



Rep. Kevin A. McCarthy

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LRB095 10586 DRH 36893 a

1 AMENDMENT TO SENATE BILL 435

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 435, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Sections 1-100, 4-203, and 18a-105 and by adding  
7 Chapter 18d as follows:

8 (625 ILCS 5/1-100) (from Ch. 95 1/2, par. 1-100)

9 Sec. 1-100. Short Title. This Act may be cited as the  
10 Illinois Vehicle Code.

11 Portions of this Act may likewise be cited by a short title  
12 as follows:

13 Chapters 2, 3, 4 and 5: the Illinois Vehicle Title &  
14 Registration Law.

15 Chapter 6: the Illinois Driver Licensing Law.

16 Chapter 7: the Illinois Safety and Family Financial

1 Responsibility Law.

2 Chapter 11: the Illinois Rules of the Road.

3 Chapter 12: the Illinois Vehicle Equipment Law.

4 Chapter 13: the Illinois Vehicle Inspection Law.

5 Chapter 14: the Illinois Vehicle Equipment Safety Compact.

6 Chapter 15: the Illinois Size and Weight Law.

7 Chapter 17: the Illinois Highway Safety Law.

8 Chapter 18a: the Illinois Commercial Relocation of  
9 Trespassing Vehicles Law.

10 Chapter 18b: the Illinois Motor Carrier Safety Law.

11 Chapter 18c: the Illinois Commercial Transportation Law.

12 Chapter 18d: The Illinois Commercial Safety Towing Law.

13 (Source: P.A. 89-92, eff. 7-1-96.)

14 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

15 Sec. 4-203. Removal of motor vehicles or other vehicles;  
16 Towing or hauling away.

17 (a) When a vehicle is abandoned, or left unattended, on a  
18 toll highway, interstate highway, or expressway for 2 hours or  
19 more, its removal by a towing service may be authorized by a  
20 law enforcement agency having jurisdiction.

21 (b) When a vehicle is abandoned on a highway in an urban  
22 district 10 hours or more, its removal by a towing service may  
23 be authorized by a law enforcement agency having jurisdiction.

24 (c) When a vehicle is abandoned or left unattended on a  
25 highway other than a toll highway, interstate highway, or

1 expressway, outside of an urban district for 24 hours or more,  
2 its removal by a towing service may be authorized by a law  
3 enforcement agency having jurisdiction.

4 (d) When an abandoned, unattended, wrecked, burned or  
5 partially dismantled vehicle is creating a traffic hazard  
6 because of its position in relation to the highway or its  
7 physical appearance is causing the impeding of traffic, its  
8 immediate removal from the highway or private property adjacent  
9 to the highway by a towing service may be authorized by a law  
10 enforcement agency having jurisdiction.

11 (e) Whenever a peace officer reasonably believes that a  
12 person under arrest for a violation of Section 11-501 of this  
13 Code or a similar provision of a local ordinance is likely,  
14 upon release, to commit a subsequent violation of Section  
15 11-501, or a similar provision of a local ordinance, the  
16 arresting officer shall have the vehicle which the person was  
17 operating at the time of the arrest impounded for a period of  
18 not more than 12 hours after the time of arrest. However, such  
19 vehicle may be released by the arresting law enforcement agency  
20 prior to the end of the impoundment period if:

21 (1) the vehicle was not owned by the person under  
22 arrest, and the lawful owner requesting such release  
23 possesses a valid operator's license, proof of ownership,  
24 and would not, as determined by the arresting law  
25 enforcement agency, indicate a lack of ability to operate a  
26 motor vehicle in a safe manner, or who would otherwise, by

1 operating such motor vehicle, be in violation of this Code;  
2 or

3 (2) the vehicle is owned by the person under arrest,  
4 and the person under arrest gives permission to another  
5 person to operate such vehicle, provided however, that the  
6 other person possesses a valid operator's license and would  
7 not, as determined by the arresting law enforcement agency,  
8 indicate a lack of ability to operate a motor vehicle in a  
9 safe manner or who would otherwise, by operating such motor  
10 vehicle, be in violation of this Code.

