



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 1693

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1693, 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, 4-205, and 11-208.7 as follows:

7 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

8 Sec. 4-203. Removal of motor vehicles or other vehicles;  
9 Towing or hauling away.

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

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

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

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

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

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

1 enforcement agency, indicate a lack of ability to operate a  
2 motor vehicle in a safe manner, or who would otherwise, by  
3 operating such motor vehicle, be in violation of this Code;  
4 or

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

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

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

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

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

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

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

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

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

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

24           5. Except for property appurtenant to and obviously a  
25 part of a single family residence, and except for instances  
26 where notice is personally given to the owner or other

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

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

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

25           b. The notice must indicate clearly, in not less  
26           than 2 inch high light-reflective letters on a

1 contrasting background, that unauthorized vehicles  
2 will be towed away at the owner's expense.

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

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

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

25 7. No person shall engage in the removal of vehicles  
26 from private property as described in this Section without

1 filing a notice of intent in each community where he  
2 intends to do such removal, and such notice shall be filed  
3 at least 7 days before commencing such towing.

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

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

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



1 requested or not.

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

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

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

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

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

23 (g)(1) When a vehicle is determined to be a hazardous  
24 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the  
25 Illinois Municipal Code, its removal and impoundment by a  
26 towing service may be authorized by a law enforcement agency

1 with appropriate jurisdiction.

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

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

23 (4) Any personal property belonging to the vehicle owner in  
24 a vehicle subject to a lien under this subsection (g) shall  
25 likewise be subject to that lien, excepting only: child  
26 restraint systems as defined in Section 4 of the Child

1 Passenger Protection Act and other child booster seats;  
2 eyeglasses; food; medicine; perishable property; any  
3 operator's licenses; any cash, credit cards, or checks or  
4 checkbooks; any wallet, purse, or other property containing any  
5 operator's license or other identifying documents or  
6 materials, cash, credit cards, checks, or checkbooks; and any  
7 personal property belonging to a person other than the vehicle  
8 owner if that person provides adequate proof that the personal  
9 property belongs to that person. The spouse, child, mother,  
10 father, brother, or sister of the vehicle owner may claim  
11 personal property excepted under this paragraph (4) if the  
12 person claiming the personal property provides the commercial  
13 vehicle relocater or towing service with the authorization of  
14 the vehicle owner.

15 (5) This paragraph (5) applies only in the case of a  
16 vehicle that is towed as a result of being involved in an  
17 accident. In addition to the personal property excepted under  
18 paragraph (4), all other personal property in a vehicle subject  
19 to a lien under this subsection (g) is exempt from that lien  
20 and may be claimed by the vehicle owner if the vehicle owner  
21 provides the commercial vehicle relocater or towing service  
22 with proof that the vehicle owner has an insurance policy  
23 covering towing and storage fees. The spouse, child, mother,  
24 father, brother, or sister of the vehicle owner may claim  
25 personal property in a vehicle subject to a lien under this  
26 subsection (g) if the person claiming the personal property

1 provides the commercial vehicle relocater or towing service  
2 with the authorization of the vehicle owner and proof that the  
3 vehicle owner has an insurance policy covering towing and  
4 storage fees. The regulation of liens on personal property and  
5 exceptions to those liens in the case of vehicles towed as a  
6 result of being involved in an accident are exclusive powers  
7 and functions of the State. A home rule unit may not regulate  
8 liens on personal property and exceptions to those liens in the  
9 case of vehicles towed as a result of being involved in an  
10 accident. This paragraph (5) is a denial and limitation of home  
11 rule powers and functions under subsection (h) of Section 6 of  
12 Article VII of the Illinois Constitution.

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

17 (h) Whenever a peace officer issues a citation to a driver  
18 for a violation of subsection (a) of Section 11-506 of this  
19 Code, the arresting officer may have the vehicle which the  
20 person was operating at the time of the arrest impounded for a  
21 period of 5 days after the time of arrest. An impounding agency  
22 shall release a motor vehicle impounded under this subsection  
23 (h) to the registered owner of the vehicle under any of the  
24 following circumstances:

25 (1) If the vehicle is a stolen vehicle; or

26 (2) If the person ticketed for a violation of

1 subsection (a) of Section 11-506 of this Code was not  
2 authorized by the registered owner of the vehicle to  
3 operate the vehicle at the time of the violation; or

4 (3) If the registered owner of the vehicle was neither  
5 the driver nor a passenger in the vehicle at the time of  
6 the violation or was unaware that the driver was using the  
7 vehicle to engage in street racing; or

8 (4) If the legal owner or registered owner of the  
9 vehicle is a rental car agency; or

10 (5) If, prior to the expiration of the impoundment  
11 period specified above, the citation is dismissed or the  
12 defendant is found not guilty of the offense.

