

1 AN ACT concerning transportation.

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 and 5-301 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. Except as otherwise provided in subparagraph
26 a.1 of this subdivision (f)5, the ~~The~~ notice must be
27 prominently placed at each driveway access or curb cut
28 allowing vehicular access to the property within 5 feet
29 from the public right-of-way line. If there are no
30 curbs or access barriers, the sign must be posted not
31 less than one sign each 100 feet of lot frontage.

32 a.1. In a municipality with a population of less
33 than 250,000, as an alternative to the requirement of
34 subparagraph a of this subdivision (f)5, the notice for
35 a parking lot contained within property used solely for
36 a 2-family, 3-family, or 4-family residence may be

1 prominently placed at the perimeter of the parking lot,
2 in a position where the notice is visible to the
3 occupants of vehicles entering the lot.

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

8 c. The notice must also provide the name and
9 current telephone number of the towing service towing
10 or removing the vehicle.

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

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

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

32 8. No removal of a vehicle from private property shall
33 be done except upon express written instructions of the
34 owners or persons in charge of the private property upon
35 which the vehicle is said to be trespassing.

36 9. Vehicle entry for the purpose of removal shall be

1 allowed with reasonable care on the part of the person or
2 firm towing the vehicle. Such person or firm shall be
3 liable for any damages occasioned to the vehicle if such
4 entry is not in accordance with the standards of reasonable
5 care.

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

20 This Section shall not apply to law enforcement,
21 firefighting, rescue, ambulance, or other emergency vehicles
22 which are marked as such or to property owned by any
23 governmental entity.

24 When an authorized person improperly causes a motor vehicle
25 to be removed, such person shall be liable to the owner or
26 lessee of the vehicle for the cost or removal, transportation
27 and storage, any damages resulting from the removal,
28 transportation and storage, attorney's fee and court costs.

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

32 11. Towing companies shall also provide insurance
33 coverage for areas where vehicles towed under the
34 provisions of this Chapter will be impounded or otherwise
35 stored, and shall adequately cover loss by fire, theft or
36 other risks.

1 Any person who fails to comply with the conditions and
2 restrictions of this subsection shall be guilty of a Class C
3 misdemeanor and shall be fined not less than \$100 nor more than
4 \$500.

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

10 When a vehicle removal from either public or private
11 property is authorized by a law enforcement agency, the owner
12 of the vehicle shall be responsible for all towing and storage
13 charges.

14 Vehicles removed from public or private property and stored
15 by a commercial vehicle relocater or any other towing service
16 in compliance with this Section and Sections 4-201 and 4-202 of
17 this Code, or at the request of the vehicle owner or operator,
18 shall be subject to a possessor lien for services pursuant to
19 the Labor and Storage Lien (Small Amount) Act. The provisions
20 of Section 1 of that Act relating to notice and implied consent
21 shall be deemed satisfied by compliance with Section 18a-302
22 and subsection (6) of Section 18a-300. In no event shall such
23 lien be greater than the rate or rates established in
24 accordance with subsection (6) of Section 18a-200 of this Code.
25 In no event shall such lien be increased or altered to reflect
26 any charge for services or materials rendered in addition to
27 those authorized by this Act. Every such lien shall be payable
28 by use of any major credit card, in addition to being payable
29 in cash.

30 Any personal property belonging to the vehicle owner in a
31 vehicle subject to a lien under this subsection (g) shall
32 likewise be subject to that lien, excepting only: food;
33 medicine; perishable property; any operator's licenses; any
34 cash, credit cards, or checks or checkbooks; and any wallet,
35 purse, or other property containing any operator's license or
36 other identifying documents or materials, cash, credit cards,

1 checks, or checkbooks.

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

6 (Source: P.A. 94-522, eff. 8-10-05.)

7 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

8 Sec. 5-301. Automotive parts recyclers, scrap processors,
9 repairers and rebuilders must be licensed.

10 (a) No person in this State shall, except as an incident to
11 the servicing of vehicles, carry on or conduct the business of
12 a automotive parts recyclers, a scrap processor, a repairer, or
13 a rebuilder, unless licensed to do so in writing by the
14 Secretary of State under this Section. No person shall rebuild
15 a salvage vehicle unless such person is licensed as a rebuilder
16 by the Secretary of State under this Section. Each license
17 shall be applied for and issued separately, except that a
18 license issued to a new vehicle dealer under Section 5-101 of
19 this Code shall also be deemed to be a repairer license.