11 (e-5) Whenever a registered owner of a vehicle is taken  
12 into custody for operating the vehicle in violation of Section  
13 11-501 of this Code or a similar provision of a local ordinance  
14 or Section 6-303 of this Code, a law enforcement officer may  
15 have the vehicle immediately impounded for a period not less  
16 than:

17 (1) 24 hours for a second violation of Section 11-501  
18 of this Code or a similar provision of a local ordinance or  
19 Section 6-303 of this Code or a combination of these  
20 offenses; or

21 (2) 48 hours for a third violation of Section 11-501 of  
22 this Code or a similar provision of a local ordinance or  
23 Section 6-303 of this Code or a combination of these  
24 offenses.

25 The vehicle may be released sooner if the vehicle is owned  
26 by the person under arrest and the person under arrest gives

1 permission to another person to operate the vehicle and that  
2 other person possesses a valid operator's license and would  
3 not, as determined by the arresting law enforcement agency,  
4 indicate a lack of ability to operate a motor vehicle in a safe  
5 manner or would otherwise, by operating the motor vehicle, be  
6 in violation of this Code.

7 (f) Except as provided in Chapter 18a of this Code, the  
8 owner or lessor of privately owned real property within this  
9 State, or any person authorized by such owner or lessor, or any  
10 law enforcement agency in the case of publicly owned real  
11 property may cause any motor vehicle abandoned or left  
12 unattended upon such property without permission to be removed  
13 by a towing service without liability for the costs of removal,  
14 transportation or storage or damage caused by such removal,  
15 transportation or storage. The towing or removal of any vehicle  
16 from private property without the consent of the registered  
17 owner or other legally authorized person in control of the  
18 vehicle is subject to compliance with the following conditions  
19 and restrictions:

20 1. Any towed or removed vehicle must be stored at the  
21 site of the towing service's place of business. The site  
22 must be open during business hours, and for the purpose of  
23 redemption of vehicles, during the time that the person or  
24 firm towing such vehicle is open for towing purposes.

25 2. The towing service shall within 30 minutes of  
26 completion of such towing or removal, notify the law

1 enforcement agency having jurisdiction of such towing or  
2 removal, and the make, model, color and license plate  
3 number of the vehicle, and shall obtain and record the name  
4 of the person at the law enforcement agency to whom such  
5 information was reported.

6 3. If the registered owner or legally authorized person  
7 entitled to possession of the vehicle shall arrive at the  
8 scene prior to actual removal or towing of the vehicle, the  
9 vehicle shall be disconnected from the tow truck and that  
10 person shall be allowed to remove the vehicle without  
11 interference, upon the payment of a reasonable service fee  
12 of not more than one half the posted rate of the towing  
13 service as provided in paragraph 6 of this subsection, for  
14 which a receipt shall be given.

15 4. The rebate or payment of money or any other valuable  
16 consideration from the towing service or its owners,  
17 managers or employees to the owners or operators of the  
18 premises from which the vehicles are towed or removed, for  
19 the privilege of removing or towing those vehicles, is  
20 prohibited. Any individual who violates this paragraph  
21 shall be guilty of a Class A misdemeanor.

22 5. Except for property appurtenant to and obviously a  
23 part of a single family residence, and except for instances  
24 where notice is personally given to the owner or other  
25 legally authorized person in control of the vehicle that  
26 the area in which that vehicle is parked is reserved or

1 otherwise unavailable to unauthorized vehicles and they  
2 are subject to being removed at the owner or operator's  
3 expense, any property owner or lessor, prior to towing or  
4 removing any vehicle from private property without the  
5 consent of the owner or other legally authorized person in  
6 control of that vehicle, must post a notice meeting the  
7 following requirements:

8 a. Except as otherwise provided in subparagraph  
9 a.1 of this subdivision (f)5, the notice must be  
10 prominently placed at each driveway access or curb cut  
11 allowing vehicular access to the property within 5 feet  
12 from the public right-of-way line. If there are no  
13 curbs or access barriers, the sign must be posted not  
14 less than one sign each 100 feet of lot frontage.

