



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 435

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 435, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1, on page 1, line 5, by replacing "Sections 18a-100, 18a-101,  
5 18a-200" with "Sections 4-203, 18a-100, 18a-101, 18a-105,  
6 18a-200"; and

7 on page 1, below line 7, by inserting the following:

8 "(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)  
9 Sec. 4-203. Removal of motor vehicles or other vehicles;  
10 Towing or hauling away.

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

15 (b) When a vehicle is abandoned on a highway in an urban  
16 district 10 hours or more, its removal by a towing service may

1 be authorized by a law enforcement agency having jurisdiction.

2 (c) When a vehicle is abandoned or left unattended on a  
3 highway other than a toll highway, interstate highway, or  
4 expressway, outside of an urban district for 24 hours or more,  
5 its removal by a towing service may be authorized by a law  
6 enforcement agency having jurisdiction.

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

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

24 (1) the vehicle was not owned by the person under  
25 arrest, and the lawful owner requesting such release  
26 possesses a valid operator's license, proof of ownership,

1 and would not, as determined by the arresting law  
2 enforcement agency, indicate a lack of ability to operate a  
3 motor vehicle in a safe manner, or who would otherwise, by  
4 operating such motor vehicle, be in violation of this Code;  
5 or

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

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

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

24 (2) 48 hours for a third violation of Section 11-501 of  
25 this Code or a similar provision of a local ordinance or  
26 Section 6-303 of this Code or a combination of these

1 offenses.

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

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

23 1. Any towed or removed vehicle must be stored at the  
24 site of the towing service's place of business. The site  
25 must be open during business hours, and for the purpose of  
26 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

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

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

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

26 b. The notice must indicate clearly, in not less

1           than 2 inch high light-reflective letters on a  
2           contrasting background, that unauthorized vehicles  
3           will be towed away at the owner's expense.

4           c. The notice must also provide the name and  
5           current telephone number of the towing service towing  
6           or removing the vehicle.

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

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

26          7. No person shall engage in the removal of vehicles

1 from private property as described in this Section without  
2 filing a notice of intent in each community where he  
3 intends to do such removal, and such notice shall be filed  
4 at least 7 days before commencing such towing.

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

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

15 10. When a vehicle has been towed or removed pursuant  
16 to this Section, it must be released to its owner or  
17 custodian within one half hour after requested, if such  
18 request is made during business hours. Any vehicle owner or  
19 custodian or agent shall have the right to inspect the  
20 vehicle before accepting its return, and no release or  
21 waiver of any kind which would release the towing service  
22 from liability for damages incurred during the towing and  
23 storage may be required from any vehicle owner or other  
24 legally authorized person as a condition of release of the  
25 vehicle. A detailed, signed receipt showing the legal name  
26 of the towing service must be given to the person paying



1 towing or storage charges at the time of payment, whether  
2 requested or not.

3 This Section shall not apply to law enforcement,  
4 firefighting, rescue, ambulance, or other emergency vehicles  
5 which are marked as such or to property owned by any  
6 governmental entity.

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

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

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

20 Any person who fails to comply with the conditions and  
21 restrictions of this subsection shall be guilty of a Class C  
22 misdemeanor and shall be fined not less than \$100 nor more than  
23 \$500.

24 (g) When a vehicle is determined to be a hazardous  
25 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
26 Illinois Municipal Code, its removal and impoundment by a

1 towing service may be authorized by a law enforcement agency  
2 with appropriate jurisdiction.

3 When a vehicle removal from either public or private  
4 property is authorized by a law enforcement agency, the owner  
5 of the vehicle shall be responsible for all towing and storage  
6 charges.

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

23 Any personal property belonging to the vehicle owner in a  
24 vehicle subject to a lien under this subsection (g) shall  
25 likewise be subject to that lien, excepting only: food;  
26 medicine; perishable property; any operator's licenses; any

1 cash, credit cards, or checks or checkbooks; and any wallet,  
2 purse, or other property containing any operator's license or  
3 other identifying documents or materials, cash, credit cards,  
4 checks, or checkbooks.

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

9 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07.)"; and

10 on page 3, below line 10, by inserting the following:

11 "(625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

12 Sec. 18a-105. Exemptions. This Chapter shall not apply to  
13 the relocation of motorcycles.÷

14 ~~(1) Vehicles registered for a gross weight in excess of~~  
15 ~~10,000 pounds, or if the vehicle is not registered, with a~~  
16 ~~gross weight in excess of 10,000 pounds including vehicle~~  
17 ~~weight and maximum load; or~~

18 ~~(2) Motorcycles.~~

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

21 (Source: P.A. 85-923.)"; and

22 on page 4, line 18, after the period, by inserting the  
23 following: "The maximum rates allowed for towing, storage, and

1 other services shall be posted on the Illinois Commerce  
2 Commission website."