20 (b) Any application filed with the Secretary of State,
21 shall be duly verified by oath, in such form as the Secretary
22 of State may by rule or regulation prescribe and shall contain:

23 1. The name and type of business organization of the
24 applicant and his principal or additional places of
25 business, if any, in this State.

26 2. The kind or kinds of business enumerated in
27 subsection (a) of this Section to be conducted at each
28 location.

29 3. If the applicant is a corporation, a list of its
30 officers, directors, and shareholders having a ten percent
31 or greater ownership interest in the corporation, setting
32 forth the residence address of each; if the applicant is a
33 sole proprietorship, a partnership, an unincorporated
34 association, a trust, or any similar form of business
35 organization, the names and residence address of the

1 proprietor or of each partner, member, officer, director,
2 trustee or manager.

3 4. A statement that the applicant's officers,
4 directors, shareholders having a ten percent or greater
5 ownership interest therein, proprietor, partner, member,
6 officer, director, trustee, manager, or other principals
7 in the business have not committed in the past three years
8 any one violation as determined in any civil or criminal or
9 administrative proceedings of any one of the following
10 Acts:

11 (a) The Anti Theft Laws of the Illinois Vehicle
12 Code;

13 (b) The "Certificate of Title Laws" of the Illinois
14 Vehicle Code;

15 (c) The "Offenses against Registration and
16 Certificates of Title Laws" of the Illinois Vehicle
17 Code;

18 (d) The "Dealers, Transporters, Wreckers and
19 Rebuilders Laws" of the Illinois Vehicle Code;

20 (e) Section 21-2 of the Criminal Code of 1961,
21 Criminal Trespass to Vehicles; or

22 (f) The Retailers Occupation Tax Act.

23 5. A statement that the applicant's officers,
24 directors, shareholders having a ten percent or greater
25 ownership interest therein, proprietor, partner, member,
26 officer, director, trustee, manager or other principals in
27 the business have not committed in any calendar year 3 or
28 more violations, as determined in any civil or criminal or
29 administrative proceedings, of any one or more of the
30 following Acts:

31 (a) The Consumer Finance Act;

32 (b) The Consumer Installment Loan Act;

33 (c) The Retail Installment Sales Act;

34 (d) The Motor Vehicle Retail Installment Sales
35 Act;

36 (e) The Interest Act;

1 (f) The Illinois Wage Assignment Act;

2 (g) Part 8 of Article XII of the Code of Civil
3 Procedure; or

4 (h) The Consumer Fraud Act.

5 6. An application for a license shall be accompanied by
6 the following fees: \$50 for applicant's established place
7 of business; \$25 for each additional place of business, if
8 any, to which the application pertains; provided, however,
9 that if such an application is made after June 15 of any
10 year, the license fee shall be \$25 for applicant's
11 established place of business plus \$12.50 for each
12 additional place of business, if any, to which the
13 application pertains. License fees shall be returnable
14 only in the event that such application shall be denied by
15 the Secretary of State.

16 7. A statement that the applicant understands Chapter 1
17 through Chapter 5 of this Code.

18 8. A statement that the applicant shall comply with
19 subsection (e) of this Section.

20 (c) Any change which renders no longer accurate any
21 information contained in any application for a license filed
22 with the Secretary of State shall be amended within 30 days
23 after the occurrence of such change on such form as the
24 Secretary of State may prescribe by rule or regulation,
25 accompanied by an amendatory fee of \$2.

26 (d) Anything in this chapter to the contrary,
27 notwithstanding, no person shall be licensed under this Section
28 unless such person shall maintain an established place of
29 business as defined in this Chapter.

