

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.)