15 a.1. In a municipality with a population of less  
16 than 250,000, as an alternative to the requirement of  
17 subparagraph a of this subdivision (f)5, the notice for  
18 a parking lot contained within property used solely for  
19 a 2-family, 3-family, or 4-family residence may be  
20 prominently placed at the perimeter of the parking lot,  
21 in a position where the notice is visible to the  
22 occupants of vehicles entering the lot.

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

1           c. The notice must also provide the name and  
2           current telephone number of the towing service towing  
3           or removing the vehicle.

4           d. The sign structure containing the required  
5           notices must be permanently installed with the bottom  
6           of the sign not less than 4 feet above ground level,  
7           and must be continuously maintained on the property for  
8           not less than 24 hours prior to the towing or removing  
9           of any vehicle.

10          6. Any towing service that tows or removes vehicles and  
11          proposes to require the owner, operator, or person in  
12          control of the vehicle to pay the costs of towing and  
13          storage prior to redemption of the vehicle must file and  
14          keep on record with the local law enforcement agency a  
15          complete copy of the current rates to be charged for such  
16          services, and post at the storage site an identical rate  
17          schedule and any written contracts with property owners,  
18          lessors, or persons in control of property which authorize  
19          them to remove vehicles as provided in this Section. The  
20          towing and storage charges, however, shall not exceed the  
21          maximum allowed by the Illinois Commerce Commission under  
22          Section 18a-200.

23          7. No person shall engage in the removal of vehicles  
24          from private property as described in this Section without  
25          filing a notice of intent in each community where he  
26          intends to do such removal, and such notice shall be filed



1 at least 7 days before commencing such towing.

2 8. No removal of a vehicle from private property shall  
3 be done except upon express written instructions of the  
4 owners or persons in charge of the private property upon  
5 which the vehicle is said to be trespassing.

6 9. Vehicle entry for the purpose of removal shall be  
7 allowed with reasonable care on the part of the person or  
8 firm towing the vehicle. Such person or firm shall be  
9 liable for any damages occasioned to the vehicle if such  
10 entry is not in accordance with the standards of reasonable  
11 care.

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

26 This Section shall not apply to law enforcement,

1 firefighting, rescue, ambulance, or other emergency vehicles  
2 which are marked as such or to property owned by any  
3 governmental entity.

4 When an authorized person improperly causes a motor vehicle  
5 to be removed, such person shall be liable to the owner or  
6 lessee of the vehicle for the cost or removal, transportation  
7 and storage, any damages resulting from the removal,  
8 transportation and storage, attorney's fee and court costs.

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

12 11. Towing companies shall also provide insurance  
13 coverage for areas where vehicles towed under the  
14 provisions of this Chapter will be impounded or otherwise  
15 stored, and shall adequately cover loss by fire, theft or  
16 other risks.

17 Any person who fails to comply with the conditions and  
18 restrictions of this subsection shall be guilty of a Class C  
19 misdemeanor and shall be fined not less than \$100 nor more than  
20 \$500.

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

26 When a vehicle removal from either public or private

1 property is authorized by a law enforcement agency, the owner  
2 of the vehicle shall be responsible for all towing and storage  
3 charges.

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

20 Any personal property belonging to the vehicle owner in a  
21 vehicle subject to a lien under this subsection (g) shall  
22 likewise be subject to that lien, excepting only: food;  
23 medicine; perishable property; any operator's licenses; any  
24 cash, credit cards, or checks or checkbooks; and any wallet,  
25 purse, or other property containing any operator's license or  
26 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; 94-784, eff. 1-1-07.)