13 (Source: P.A. 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621,  
14 eff. 6-1-08; 95-876, eff. 8-21-08; 96-1274, eff. 7-26-10;  
15 96-1506, eff. 1-27-11.)

16 (625 ILCS 5/4-205) (from Ch. 95 1/2, par. 4-205)

17 Sec. 4-205. Record searches.

18 (a) When a law enforcement agency authorizing the  
19 impounding of a vehicle does not know the identity of the  
20 registered owner, lienholder or other legally entitled person,  
21 that law enforcement agency or a towing company authorized by  
22 the law enforcement agency will cause the vehicle registration  
23 records of the State of Illinois to be searched by the  
24 Secretary of State for the purpose of obtaining the required  
25 ownership information.

1 (b) The law enforcement agency authorizing the impounding  
2 of a vehicle will cause the stolen motor vehicle files of the  
3 State Police to be searched by a directed communication to the  
4 State Police for stolen or wanted information on the vehicle.  
5 When the State Police files are searched with negative results,  
6 the information contained in the National Crime Information  
7 Center (NCIC) files will be searched by the State Police. The  
8 information determined from these record searches will be  
9 returned to the requesting law enforcement agency or towing  
10 company authorized under subsection (a) of this Section for  
11 that entity's ~~agency's~~ use in sending a notification by  
12 certified mail to the registered owner, lienholder and other  
13 legally entitled persons advising where the vehicle is held,  
14 requesting a disposition be made and setting forth public sale  
15 information. Notification shall be sent no later than 10  
16 business days after the date the law enforcement agency  
17 impounds or authorizes the impounding of a vehicle, provided  
18 that if the law enforcement agency or towing company authorized  
19 under subsection (a) of this Section is unable to determine the  
20 identity of the registered owner, lienholder or other person  
21 legally entitled to ownership of the impounded vehicle within a  
22 10 business day period after impoundment, then notification  
23 shall be sent no later than 2 days after the date the identity  
24 of the registered owner, lienholder or other person legally  
25 entitled to ownership of the impounded vehicle is determined.  
26 Exceptions to a notification by certified mail to the

1 registered owner, lienholder and other legally entitled  
2 persons are set forth in Section 4-209 of this Code.

3 (c) When ownership information is needed for a towing  
4 service to give notification as required under this Code, the  
5 towing service may cause the vehicle registration records of  
6 the State of Illinois to be searched by the Secretary of State,  
7 and in such case, the towing service also shall give notice to  
8 all lienholders of record within the time period required for  
9 such other notices.

10 The written request of a towing service, in the form and  
11 containing the information prescribed by the Secretary of State  
12 by rule, may be transmitted to the Secretary of State in  
13 person, by U.S. mail or other delivery service, by facsimile  
14 transmission, or by other means the Secretary of State deems  
15 acceptable.

16 The Secretary of State shall provide the required  
17 information, or a statement that the information was not found  
18 in the vehicle registration records of the State, by U.S. mail  
19 or other delivery service, facsimile transmission, as  
20 requested by the towing service, or by other means acceptable  
21 to the Secretary of State.

22 (d) The Secretary of State may prescribe standards and  
23 procedures for submission of requests for record searches and  
24 replies via computer link.

25 (e) Fees for services provided under this Section shall be  
26 in amounts prescribed by the Secretary of State under Section

1 3-821.1 of this Code. Payment may be made by the towing service  
2 using cash, any commonly accepted credit card, or any other  
3 means of payment deemed acceptable by the Secretary of State.

4 (Source: P.A. 95-838, eff. 8-15-08.)

5 (625 ILCS 5/11-208.7)

6 Sec. 11-208.7. Administrative fees and procedures for  
7 impounding vehicles for specified violations.

8 (a) Any municipality may, consistent with this Section,  
9 provide by ordinance procedures for the release of properly  
10 impounded vehicles and for the imposition of a reasonable  
11 administrative fee related to its administrative and  
12 processing costs associated with the investigation, arrest,  
13 and detention of an offender, or the removal, impoundment,  
14 storage, and release of the vehicle. The administrative fee  
15 imposed by the municipality may be in addition to any fees  
16 charged for the towing and storage of an impounded vehicle. The  
17 administrative fee shall be waived by the municipality upon  
18 verifiable proof that the vehicle was stolen at the time the  
19 vehicle was impounded.

