



Sen. Edward D. Maloney

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LRB095 10586 DRH 34441 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 4-203, 18a-100, 18a-101, 18a-105, 18a-200,
7 18a-500, 18a-501, and 18a-700 and by adding Sections 18a-308,
8 18a-309, 18a-310, 18a-311, 18a-312, 18a-313, 18a-314, and
9 18a-315 as follows:

10 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

11 Sec. 4-203. Removal of motor vehicles or other vehicles;
12 Towing or hauling away.

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

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

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

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

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

26 (1) the vehicle was not owned by the person under

1 arrest, and the lawful owner requesting such release
2 possesses a valid operator's license, proof of ownership,
3 and would not, as determined by the arresting law
4 enforcement agency, indicate a lack of ability to operate a
5 motor vehicle in a safe manner, or who would otherwise, by
6 operating such motor vehicle, be in violation of this Code;
7 or

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

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

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

26 (2) 48 hours for a third violation of Section 11-501 of

1 this Code or a similar provision of a local ordinance or
2 Section 6-303 of this Code or a combination of these
3 offenses.

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

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

25 1. Any towed or removed vehicle must be stored at the
26 site of the towing service's place of business. The site

1 must be open during business hours, and for the purpose of
2 redemption of vehicles, during the time that the person or
3 firm towing such vehicle is open for towing purposes.

4 2. The towing service shall within 30 minutes of
5 completion of such towing or removal, notify the law
6 enforcement agency having jurisdiction of such towing or
7 removal, and the make, model, color and license plate
8 number of the vehicle, and shall obtain and record the name
9 of the person at the law enforcement agency to whom such
10 information was reported.

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

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

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

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

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

1 occupants of vehicles entering the lot.

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

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

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

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

1 Section 18a-200.

2 7. No person shall engage in the removal of vehicles
3 from private property as described in this Section without
4 filing a notice of intent in each community where he
5 intends to do such removal, and such notice shall be filed
6 at least 7 days before commencing such towing.

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

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

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

1 vehicle. A detailed, signed receipt showing the legal name
2 of the towing service must be given to the person paying
3 towing or storage charges at the time of payment, whether
4 requested or not.

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

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

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

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

22 Any person who fails to comply with the conditions and
23 restrictions of this subsection shall be guilty of a Class C
24 misdemeanor and shall be fined not less than \$100 nor more than
25 \$500.

26 (g) When a vehicle is determined to be a hazardous

1 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
2 Illinois Municipal Code, its removal and impoundment by a
3 towing service may be authorized by a law enforcement agency
4 with appropriate jurisdiction.

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

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

25 Any personal property belonging to the vehicle owner in a
26 vehicle subject to a lien under this subsection (g) shall

1 likewise be subject to that lien, excepting only: food;
2 medicine; perishable property; any operator's licenses; any
3 cash, credit cards, or checks or checkbooks; and any wallet,
4 purse, or other property containing any operator's license or
5 other identifying documents or materials, cash, credit cards,
6 checks, or checkbooks.

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

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

12 (625 ILCS 5/18a-100) (from Ch. 95 1/2, par. 18a-100)

13 Sec. 18a-100. Definitions. As used in this Chapter: (1)
14 "Commercial vehicle relocater" or "relocater" means any person
15 or entity engaged in the business of removing trespassing
16 vehicles from private property or damaged or disabled vehicles
17 from public or private property by means of towing or
18 otherwise, and thereafter relocating and storing such
19 vehicles;

20 (2) "Commission" means the Illinois Commerce Commission;

21 (3) "Operator" means any person who, as an employee of a
22 commercial vehicle relocater, removes trespassing vehicles
23 from private property or damaged or disabled vehicles from
24 public or private property by means of towing or otherwise.

25 This term includes the driver of any vehicle used in removing a

1 trespassing vehicle from private property, as well as any
2 person other than the driver who assists in the removal of a
3 trespassing vehicle from private property;

4 (4) "Operator's employment permit" means a license issued
5 to an operator in accordance with Sections 18a-403 or 18a-405
6 of this Chapter;

7 (5) "Relocator's license" means a license issued to a
8 commercial vehicle relocator in accordance with Sections
9 18a-400 or 18a-401 of this Chapter;

10 (6) "Dispatcher" means any person who, as an employee or
11 agent of a commercial vehicle relocator, dispatches vehicles to
12 or from locations from which operators perform removal
13 activities; and

14 (7) "Dispatcher's employment permit" means a license
15 issued to a dispatcher in accordance with Sections 18a-407 or
16 18a-408 of this Chapter.