7 (625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

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

10 ~~(1) Vehicles registered for a gross weight in excess of~~  
11 ~~10,000 pounds, or if the vehicle is not registered, with a~~  
12 ~~gross weight in excess of 10,000 pounds including vehicle~~  
13 ~~weight and maximum load; or~~

14 ~~(2) Motorcycles.~~

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

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

18 (625 ILCS 5/Chapter 18d heading new)

19 CHAPTER 18d. ILLINOIS COMMERCIAL SAFETY TOWING LAW

20 (625 ILCS 5/18d-101 new)

21 Sec. 18d-101. Short title. This Chapter may be cited as the  
22 Illinois Commercial Safety Towing Law.

1 (625 ILCS 5/18d-105 new)

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

3 (1) "Commercial vehicle safety relocater" or "safety  
4 relocater" means any person or entity engaged in the business  
5 of removing damaged or disabled vehicles from public or private  
6 property by means of towing or otherwise, and thereafter  
7 relocating and storing such vehicles.

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

9 (625 ILCS 5/18d-110 new)

10 Sec. 18d-110. The General Assembly finds and declares that  
11 commercial vehicle towing service in the State of Illinois  
12 fundamentally affects the public interest and public welfare.  
13 It is the intent of the General Assembly, in this amendatory  
14 Act of the 95th General Assembly, to promote the public  
15 interest and the public welfare by requiring similar basic  
16 consumer protections and fraud prevention measures that are  
17 required of other marketplace participants, including the  
18 disclosure of material terms and conditions of the service to  
19 consumers before consumers accept the terms and conditions. The  
20 General Assembly also intends that the provisions in this  
21 amendatory Act of the 95th General Assembly promote safety for  
22 all persons and vehicles that travel or otherwise use the  
23 public highways of this State. The General Assembly finds that  
24 it is in the public interest that persons whose vehicles are  
25 towed from the public highways know important basic

1 information, such as where they can retrieve their vehicles and  
2 the cost to retrieve their vehicles, so that they can avoid  
3 vehicle deterioration and arrange for a prompt repair of the  
4 vehicles.

5 (625 ILCS 5/18d-115 new)

6 Sec. 18d-115. It shall be unlawful for any commercial  
7 vehicle safety relocater to operate in any county in which this  
8 chapter is applicable without a valid, current safety  
9 relocater's registration certificate issued by the Illinois  
10 Commerce Commission. The Illinois Commerce Commission shall  
11 issue safety relocater's registration certificates in  
12 accordance with administrative rules adopted by the  
13 Commission. The Commission may, at any time during the term of  
14 the registration certificate, make inquiry, into the  
15 licensee's management or conduct of business or otherwise, to  
16 determine that the provisions of this Chapter and the rules of  
17 the Commission adopted under this Chapter are being observed.

18 (625 ILCS 5/18d-120 new)

19 Sec. 18d-120. Disclosure to vehicle owner or operator  
20 before towing of damaged or disabled vehicle commences.

21 (a) A commercial vehicle safety relocater shall not  
22 commence the towing of a damaged or disabled vehicle without  
23 specific authorization from the vehicle owner or operator after  
24 the disclosures set forth in this Section.

1       (b) Every commercial vehicle safety relocater shall,  
2 before towing a damaged or disabled vehicle, give to each  
3 vehicle owner or operator a written disclosure providing:

4           (1) The formal business name of the commercial vehicle  
5 Safety relocater, as registered with the Illinois  
6 Secretary of State, and its business address and telephone  
7 number.

8           (2) The address of the location to which the vehicle  
9 shall be relocated.

10          (3) The cost of all relocation, storage, and any other  
11 fees, without limitation, that the commercial vehicle  
12 safety relocater will charge for its services.

