



Transportation and Motor Vehicles Committee

Filed: 3/11/2008

09500HB4694ham001

LRB095 18761 WGH 47969 a

1 AMENDMENT TO HOUSE BILL 4694

2 AMENDMENT NO. _____. Amend House Bill 4694 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 18d-105, 18d-115, and 18d-160 and by adding
6 Sections 18d-126, 18d-185, and 18d-190, and 18d-195 as follows:

7 (625 ILCS 5/18d-105)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 18d-105. Definitions. As used in this Chapter:

11 (1) "Commercial vehicle safety relocater" or "safety
12 relocater" means any person or entity engaged in the business
13 of removing damaged or disabled vehicles from public or private
14 property by means of towing or otherwise; however, the term
15 "commercial vehicle safety relocater" or the term "safety
16 relocater" does not include a person or entity licensed under

1 Section 5-101 of this Code, ~~and thereafter relocating and~~
2 ~~storing such vehicles.~~

3 (2) "Commission" means the Illinois Commerce Commission.

4 (Source: P.A. 95-562, eff. 7-1-08.)

5 (625 ILCS 5/18d-115)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 Sec. 18d-115. It shall be unlawful for any commercial
9 vehicle safety relocater to operate in any county in which this
10 Chapter is applicable without a valid, current safety
11 relocater's registration certificate issued by the Illinois
12 Commerce Commission. The Illinois Commerce Commission shall
13 issue safety relocater's registration certificates in
14 accordance with administrative rules adopted by the
15 Commission. The annual registration fee payable to the
16 Commission shall be \$800 for a safety relocater operating 3 or
17 fewer tow trucks, \$1,600 for a safety relocater operating at
18 least 4 but not more than 8 tow trucks, and \$3,000 for a safety
19 relocater operating 9 or more tow trucks. The Commission may,
20 at any time during the term of the registration certificate,
21 make inquiry, into the licensee's management or conduct of
22 business or otherwise, to determine that the provisions of this
23 Chapter and the rules of the Commission adopted under this
24 Chapter are being observed.

25 (Source: P.A. 95-562, eff. 7-1-08.)

1 (625 ILCS 5/18d-126 new)

2 Sec. 18d-126. Disclosures to persons other than vehicle
3 owner or operator. An authorization to tow a damaged or
4 disabled vehicle may be made by a person other than the vehicle
5 owner or operator if the disclosures required by Sections
6 18d-120 and 18d-125 of this Chapter are provided to the third
7 party authorizer.

8 (625 ILCS 5/18d-160)

9 (This Section may contain text from a Public Act with a
10 delayed effective date)

11 Sec. 18d-160. Unlawful practice. Any commercial vehicle
12 safety relocater engaged in the relocation or storage of
13 damaged or disabled vehicles who fails to comply with Sections
14 18d-115, 18d-120, 18d-125, 18d-130, 18d-135, ~~or~~ 18d-150, or
15 18d-185 of this Code commits an unlawful practice within the
16 meaning of the Consumer Fraud and Deceptive Business Practices
17 Act.

18 (Source: P.A. 95-562, eff. 7-1-08.)

19 (625 ILCS 5/18d-185 new)

20 Sec. 18d-185. Solicitation at the scene of an accident or
21 disablement. It is a violation of this Chapter for any towing
22 service, or any employee or agent of a towing service, to
23 solicit the owner or operator of a motor vehicle, or his or her

1 agent, at the scene of an accident or disablement to provide
2 towing, storage, or incidental services with respect to a
3 damaged or disabled vehicle.

4 (625 ILCS 5/18d-190 new)

5 Sec. 18d-190. Exemptions. The provisions of this Chapter do
6 not apply to:

7 (1) towing authorized by a law enforcement agency or
8 officer, as evidenced by a tow sheet issued by the law
9 enforcement agency or officer, or, if no tow sheet was
10 issued by the authorizing law enforcement agency or
11 officer, then evidenced by records of the safety relocater
12 showing the date and time of authorization, the department
13 or star or badge number of the officer from whom
14 authorization was received, and the incident report number
15 assigned by the law enforcement agency or officer, and
16 storage and incidental services related to such police
17 towing; or

18 (2) towing authorized by a written contract
19 establishing a predetermined cost of all relocation,
20 storage, and any other fees that the commercial vehicle
21 safety relocater will charge for its services.