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

18 (625 ILCS 5/18a-101) (from Ch. 95 1/2, par. 18a-101)

19 Sec. 18a-101. Declaration of policy and delegation of
20 jurisdiction. It is hereby declared to be the policy of the
21 State of Illinois to supervise and regulate the commercial
22 removal of trespassing vehicles from private property and
23 damaged or disabled vehicles from public or private property,
24 and the subsequent relocation and storage of such vehicles in
25 such manner as to fairly distribute rights and responsibilities

1 among vehicle owners, private property owners and commercial
2 vehicle relocators, and for this purpose the power and
3 authority to administer and to enforce the provisions of this
4 Chapter shall be vested in the Illinois Commerce Commission.

5 (Source: P.A. 80-1459.)

6 (625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

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

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

13 ~~(2) Motorcycles.~~

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

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

17 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

18 Sec. 18a-200. General powers and duties of Commission. The
19 Commission shall:

20 (1) Regulate commercial vehicle relocators and their
21 employees or agents in accordance with this Chapter and to that
22 end may establish reasonable requirements with respect to
23 proper service and practices relating thereto;

24 (2) Require the maintenance of uniform systems of accounts,

1 records and the preservation thereof;

2 (3) Require that all drivers and other personnel used in
3 relocation be employees of a licensed relocater;

4 (4) Regulate equipment leasing to and by relocators;

5 (5) Adopt reasonable and proper rules covering the exercise
6 of powers conferred upon it by this Chapter, and reasonable
7 rules governing investigations, hearings and proceedings under
8 this Chapter;

9 (6) Set reasonable rates for the commercial towing or
10 removal of trespassing vehicles from private property and
11 damaged or disabled vehicles from public or private property.
12 The rates for towing or removal of damaged or disabled vehicles
13 from public or private property shall be equal to the rates
14 established by the Illinois State Toll Highway Authority. The
15 rates for the towing or removal of trespassing vehicles shall
16 not exceed the mean average of the 5 highest rates for police
17 tows within the territory to which this Chapter applies that
18 are performed under Sections 4-201 and 4-214 of this Code and
19 that are of record at hearing; provided that the Commission
20 shall not re-calculate the maximum specified herein if the
21 order containing the previous calculation was entered within
22 one calendar year of the date on which the new order is
23 entered. Set reasonable rates for the storage, for periods in
24 excess of 24 hours, of the vehicles in connection with the
25 towing or removal; however, no relocater shall impose charges
26 for storage for the first 24 hours after towing or removal. Set

1 reasonable rates for other services provided by relocators,
2 provided that the rates shall not be charged to the owner or
3 operator of a relocated vehicle. The maximum rates allowed for
4 towing, storage, and other services shall be posted on the
5 Illinois Commerce Commission website. Any fee charged by a
6 relocater for the use of a credit card that is used to pay for
7 any service rendered by the relocater shall be included in the
8 total amount that shall not exceed the maximum reasonable rate
9 established by the Commission. The Commission shall require a
10 relocater to refund any amount charged in excess of the
11 reasonable rate established by the Commission, including any
12 fee for the use of a credit card;

13 (7) Investigate and maintain current files of the criminal
14 records, if any, of all relocators and their employees and of
15 all applicants for relocater's license, operator's licenses
16 and dispatcher's licenses. If the Commission determines that an
17 applicant for a license issued under this Chapter will be
18 subjected to a criminal history records check, the applicant
19 shall submit his or her fingerprints to the Department of State
20 Police in the form and manner prescribed by the Department of
21 State Police. These fingerprints shall be checked against the
22 Department of State Police and Federal Bureau of Investigation
23 criminal history record information databases now and
24 hereafter filed. The Department of State Police shall charge
25 the applicant a fee for conducting the criminal history records
26 check, which shall be deposited in the State Police Services

1 Fund and shall not exceed the actual cost of the records check.
2 The Department of State Police shall furnish pursuant to
3 positive identification, records of conviction to the
4 Commission;

5 (8) Issue relocater's licenses, dispatcher's employment
6 permits, and operator's employment permits in accordance with
7 Article IV of this Chapter;

8 (9) Establish fitness standards for applicants seeking
9 relocater licensees and holders of relocater licenses;

10 (10) Upon verified complaint in writing by any person,
11 organization or body politic, or upon its own initiative may,
12 investigate whether any commercial vehicle relocater,
13 operator, dispatcher, or person otherwise required to comply
14 with any provision of this Chapter or any rule promulgated
15 hereunder, has failed to comply with any provision or rule;

16 (11) Whenever the Commission receives notice from the
17 Secretary of State that any domestic or foreign corporation
18 regulated under this Chapter has not paid a franchise tax,
19 license fee or penalty required under the Business Corporation
20 Act of 1983, institute proceedings for the revocation of the
21 license or right to engage in any business required under this
22 Chapter or the suspension thereof until such time as the
23 delinquent franchise tax, license fee or penalty is paid.