13          (4) An itemized description of the vehicle owner or  
14 operator's rights under this Code, as follows:

15       "As a customer, you also have the following rights under  
16 Illinois law:

17           (1) This written disclosure must be provided to you  
18 before your vehicle is towed, providing the business name,  
19 business address, address where the vehicle will be towed,  
20 and a reliable telephone number;

21           (2) Before towing, you must be advised of the price of  
22 all services;

23           (3) Upon your demand, a final invoice itemizing all  
24 charges, as well as any damage to the vehicle upon its  
25 receipt and return to you, must be provided;

26           (4) Upon your demand, your vehicle must be returned

1 during business hours, upon your prompt payment of all  
2 reasonable fees;

3 (5) You have the right to pay all charges in cash or by  
4 major credit card;

5 (6) Upon your demand, you must be provided with proof  
6 of the existence of mandatory insurance insuring against  
7 all risks associated with the transportation and storage of  
8 your vehicle."

9 (c) The commercial vehicle safety relocater shall provide a  
10 copy of the completed disclosure required by this Section to  
11 the vehicle owner or operator, before towing the damaged or  
12 disabled vehicle, and shall maintain an identical copy of the  
13 completed disclosure in its records for a minimum of 5 years  
14 after the transaction concludes.

15 (d) If the vehicle owner or operator is incapacitated,  
16 incompetent, or otherwise unable to knowingly accept receipt of  
17 the disclosure described in this Section, the commercial  
18 vehicle safety relocater shall provide a completed copy of the  
19 disclosure to local law enforcement and, if known, the vehicle  
20 owner or operator's automobile insurance company.

21 (e) If the commercial vehicle safety relocater fails to  
22 comply with the requirements of this Section, the commercial  
23 vehicle safety relocater shall be prohibited from seeking any  
24 compensation whatsoever from the vehicle owner or operator,  
25 including but not limited to any towing, storage, or other  
26 incidental fees. Furthermore, if the commercial vehicle Safety



1 relocator or operator fails to comply with the requirements of  
2 this Section, any contracts entered into by the commercial  
3 Vehicle safety relocator and the vehicle owner or operator  
4 shall be deemed null, void, and unenforceable.

5 (625 ILCS 5/18d-125 new)

6 Sec. 18d-125. Disclosures to vehicle owners or operators;  
7 invoices.

8 (a) Upon demand of the vehicle owner or operator, the  
9 commercial vehicle safety relocator shall provide an itemized  
10 final invoice that fairly and accurately documents the charges  
11 owed by the vehicle owner or operator for relocation of damaged  
12 or disabled vehicles. The final estimate or invoice shall  
13 accurately record in writing all of the items set forth in this  
14 Section.

15 (b) The final invoice shall show the formal business name  
16 of the commercial vehicle safety relocator, as registered with  
17 the Illinois Secretary of State, its business address and  
18 telephone number, the date of the invoice, the odometer reading  
19 at the time the final invoice was prepared, the name of the  
20 vehicle owner or operator, and the description of the motor  
21 vehicle, including the motor vehicle identification number. In  
22 addition, the invoice shall describe any modifications made to  
23 the vehicle by the commercial vehicle safety relocator, any  
24 observable damage to the vehicle upon its initial receipt by  
25 the commercial vehicle safety relocator, and any observable

1 damage to the vehicle at the time of its release to the vehicle  
2 owner or operator. The invoice shall itemize any additional  
3 charges and include those charges in the total presented to the  
4 vehicle owner or operator.

5 (c) A legible copy of the invoice shall be given to the  
6 vehicle owner or operator, and a legible copy shall be retained  
7 by the collision repair facility for a period of 5 years from  
8 the date of release of the vehicle. The copy may be retained in  
9 electronic format. Records may be stored at a separate  
10 location.

11 (d) Disclosure forms required in accordance with this  
12 Section 18d-120 must be approved by the Commission.

13 (625 ILCS 5/18d-130 new)

14 Sec. 18d-130. Disclosures to vehicle owners or operators;  
15 required signs. Every commercial vehicle safety relocater's  
16 storage facility that relocates or stores damaged or disabled  
17 vehicles shall post, in a prominent place on the business  
18 premises, one or more signs, readily visible to customers, in  
19 the following form:

20 YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:

21 1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME  
22 OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND  
23 TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO  
24 BE TOWED.

