 repealing Section 18a-402."