24 (12) Establish form disclosures for use by commercial
25 vehicle relocators and operators, including all material
26 disclosures that must be made to the vehicle owner or operator

1 before a vehicle is towed, as is required by Section 18a-308 of
2 this Code.

3 (13) Establish form invoices for use by commercial vehicle
4 relocators and operators, including all material disclosures
5 that must be made to the vehicle owner or operator upon the
6 vehicle owner or operator's demand for the return of his or her
7 vehicle, as is required by Section 18a-309 of this Code.

8 (14) Establish form contracts for use by commercial vehicle
9 relocators and operators that comply with all requirements of
10 this Code.

11 (Source: P.A. 93-418, eff. 1-1-04.)

12 (625 ILCS 5/18a-308 new)

13 Sec. 18a-308. Disclosure to vehicle owner or operator
14 before towing of damaged or disabled vehicle commences.

15 (a) A commercial vehicle relocator or operator shall not
16 commence the towing of a damaged or disabled vehicle without
17 specific authorization from the vehicle owner or operator after
18 the disclosures set forth in this Section.

19 (b) Every commercial vehicle relocator or operator shall,
20 before towing a damaged or disabled vehicle, give to each
21 vehicle owner or operator a written disclosure providing:

22 (1) The formal business name of the commercial vehicle
23 relocator or its operator, as registered with the Illinois
24 Secretary of State, and its business address and telephone
25 number.

1 (2) The address of the location to which the vehicle
2 shall be relocated by the operator.

3 (3) The cost of all relocation, storage, and any other
4 fees, without limitation, that the commercial vehicle
5 relocator or operator will charge for its services.

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

8 "As a customer, you also have the following rights
9 under Illinois law:

10 (1) This written disclosure must be provided to you
11 before your vehicle is towed, providing the business
12 name, business address, address where the vehicle will
13 be towed, and a reliable telephone number;

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

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

19 (4) Upon your demand, your vehicle must be returned
20 during business hours, upon your prompt payment of all
21 reasonable fees, not to exceed those set by the
22 Illinois Commerce Commission;

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

25 (6) Upon your demand, you must be provided with
26 proof of the existence of mandatory insurance insuring

1 against all risks associated with the transportation
2 and storage of your vehicle;

3 (7) You cannot be charged a fee in excess of the
4 maximum fees for all services as set by the Consumer
5 Services Division of the Illinois Commerce Commission,
6 which are as follows:"

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

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

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

1 vehicle relocater or operator and the vehicle owner or operator
2 shall be deemed null, void, and unenforceable.

3 (625 ILCS 5/18a-309 new)

4 Sec. 18a-309. Disclosures to vehicle owners or operators;
5 invoices.

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

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

1 shall itemize any additional charges and include those charges
2 in the total presented to the vehicle owner or operator.

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

9 (625 ILCS 5/18a-310 new)

10 Sec. 18a-310. Disclosures to vehicle owners or operators;
11 required signs. Every commercial vehicle relocater's or
12 operator's storage facility that relocates or stores damaged or
13 disabled vehicles shall post, in a prominent place on the
14 business premises, one or more signs, readily visible to
15 customers, in the following form:

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

17 1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME
18 OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND
19 TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO
20 BE TOWED.

21 2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE
22 TOWING AND STORAGE OF YOUR VEHICLE.

23 3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A
24 FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR
25 ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE

1 IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE
2 TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE
3 VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.

4 4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS
5 RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL
6 REASONABLE FEES, NOT TO EXCEED THOSE SET BY THE ILLINOIS
7 COMMERCE COMMISSION, AS DETAILED BELOW.

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

9 6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF
10 INSURANCE, WHICH THE COMMERCIAL VEHICLE RELOCATOR MUST
11 MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE
12 IN TRANSIT AND WHILE IN STORAGE.