25 2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE

1           TOWING AND STORAGE OF YOUR VEHICLE.

2           3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A  
3           FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR  
4           ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE  
5           IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE  
6           TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE  
7           VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.

8           4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS  
9           RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL  
10          REASONABLE FEES.

11          5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD.

12          6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF  
13          INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR  
14          MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR  
15          VEHICLE IN TRANSIT AND WHILE IN STORAGE. IF THE COMMERCIAL  
16          VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE  
17          RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM  
18          THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE  
19          COMMERCIAL VEHICLE RELOCATOR.

20          The first line of each sign shall be in letters not less  
21          than 1.5 inches in height, and the remaining lines shall be in  
22          letters not less than one-half inch in height.

23           (625 ILCS 5/18d-135 new)

24          Sec. 18d-135. Record keeping. Every commercial vehicle  
25          safety locator engaged in relocation or storage of damaged or

1 disabled vehicles shall maintain copies of (i) all disclosures  
2 provided to vehicle owners or operators as required under this  
3 Chapter and (ii) all invoices provided to vehicle owners or  
4 operators as required under this Chapter. The copies may be  
5 maintained in an electronic format, shall be kept for 5 years,  
6 and shall be available for inspection by the Illinois Commerce  
7 Commission.

8 Failure to provide requested documentation to the Illinois  
9 Commerce Commission within 3 business days of a request  
10 received from the Illinois Commerce Commission shall subject  
11 the commercial vehicle safety relocater to penalties imposed by  
12 the Illinois Commercial Commission. Penalties may include  
13 suspension of registration certificate and monetary fines up to  
14 \$1,000 for each violation.

15 (625 ILCS 5/18d-140 new)

16 Sec. 18d-140. Any vehicle used in connection with any  
17 commercial vehicle safety relocation service must have painted  
18 or firmly affixed to the vehicle on both sides of the vehicle  
19 in a color or colors vividly contrasting to the color of the  
20 vehicle the name, address, and telephone number of the safety  
21 relocater. The Commission shall prescribe reasonable rules and  
22 regulations pertaining to insignia to be painted or firmly  
23 affixed to vehicles.

24 (625 ILCS 5/18d-145 new)

1       Sec. 18d-145. Any vehicle used in connection with any  
2 commercial vehicle safety relocation service must carry in the  
3 power unit of the vehicle a certified copy of the currently  
4 effective safety relocater's registration certificate. Copies  
5 may be photographed, photocopied, or reproduced or printed by  
6 any other legible and durable process. Any person guilty of not  
7 causing to be displayed a copy of the safety relocater's  
8 registration certificate may in any hearing concerning the  
9 violation be excused from the payment of the penalty  
10 hereinafter provided upon a showing that the registration  
11 certificate was issued by the Commission, but was subsequently  
12 lost or destroyed.

13           (625 ILCS 5/18d-150 new)

14       Sec. 18d-150. Waiver or limitation of liability  
15 prohibited.

16       (a) Commercial vehicle safety relocators engaged in the  
17 relocation or storage of damaged or disabled vehicles shall be  
18 prohibited from including a clause in contracts for the  
19 relocation or storage of vehicles purporting to waive or limit  
20 the commercial vehicle safety relocater's liability under this  
21 Code, in tort or contract, or under any other cognizable cause  
22 of action available to the vehicle owner or operator.

23       (b) Commercial vehicle safety relocators are prohibited  
24 from requiring the vehicle owner or operator to sign or agree  
25 to any document purporting to waive or limit the commercial

1 vehicle safety relocater's liability under this Code, in tort  
2 or contract, or under any other cognizable cause of action  
3 available to the vehicle owner or operator.

4 (c) Any contract, release, or other document purporting to  
5 waive or limit the commercial vehicle safety relocater's  
6 liability under this Code, in tort or contract, or under any  
7 other cognizable cause of action available to the vehicle owner  
8 or operator, shall be deemed null, void, and unenforceable.