22 (625 ILCS 5/18d-195 new)

23 Sec. 18d-195. No authority to make or promulgate rules.
24 Notwithstanding any other rulemaking authority that may exist,

1 neither the Governor nor any agency or agency head under the
2 jurisdiction of the Governor has any authority to make or
3 promulgate rules to implement or enforce the provisions of this
4 amendatory Act of the 95th General Assembly. If, however, the
5 Governor believes that rules are necessary to implement or
6 enforce the provisions of this amendatory Act of the 95th
7 General Assembly, the Governor may suggest rules to the General
8 Assembly by filing them with the Clerk of the House and
9 Secretary of the Senate and by requesting that the General
10 Assembly authorize such rulemaking by law, enact those
11 suggested rules into law, or take any other appropriate action
12 in the General Assembly's discretion. Nothing contained in this
13 amendatory Act of the 95th General Assembly shall be
14 interpreted to grant rulemaking authority under any other
15 Illinois statute where such authority is not otherwise
16 explicitly given. For the purposes of this Section, "rules" is
17 given the meaning contained in Section 1-70 of the Illinois
18 Administrative Procedure Act, and "agency" and "agency head"
19 are given the meanings contained in Sections 1-20 and 1-25 of
20 the Illinois Administrative Procedure Act to the extent that
21 such definitions apply to agencies or agency heads under the
22 jurisdiction of the Governor.

23 Section 10. The Consumer Fraud and Deceptive Business
24 Practices Act is amended by changing Section 2Z as follows:

1 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

2 (Text of Section before amendment by P.A. 95-562)

3 Sec. 2Z. Violations of other Acts. Any person who knowingly
4 violates the Automotive Repair Act, the Automotive Collision
5 Repair Act, the Home Repair and Remodeling Act, the Dance
6 Studio Act, the Physical Fitness Services Act, the Hearing
7 Instrument Consumer Protection Act, the Illinois Union Label
8 Act, the Job Referral and Job Listing Services Consumer
9 Protection Act, the Travel Promotion Consumer Protection Act,
10 the Credit Services Organizations Act, the Automatic Telephone
11 Dialers Act, the Pay-Per-Call Services Consumer Protection
12 Act, the Telephone Solicitations Act, the Illinois Funeral or
13 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
14 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
15 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
16 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
17 Act, the Payday Loan Reform Act, subsection (a) or (b) of
18 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
19 Act, the Internet Caller Identification Act, paragraph (6) of
20 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
21 Article 3 of the Residential Real Property Disclosure Act, the
22 Automatic Contract Renewal Act, or the Personal Information
23 Protection Act commits an unlawful practice within the meaning
24 of this Act.

25 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
26 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,

1 eff. 1-1-08.)

2 (Text of Section after amendment by P.A. 95-562)

3 Sec. 2Z. Violations of other Acts. Any person who knowingly
4 violates the Automotive Repair Act, the Automotive Collision
5 Repair Act, the Home Repair and Remodeling Act, the Dance
6 Studio Act, the Physical Fitness Services Act, the Hearing
7 Instrument Consumer Protection Act, the Illinois Union Label
8 Act, the Job Referral and Job Listing Services Consumer
9 Protection Act, the Travel Promotion Consumer Protection Act,
10 the Credit Services Organizations Act, the Automatic Telephone
11 Dialers Act, the Pay-Per-Call Services Consumer Protection
12 Act, the Telephone Solicitations Act, the Illinois Funeral or
13 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
14 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
15 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
16 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
17 Act, the Payday Loan Reform Act, subsection (a) or (b) of
18 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
19 Act, the Internet Caller Identification Act, paragraph (6) of
20 subsection (k) of Section 6-305 of the Illinois Vehicle Code,
21 Section 18d-115, 18d-120, 18d-125, 18d-135, ~~or~~ 18d-150, or
22 18d-185 of the Illinois Vehicle Code, Article 3 of the
23 Residential Real Property Disclosure Act, the Automatic
24 Contract Renewal Act, or the Personal Information Protection
25 Act commits an unlawful practice within the meaning of this

1 Act.

2 Notwithstanding any other rulemaking authority that may
3 exist, neither the Governor nor any agency or agency head under
4 the jurisdiction of the Governor has any authority to make or
5 promulgate rules to implement or enforce the provisions of this
6 amendatory Act of the 95th General Assembly. If, however, the
7 Governor believes that rules are necessary to implement or
8 enforce the provisions of this amendatory Act of the 95th
9 General Assembly, the Governor may suggest rules to the General
10 Assembly by filing them with the Clerk of the House and
11 Secretary of the Senate and by requesting that the General
12 Assembly authorize such rulemaking by law, enact those
13 suggested rules into law, or take any other appropriate action
14 in the General Assembly's discretion. Nothing contained in this
15 amendatory Act of the 95th General Assembly shall be
16 interpreted to grant rulemaking authority under any other
17 Illinois statute where such authority is not otherwise
18 explicitly given. For the purposes of this Section, "rules" is
19 given the meaning contained in Section 1-70 of the Illinois
20 Administrative Procedure Act, and "agency" and "agency head"
21 are given the meanings contained in Sections 1-20 and 1-25 of
22 the Illinois Administrative Procedure Act to the extent that
23 such definitions apply to agencies or agency heads under the
24 jurisdiction of the Governor.

25 (Source: P.A. 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280,
26 eff. 1-1-06; 94-292, eff. 1-1-06; 94-822, eff. 1-1-07; 95-413,

1 eff. 1-1-08; 95-562, eff. 7-1-08; revised 10-17-07.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 999. Effective date. This Act takes effect July 1,
10 2008.".