30 (e) The Secretary of State shall within a reasonable time
31 after receipt thereof, examine an application submitted to him
32 under this Section and unless he makes a determination that the
33 application submitted to him does not conform with the
34 requirements of this Section or that grounds exist for a denial
35 of the application, as prescribed in Section 5-501 of this
36 Chapter, grant the applicant an original license as applied for

1 in writing for his established place of business and a
2 supplemental license in writing for each additional place of
3 business in such form as he may prescribe by rule or regulation
4 which shall include the following:

5 1. The name of the person licensed;

6 2. If a corporation, the name and address of its
7 officers or if a sole proprietorship, a partnership, an
8 unincorporated association or any similar form of business
9 organization, the name and address of the proprietor or of
10 each partner, member, officer, director, trustee or
11 manager;

12 3. A designation of the kind or kinds of business
13 enumerated in subsection (a) of this Section to be
14 conducted at each location;

15 4. In the case of an original license, the established
16 place of business of the licensee;

17 5. In the case of a supplemental license, the
18 established place of business of the licensee and the
19 additional place of business to which such supplemental
20 license pertains.

21 (f) The appropriate instrument evidencing the license or a
22 certified copy thereof, provided by the Secretary of State
23 shall be kept, posted, conspicuously in the established place
24 of business of the licensee and in each additional place of
25 business, if any, maintained by such licensee. The licensee
26 also shall post conspicuously in the established place of
27 business and in each additional place of business a notice
28 which states that such business is required to be licensed by
29 the Secretary of State under Section 5-301, and which provides
30 the license number of the business and the license expiration
31 date. This notice also shall advise the consumer that any
32 complaints as to the quality of service may be brought to the
33 attention of the Attorney General. The information required on
34 this notice also shall be printed conspicuously on all
35 estimates and receipts for work by the licensee subject to this
36 Section. The Secretary of State shall prescribe the specific

1 format of this notice.

2 (g) Except as provided in subsection (h) hereof, licenses
3 granted under this Section shall expire by operation of law on
4 December 31 of the calendar year for which they are granted
5 unless sooner revoked or cancelled under the provisions of
6 Section 5-501 of this Chapter.

7 (h) Any license granted under this Section may be renewed
8 upon application and payment of the fee required herein as in
9 the case of an original license, provided, however, that in
10 case an application for the renewal of an effective license is
11 made during the month of December, such effective license shall
12 remain in force until such application is granted or denied by
13 the Secretary of State.

14 (i) All automotive repairers and rebuilders shall, in
15 addition to the requirements of subsections (a) through (h) of
16 this Section, meet the following licensing requirements:

17 1. Provide proof that the property on which first time
18 applicants plan to do business is in compliance with local
19 zoning laws and regulations, and a listing of zoning
20 classification;

21 2. Provide proof that the applicant for a repairer's
22 license complies with the proper workers' compensation
23 rate code or classification, and listing the code of
24 classification for that industry;

25 3. Provide proof that the applicant for a rebuilder's
26 license complies with the proper workers' compensation
27 rate code or classification for the repair industry or the
28 auto parts recycling industry and listing the code of
29 classification;

30 4. Provide proof that the applicant has obtained or
31 applied for a hazardous waste generator number, and listing
32 the actual number if available or certificate of exemption;

33 5. Provide proof that applicant has proper liability
34 insurance, and listing the name of the insurer and the
35 policy number; and

36 6. Provide proof that the applicant has obtained or

1 applied for the proper State sales tax classification and
2 federal identification tax number, and listing the actual
3 numbers if available.

4 (i-1) All automotive repairers shall provide proof that
5 they comply with all requirements of the Automotive Collision
6 Repair Act.

7 (j) All automotive parts recyclers shall, in addition to
8 the requirements of subsections (a) through (h) of this
9 Section, meet the following licensing requirements:

10 1. A statement that the applicant purchases 5 vehicles
11 per year or has 5 hulks or chassis in stock;

12 2. Provide proof that the property on which all first
13 time applicants will do business does comply to the proper
14 local zoning laws in existence, and a listing of zoning
15 classifications;

16 3. Provide proof that applicant complies with the
17 proper workers' compensation rate code or classification,
18 and listing the code of classification; and

19 4. Provide proof that applicant has obtained or applied
20 for the proper State sales tax classification and federal
21 identification tax number, and listing the actual numbers
22 if available.

23 (Source: P.A. 89-189, eff. 1-1-96.)