20 (b) Any ordinance establishing procedures for the release  
21 of properly impounded vehicles under this Section may impose  
22 fees for the following violations:

23 (1) operation or use of a motor vehicle in the  
24 commission of, or in the attempt to commit, an offense for  
25 which a motor vehicle may be seized and forfeited pursuant



1 to Section 36-1 of the Criminal Code of 1961; or

2 (2) driving under the influence of alcohol, another  
3 drug or drugs, an intoxicating compound or compounds, or  
4 any combination thereof, in violation of Section 11-501 of  
5 this Code; or

6 (3) operation or use of a motor vehicle in the  
7 commission of, or in the attempt to commit, a felony or in  
8 violation of the Cannabis Control Act; or

9 (4) operation or use of a motor vehicle in the  
10 commission of, or in the attempt to commit, an offense in  
11 violation of the Illinois Controlled Substances Act; or

12 (5) operation or use of a motor vehicle in the  
13 commission of, or in the attempt to commit, an offense in  
14 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
15 Criminal Code of 1961; or

16 (6) driving while a driver's license, permit, or  
17 privilege to operate a motor vehicle is suspended or  
18 revoked pursuant to Section 6-303 of this Code; except that  
19 vehicles shall not be subjected to seizure or impoundment  
20 if the suspension is for an unpaid citation (parking or  
21 moving) or due to failure to comply with emission testing;  
22 or

23 (7) operation or use of a motor vehicle while  
24 soliciting, possessing, or attempting to solicit or  
25 possess cannabis or a controlled substance, as defined by  
26 the Cannabis Control Act or the Illinois Controlled

1 Substances Act; or

2 (8) operation or use of a motor vehicle with an expired  
3 driver's license, in violation of Section 6-101 of this  
4 Code, if the period of expiration is greater than one year;  
5 or

6 (9) operation or use of a motor vehicle without ever  
7 having been issued a driver's license or permit, in  
8 violation of Section 6-101 of this Code, or operating a  
9 motor vehicle without ever having been issued a driver's  
10 license or permit due to a person's age; or

11 (10) operation or use of a motor vehicle by a person  
12 against whom a warrant has been issued by a circuit clerk  
13 in Illinois for failing to answer charges that the driver  
14 violated Section 6-101, 6-303, or 11-501 of this Code; or

15 (11) operation or use of a motor vehicle in the  
16 commission of, or in the attempt to commit, an offense in  
17 violation of Article 16 or 16A of the Criminal Code of  
18 1961; or

19 (12) operation or use of a motor vehicle in the  
20 commission of, or in the attempt to commit, any other  
21 misdemeanor or felony offense in violation of the Criminal  
22 Code of 1961, when so provided by local ordinance.

23 (c) The following shall apply to any fees imposed for  
24 administrative and processing costs pursuant to subsection  
25 (b):

26 (1) All administrative fees and towing and storage

1 charges shall be imposed on the registered owner of the  
2 motor vehicle or the agents of that owner.

3 (2) The fees shall be in addition to (i) any other  
4 penalties that may be assessed by a court of law for the  
5 underlying violations; and (ii) any towing or storage fees,  
6 or both, charged by the towing company.

7 (3) The fees shall be uniform for all similarly  
8 situated vehicles.

9 (4) The fees shall be collected by and paid to the  
10 municipality imposing the fees.

11 (5) The towing or storage fees, or both, shall be  
12 collected by and paid to the person, firm, or entity that  
13 tows and stores the impounded vehicle.

14 (d) Any ordinance establishing procedures for the release  
15 of properly impounded vehicles under this Section shall provide  
16 for an opportunity for a hearing, as provided in subdivision  
17 (b) (4) of Section 11-208.3 of this Code, and for the release of  
18 the vehicle to the owner of record, lessee, or a lienholder of  
19 record upon payment of all administrative fees and towing and  
20 storage fees.

21 (e) Any ordinance establishing procedures for the  
22 impoundment and release of vehicles under this Section shall  
23 include the following provisions concerning notice of  
24 impoundment:

25 (1) Whenever a police officer has cause to believe that  
26 a motor vehicle is subject to impoundment, the officer

1 shall provide for the towing of the vehicle to a facility  
2 authorized by the municipality.

