

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 4-213, 11-402, 11-404, and 18a-105 as follows:

6 (625 ILCS 5/4-213) (from Ch. 95 1/2, par. 4-213)

7 Sec. 4-213. Liability of law enforcement officers,
8 agencies, and towing services.

9 (a) A law enforcement officer or agency, a department of
10 municipal government designated under Section 4-212.1 or its
11 officers or employees, or a towing service owner, operator, or
12 employee shall not be held to answer or be liable for damages
13 in any action brought by the registered owner, former
14 registered owner, or his legal representative, lienholder or
15 any other person legally entitled to the possession of a
16 vehicle when the vehicle was processed and sold or disposed of
17 as provided by this Chapter.

18 (b) A towing service, and any of its officers or employees,
19 that removes or tows a vehicle as a result of being directed to
20 do so by a law enforcement officer or agency or a department of
21 municipal government or its officers or employees shall not be
22 held to answer or be liable for ~~injury to,~~ loss of ~~7~~ or damages
23 to any real or personal property that occurs in the course of

1 the removal or towing of a vehicle or its contents (i) on a
2 limited access highway in a designated Incident Management
3 Program that uses fast lane clearance techniques as defined by
4 the Department of Transportation or (ii) at the direction of a
5 peace officer, a highway authority official, or a
6 representative of local authorities, under Section 11-402 or
7 11-404 of this Code.

8 (Source: P.A. 89-433, eff. 12-15-95.)

9 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

10 Sec. 11-402. Motor vehicle accident involving damage to
11 vehicle.

12 (a) The driver of any vehicle involved in a motor vehicle
13 accident resulting only in damage to a vehicle which is driven
14 or attended by any person shall immediately stop such vehicle
15 at the scene of such motor vehicle accident or as close thereto
16 as possible, but shall forthwith return to and in every event
17 shall remain at the scene of such motor vehicle accident until
18 the requirements of Section 11-403 have been fulfilled. Every
19 such stop shall be made without obstructing traffic more than
20 is necessary. If a damaged vehicle is obstructing traffic
21 lanes, the driver of the vehicle must make every reasonable
22 effort to move the vehicle or have it moved so as not to block
23 the traffic lanes.

24 Any person failing to comply with this Section shall be
25 guilty of a Class A misdemeanor.

1 (b) Upon conviction of a violation of this Section, the
2 court shall make a finding as to whether the damage to a
3 vehicle is in excess of \$1,000, and in such case a statement of
4 this finding shall be reported to the Secretary of State with
5 the report of conviction as required by Section 6-204 of this
6 Code. Upon receipt of such report of conviction and statement
7 of finding that the damage to a vehicle is in excess of \$1,000,
8 the Secretary of State shall suspend the driver's license or
9 any nonresident's driving privilege.

10 (c) If any peace officer or highway authority official
11 finds (i) a vehicle standing upon a highway or toll highway in
12 violation of a prohibition, limitation, or restriction on
13 stopping, standing, or parking imposed under this Code or (ii)
14 a disabled vehicle that obstructs the roadway of a highway or
15 toll highway, the peace officer or highway authority official
16 is authorized to move the vehicle or to require the operator of
17 the vehicle to move the vehicle to the shoulder of the road, to
18 a position where parking is permitted, or to public parking or
19 storage premises. The removal may be performed by, or under the
20 direction of, the peace officer or highway authority official
21 or may be contracted for by local authorities. After the
22 vehicle has been removed, the peace officer or highway
23 authority official shall follow appropriate procedures, as
24 provided in Section 4-203 of this Code.

25 (d) A towing service, its officers, and its employees are
26 not liable for loss of or damages to any real or personal

1 property that occurs as the result of the removal or towing of
2 any vehicle under subsection (c), as provided in subsection (b)
3 of Section 4-213.

4 (Source: P.A. 83-831.)

5 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

6 Sec. 11-404. Duty upon damaging unattended vehicle or other
7 property.

8 (a) The driver of any vehicle which collides with or is
9 involved in a motor vehicle accident with any vehicle which is
10 unattended, or other property, resulting in any damage to such
11 other vehicle or property shall immediately stop and shall then
12 and there either locate and notify the operator or owner of
13 such vehicle or other property of the driver's name, address,
14 registration number and owner of the vehicle the driver was
15 operating or shall attach securely in a conspicuous place on or
16 in the vehicle or other property struck a written notice giving
17 the driver's name, address, registration number and owner of
18 the vehicle the driver was driving and shall without
19 unnecessary delay notify the nearest office of a duly
20 authorized police authority and shall make a written report of
21 such accident when and as required in Section 11-406. Every
22 such stop shall be made without obstructing traffic more than
23 is necessary. If a damaged vehicle is obstructing traffic
24 lanes, the driver of the vehicle must make every reasonable
25 effort to move the vehicle or have it moved so as not to block

1 the traffic lanes.

2 (b) Any person failing to comply with this Section shall be
3 guilty of a Class A misdemeanor.

4 (c) If any peace officer or highway authority official
5 finds (i) a vehicle standing upon a highway or toll highway in
6 violation of a prohibition, limitation, or restriction on
7 stopping, standing, or parking imposed under this Code or (ii)
8 a disabled vehicle that obstructs the roadway of a highway or
9 toll highway, the peace officer or highway authority official
10 is authorized to move the vehicle or to require the operator of
11 the vehicle to move the vehicle to the shoulder of the road, to
12 a position where parking is permitted, or to public parking or
13 storage premises. The removal may be performed by, or under the
14 direction of, the peace officer or highway authority official
15 or may be contracted for by local authorities. After the
16 vehicle has been removed, the peace officer or highway
17 authority official shall follow appropriate procedures, as
18 provided in Section 4-203 of this Code.

19 (d) A towing service, its officers, and its employees are
20 not liable for loss of or damages to any real or personal
21 property that occurs as the result of the removal or towing of
22 any vehicle under subsection (c), as provided in subsection (b)
23 of Section 4-213.

24 (Source: P.A. 83-831.)

25 (625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

1 Sec. 18a-105. Exemptions. This Chapter shall not apply to
2 the relocation of motorcycles.†

3 ~~(1) Vehicles registered for a gross weight in excess of~~
4 ~~10,000 pounds, or if the vehicle is not registered, with a~~
5 ~~gross weight in excess of 10,000 pounds including vehicle~~
6 ~~weight and maximum load; or~~

7 ~~(2) Motorcycles.~~

8 Such relocation shall be governed by the provisions of
9 Section 4-203 of this Code.

10 (Source: P.A. 85-923.)