



Sen. Dave Syverson

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LRB094 15582 DRH 56366 a

1 AMENDMENT TO SENATE BILL 2233

2 AMENDMENT NO. _____. Amend Senate Bill 2233 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 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

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, or at the request of the vehicle owner or operator,
2 shall be subject to a possessor lien for services pursuant to
3 the Labor and Storage Lien (Small Amount) Act. The provisions
4 of Section 1 of that Act relating to notice and implied consent
5 shall be deemed satisfied by compliance with Section 18a-302
6 and subsection (6) of Section 18a-300. In no event shall such
7 lien be greater than the rate or rates established in
8 accordance with subsection (6) of Section 18a-200 of this Code.
9 In no event shall such lien be increased or altered to reflect
10 any charge for services or materials rendered in addition to
11 those authorized by this Act. Every such lien shall be payable
12 by use of any major credit card, in addition to being payable
13 in cash.

14 Any personal property belonging to the vehicle owner in a
15 vehicle subject to a lien under this subsection (g) shall
16 likewise be subject to that lien, excepting only: food;
17 medicine; perishable property; any operator's licenses; any
18 cash, credit cards, or checks or checkbooks; and any wallet,
19 purse, or other property containing any operator's license or
20 other identifying documents or materials, cash, credit cards,
21 checks, or checkbooks.

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

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