13 IF THE COMMERCIAL VEHICLE RELOCATOR HAS COMPLIED WITH
14 THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE
15 VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED
16 BY THE COMMERCIAL VEHICLE RELOCATOR, IN AN AMOUNT NOT IN
17 EXCESS OF THOSE FEES SET BY THE ILLINOIS COMMERCE
18 COMMISSION.

19 THE ILLINOIS COMMERCE COMMISSION HAS SET THE FOLLOWING
20 MAXIMUM FEES FOR SERVICES:

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

24 (625 ILCS 5/18a-311 new)

25 Sec. 18a-311. Record keeping. Every commercial vehicle

1 relocator and operator engaged in relocation or storage of
2 damaged or disabled vehicles shall maintain copies of (i) all
3 disclosures provided to vehicle owners or operators as required
4 under Section 18a-308 and (ii) all invoices provided to vehicle
5 owners or operators as required under Section 18a-309. The
6 copies may be maintained in an electronic format, shall be kept
7 for 5 years, and shall be available for inspection by the
8 Attorney General.

9 (625 ILCS 5/18a-312 new)

10 Sec. 18a-312. Waiver or limitation of liability
11 prohibited.

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

20 (b) Commercial vehicle relocators or operators are
21 prohibited from requiring the vehicle owner or operator to sign
22 or agree to any document purporting to waive or limit the
23 commercial vehicle locator's and operator's liability under
24 this Code, in tort or contract, or under any other cognizable
25 cause of action available to the vehicle owner or operator.

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

6 (625 ILCS 5/18a-313 new)

7 Sec. 18a-313. Unlawful practice. Any commercial vehicle
8 relocater or operator engaged in the relocation or storage of
9 damaged or disabled vehicles who fails to comply with Sections
10 18a-308, 18a-309, 18a-310, 18a-312, or 18a-500 of this Code
11 commits an unlawful practice within the meaning of the Consumer
12 Fraud and Deceptive Business Practices Act.

13 (625 ILCS 5/18a-314 new)

14 Sec. 18a-314. Charges payable in cash or by major credit
15 card. Any towing or storage charges accrued by the vehicle
16 owner or operator shall be payable by the use of any major
17 credit card, in addition to being payable in cash.

18 (625 ILCS 5/18a-315 new)

19 Sec. 18a-315. Mandatory insurance coverage.

20 (a) A commercial vehicle relocater or operator shall
21 provide insurance coverage for all risks associated with the
22 transportation of vehicles towed under this Chapter, as well as
23 for areas where vehicles towed under this Chapter are impounded

1 or otherwise stored, and shall adequately cover loss by fire,
2 theft, or other risks.

3 (b) Upon the demand of the vehicle owner or operator, a
4 commercial vehicle relocater or operator shall promptly supply
5 proof of the existence of this insurance.

6 (c) Any person who fails to comply with the conditions and
7 restrictions of this subsection shall be guilty of a Class C
8 misdemeanor and shall be fined not less than \$100 nor more than
9 \$500.

10 (625 ILCS 5/18a-500) (from Ch. 95 1/2, par. 18a-500)

11 Sec. 18a-500. Posting of rates. Every commercial vehicle
12 relocater shall print and keep open to the public, all
13 authorized rates and charges for towing, otherwise moving, and
14 storing vehicles in connection with removal of unauthorized
15 vehicles from private property or damaged or disabled vehicles
16 from public or private property. Such rates and charges shall
17 be clearly stated in terms of lawful money of the United
18 States, and shall be posted in such form and manner, and shall
19 contain such information as the Commission shall by regulation
20 prescribe.

21 (Source: P.A. 80-1459.)

22 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

23 Sec. 18a-501. Liens against relocated vehicles.

24 (a) Except as otherwise provided in subsection (b), any

1 vehicle ~~Unauthorized vehicles~~ removed and stored by a
2 commercial vehicle relocater in compliance with this Chapter
3 shall be subject to a possessory lien for services pursuant to
4 the Labor and Storage Lien (Small Amount) Act, and the
5 provisions of Section 1 of that Act relating to notice and
6 implied consent shall be deemed satisfied by compliance with
7 Section 18a-302 and item (10) of Section 18a-300. In no event
8 shall such lien be greater than the rate or rates established
9 in accordance with item (6) of Section 18a-200. In no event
10 shall such lien be increased or altered to reflect any charge
11 for services or materials rendered in addition to those
12 authorized by this Act. Every such lien shall be payable by use
13 of any major credit card, in addition to being payable in cash.
14 Upon receipt of a properly signed credit card receipt, a
15 relocater shall become a holder in due course, and neither the
16 holder of the credit card nor the company which issued the
17 credit card may thereafter refuse to remit payment in the
18 amount shown on the credit card receipt minus the ordinary
19 charge assessed by the credit card company for processing the
20 charge. The Commission may adopt regulations governing
21 acceptance of credit cards by a relocater.