9 (625 ILCS 5/18d-155 new)

10 Sec. 18d-155. The Illinois Commerce Commission may request  
11 documentation or investigate business practices by a  
12 commercial vehicle safety relocater to determine compliance  
13 with this Chapter. Failure to comply with any Section of this  
14 Chapter, as determined by the Illinois Commerce Commission  
15 shall subject a commercial vehicle safety relocater to  
16 penalties imposed by the Illinois Commercial Commission.  
17 Penalties may include suspension of registration certificate  
18 and monetary fines up to \$1,000 for each violation.

19 (625 ILCS 5/18d-160 new)

20 Sec. 18d-160. Unlawful practice. Any commercial vehicle  
21 Safety relocater engaged in the relocation or storage of  
22 damaged or disabled vehicles who fails to comply with Sections  
23 18d-115, 18d-120, 18d-125, 18d-130, 18d-135, or 18d-150 of this  
24 Code commits an unlawful practice within the meaning of the

1 Consumer Fraud and Deceptive Business Practices Act.

2 (625 ILCS 5/18d-165 new)

3 Sec. 18d-165. Charges payable in cash or by major credit  
4 card. Any towing or storage charges accrued by the vehicle  
5 owner or operator shall be payable by the use of any major  
6 credit card, in addition to being payable in cash.

7 (625 ILCS 5/18d-170 new)

8 Sec. 18d-170. Mandatory insurance coverage.

9 (a) A commercial vehicle safety relocater shall provide  
10 insurance coverage for all risks associated with the  
11 transportation of vehicles towed under this Chapter, as well as  
12 for areas where vehicles towed under this Chapter are impounded  
13 or otherwise stored, and shall adequately cover loss by fire,  
14 theft, or other risks.

15 (b) Upon the demand of the vehicle owner or operator, a  
16 commercial vehicle safety relocater shall promptly supply  
17 proof of the existence of this insurance.

18 (c) Any person who fails to comply with the conditions and  
19 restrictions of this subsection shall be fined not less than  
20 \$100 nor more than \$500.

21 (625 ILCS 5/18d-175 new)

22 Sec. 18d-175. Disposition of funds. All fees and fines  
23 collected by the Commission under this Chapter shall be paid

1 into the Transportation Regulatory Fund in the State Treasury.  
2 The money in that fund shall be used to defray the expenses of  
3 the administration of this Chapter.

4 (625 ILCS 5/18d-180 new)

5 Sec. 18d-180. The provisions of this Chapter apply to all  
6 the activities of safety relocators in any jurisdiction to  
7 which Chapter 18a of this Code applies in accordance with  
8 Section 18a-700.

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

11 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

12 Sec. 2Z. Violations of other Acts. Any person who knowingly  
13 violates the Automotive Repair Act, the Automotive Collision  
14 Repair Act, the Home Repair and Remodeling Act, the Dance  
15 Studio Act, the Physical Fitness Services Act, the Hearing  
16 Instrument Consumer Protection Act, the Illinois Union Label  
17 Act, the Job Referral and Job Listing Services Consumer  
18 Protection Act, the Travel Promotion Consumer Protection Act,  
19 the Credit Services Organizations Act, the Automatic Telephone  
20 Dialers Act, the Pay-Per-Call Services Consumer Protection  
21 Act, the Telephone Solicitations Act, the Illinois Funeral or  
22 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
23 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home



1 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
2 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
3 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
4 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
5 Act, paragraph (6) of subsection (k) of Section 6-305 of the  
6 Illinois Vehicle Code, Section 18d-115, 18d-120, 18d-125,  
7 18d-135, or 18d-150 of the Illinois Vehicle Code, Article 3 of  
8 the Residential Real Property Disclosure Act, the Automatic  
9 Contract Renewal Act, or the Personal Information Protection  
10 Act commits an unlawful practice within the meaning of this  
11 Act.

12 (Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13,  
13 eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292,  
14 eff. 1-1-06; 94-822, eff. 1-1-07.)

15 Section 99. Effective date. This Act takes effect July 1,  
16 2008.".