



Rep. Dave Winters

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1 AMENDMENT TO SENATE BILL 229

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 229 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, 6-107, and 12-603.1 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. Except as otherwise provided in subparagraph  
4 a.1 of this subdivision (f)5, the ~~The~~ notice must be  
5 prominently placed at each driveway access or curb cut  
6 allowing vehicular access to the property within 5 feet  
7 from the public right-of-way line. If there are no  
8 curbs or access barriers, the sign must be posted not  
9 less than one sign each 100 feet of lot frontage.

10 a.1. In a municipality with a population of less  
11 than 250,000, as an alternative to the requirement of  
12 subparagraph a of this subdivision (f)5, the notice for  
13 a parking lot contained within property used solely for  
14 a 2-family, 3-family, or 4-family residence may be  
15 prominently placed at the perimeter of the parking lot,  
16 in a position where the notice is visible to the  
17 occupants of vehicles entering the lot.

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

22 c. The notice must also provide the name and  
23 current telephone number of the towing service towing  
24 or removing the vehicle.

25 d. The sign structure containing the required  
26 notices must be permanently installed with the bottom  
27 of the sign not less than 4 feet above ground level,  
28 and must be continuously maintained on the property for  
29 not less than 24 hours prior to the towing or removing  
30 of any vehicle.

31 6. Any towing service that tows or removes vehicles and  
32 proposes to require the owner, operator, or person in  
33 control of the vehicle to pay the costs of towing and  
34 storage prior to redemption of the vehicle must file and

1 keep on record with the local law enforcement agency a  
2 complete copy of the current rates to be charged for such  
3 services, and post at the storage site an identical rate  
4 schedule and any written contracts with property owners,  
5 lessors, or persons in control of property which authorize  
6 them to remove vehicles as provided in this Section.

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

12 8. No removal of a vehicle from private property shall  
13 be done except upon express written instructions of the  
14 owners or persons in charge of the private property upon  
15 which the vehicle is said to be trespassing.

16 9. Vehicle entry for the purpose of removal shall be  
17 allowed with reasonable care on the part of the person or  
18 firm towing the vehicle. Such person or firm shall be  
19 liable for any damages occasioned to the vehicle if such  
20 entry is not in accordance with the standards of reasonable  
21 care.

22 10. When a vehicle has been towed or removed pursuant  
23 to this Section, it must be released to its owner or  
24 custodian within one half hour after requested, if such  
25 request is made during business hours. Any vehicle owner or  
26 custodian or agent shall have the right to inspect the  
27 vehicle before accepting its return, and no release or  
28 waiver of any kind which would release the towing service  
29 from liability for damages incurred during the towing and  
30 storage may be required from any vehicle owner or other  
31 legally authorized person as a condition of release of the  
32 vehicle. A detailed, signed receipt showing the legal name  
33 of the towing service must be given to the person paying  
34 towing or storage charges at the time of payment, whether

1 requested or not.

2 This Section shall not apply to law enforcement,  
3 firefighting, rescue, ambulance, or other emergency vehicles  
4 which are marked as such or to property owned by any  
5 governmental entity.

6 When an authorized person improperly causes a motor vehicle  
7 to be removed, such person shall be liable to the owner or  
8 lessee of the vehicle for the cost or removal, transportation  
9 and storage, any damages resulting from the removal,  
10 transportation and storage, attorney's fee and court costs.

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

14 11. Towing companies shall also provide insurance  
15 coverage for areas where vehicles towed under the  
16 provisions of this Chapter will be impounded or otherwise  
17 stored, and shall adequately cover loss by fire, theft or  
18 other risks.

19 Any person who fails to comply with the conditions and  
20 restrictions of this subsection shall be guilty of a Class C  
21 misdemeanor and shall be fined not less than \$100 nor more than  
22 \$500.

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

28 When a vehicle removal from either public or private  
29 property is authorized by a law enforcement agency, the owner  
30 of the vehicle shall be responsible for all towing and storage  
31 charges.

32 Vehicles removed from public or private property and stored  
33 by a commercial vehicle relocater or any other towing service  
34 in compliance with this Section and Sections 4-201 and 4-202 of

1 this Code, shall be subject to a possessor lien for services  
2 pursuant to "An Act concerning liens for labor, services, skill  
3 or materials furnished upon or storage furnished for chattels",  
4 filed July 24, 1941, as amended, and the provisions of Section  
5 1 of that Act relating to notice and implied consent shall be  
6 deemed satisfied by compliance with Section 18a-302 and  
7 subsection (6) of Section 18a-300. In no event shall such lien  
8 be greater than the rate or rates established in accordance  
9 with subsection (6) of Section 18a-200 of this Code. In no  
10 event shall such lien be increased or altered to reflect any  
11 charge for services or materials rendered in addition to those  
12 authorized by this Act. Every such lien shall be payable by use  
13 of any major credit card, in addition to being payable in cash.  
14 (Source: P.A. 90-738, eff. 1-1-99.)".