22 (b) A commercial vehicle relocater or operator that fails
23 to comply with Sections 18a-300, 18a-301, 18a-302, 18a-304,
24 18a-308, 18a-309, 18a-310, 18a-311, 18a-312, or 18a-500 of this
25 Code is barred from asserting a possessory or chattel lien for
26 the amount of any fees claimed for any towing, storage, or

1 other services provided.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 (625 ILCS 5/18a-700) (from Ch. 95 1/2, par. 18a-700)

4 Sec. 18a-700. Counties covered. (a) The provisions of this
5 Chapter apply to all the activities of relocators and operators
6 in any counties of 1,000,000 or more and in any county of less
7 than 1,000,000 which adopts regulation under this Chapter as
8 provided in this Section.

9 (b) Any operation of a relocater or operator involving the
10 removal or storage of a given vehicle which takes place in any
11 part in a regulated county shall subject all the activities of
12 the relocater and operator involving that vehicle to regulation
13 under this Chapter, except operations which take place entirely
14 within the territory of a city, village or incorporated town
15 excluded from this Chapter under paragraph (d).

16 (c) Any county of under 1,000,000 may elect to be covered
17 under this Chapter by the adoption of a resolution by the
18 County Board, approved by a majority of its members, providing
19 that the county shall be subject to this Chapter. The county
20 clerk shall certify to the Commission that the County Board has
21 adopted the resolution. The Commission shall certify to such
22 County Board an effective date for the applicability of this
23 Chapter in such county. Such effective date shall be no earlier
24 than 30 days from certification to the County Board nor later
25 than 6 months from such certification or the beginning of the

1 next fiscal year, whichever is last.

2 (d) Cities, villages and incorporated towns in counties to
3 which the provisions of this Chapter apply may, by resolution
4 adopted by a majority of the members of the corporate
5 authorities and filed with the County Clerk of such county and
6 with the Illinois Commerce Commission, choose to be excluded
7 from the provisions of this Chapter. Upon the filing of such
8 resolution, the provisions of this Chapter shall not be
9 applicable to operations of relocators or operators which take
10 place entirely within the territory of such city, village or
11 incorporated town.

12 (e) The Illinois Commerce Commission shall adopt rules to
13 establish procedures under which relocators and operators in a
14 city, village, or incorporated town located in a county to
15 which the provisions of this Chapter apply shall be exempted
16 from the provisions of this Chapter upon a determination by the
17 Illinois Commerce Commission that the regulation of the
18 activities of relocators and operators under the ordinances of
19 that city, village, or incorporated town is at least as
20 restrictive than the regulation of the activities of relocators
21 and operators under this Chapter.

22 (Source: P.A. 86-492.)

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 Sec. 2Z. Violations of other Acts. Any person who knowingly
3 violates the Automotive Repair Act, the Automotive Collision
4 Repair Act, the Home Repair and Remodeling Act, the Dance
5 Studio Act, the Physical Fitness Services Act, the Hearing
6 Instrument Consumer Protection Act, the Illinois Union Label
7 Act, the Job Referral and Job Listing Services Consumer
8 Protection Act, the Travel Promotion Consumer Protection Act,
9 the Credit Services Organizations Act, the Automatic Telephone
10 Dialers Act, the Pay-Per-Call Services Consumer Protection
11 Act, the Telephone Solicitations Act, the Illinois Funeral or
12 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
13 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
14 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
15 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
16 Act, the Payday Loan Reform Act, subsection (a) or (b) of
17 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
18 Act, paragraph (6) of subsection (k) of Section 6-305 of the
19 Illinois Vehicle Code, Section 18a-308, 18a-309, 18a-310,
20 18a-312, or 18a-500 of the Illinois Vehicle Code as provided in
21 Section 18a-313 of that Code, Article 3 of the Residential Real
22 Property Disclosure Act, the Automatic Contract Renewal Act, or
23 the Personal Information Protection Act commits an unlawful
24 practice within the meaning of this Act.

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

1 eff. 1-1-06; 94-822, eff. 1-1-07.)".