3 (2) At the time the vehicle is towed, the municipality  
4 shall notify or make a reasonable attempt to notify the  
5 owner, lessee, or person identifying himself or herself as  
6 the owner or lessee of the vehicle, or any person who is  
7 found to be in control of the vehicle at the time of the  
8 alleged offense, of the fact of the seizure, and of the  
9 vehicle owner's or lessee's right to an administrative  
10 hearing.

11 (3) The municipality shall also provide notice that the  
12 motor vehicle will remain impounded pending the completion  
13 of an administrative hearing, unless the owner or lessee of  
14 the vehicle or a lienholder posts with the municipality a  
15 bond equal to the administrative fee as provided by  
16 ordinance and pays for all towing and storage charges.

17 (f) Any ordinance establishing procedures for the  
18 impoundment and release of vehicles under this Section shall  
19 include a provision providing that the registered owner or  
20 lessee of the vehicle and any lienholder of record shall be  
21 provided with a notice of hearing. The notice shall:

22 (1) be served upon the owner, lessee, and any  
23 lienholder of record either by personal service or by first  
24 class mail to the interested party's address as registered  
25 with the Secretary of State;

26 (2) be served upon interested parties within 10 days

1 after a vehicle is impounded by the municipality; and

2 (3) contain the date, time, and location of the  
3 administrative hearing. An initial hearing shall be  
4 scheduled and convened no later than 15 working ~~45~~ days  
5 after the date of the mailing of the notice of hearing.

6 (g) In addition to the requirements contained in  
7 subdivision (b) (4) of Section 11-208.3 of this Code relating to  
8 administrative hearings, any ordinance providing for the  
9 impoundment and release of vehicles under this Section shall  
10 include the following requirements concerning administrative  
11 hearings:

12 (1) administrative hearings shall be conducted by a  
13 hearing officer who is an attorney licensed to practice law  
14 in this State for a minimum of 3 years;

15 (1.5) no more than 2 continuances may be granted for  
16 the administrative hearing;

17 (2) at the conclusion of the administrative hearing,  
18 the hearing officer shall issue a written decision either  
19 sustaining or overruling the vehicle impoundment;

20 (3) if the basis for the vehicle impoundment is  
21 sustained by the administrative hearing officer, any  
22 administrative fee posted to secure the release of the  
23 vehicle shall be forfeited to the municipality;

24 (4) all final decisions of the administrative hearing  
25 officer shall be subject to review under the provisions of  
26 the Administrative Review Law; and

1           (5) unless the administrative hearing officer  
2           overturns the basis for the vehicle impoundment, no vehicle  
3           shall be released to the owner, lessee, or lienholder of  
4           record until all administrative fees and towing and storage  
5           charges are paid.

6           (h) Vehicles not retrieved from the towing facility or  
7           storage facility within 5 working ~~35~~ days after the  
8           administrative hearing officer issues a written decision shall  
9           be deemed abandoned and disposed of in accordance with the  
10          provisions of Article II of Chapter 4 of this Code.

11          (i) Unless stayed by a court of competent jurisdiction, any  
12          fine, penalty, or administrative fee imposed under this Section  
13          which remains unpaid in whole or in part after the expiration  
14          of the deadline for seeking judicial review under the  
15          Administrative Review Law may be enforced in the same manner as  
16          a judgment entered by a court of competent jurisdiction.

17          (Source: P.A. 97-109, eff. 1-1-12.)

18          Section 10. The Sale of Unclaimed Property Act is amended  
19          by changing Section 3 as follows:

20                 (770 ILCS 90/3) (from Ch. 141, par. 3)

21          Sec. 3. All persons other than common carriers having a  
22          lien on personal property, by virtue of the Innkeepers Lien Act  
23          or for more than \$2,000 by virtue of the Labor and Storage Lien  
24          Act may enforce the lien by a sale of the property, on giving

1 to the owner thereof, if he and his residence be known to the  
2 person having such lien, 30 days' notice by certified mail, in  
3 writing of the time and place of such sale, and if the owner or  
4 his place of residence be unknown to the person having such  
5 lien, then upon his filing his affidavit to that effect with  
6 the clerk of the circuit court in the county where such  
7 property is situated; notice of the sale may be given by  
8 publishing the same once in each week for 3 successive weeks in  
9 some newspaper of general circulation published in the county,  
10 and out of the proceeds of the sale all costs and charges for  
11 advertising and making the same, and the amount of the lien  
12 shall be paid, and the surplus, if any, shall be paid to the  
13 owner of the property or, if not claimed by said owner, such  
14 surplus, if any, shall be disposed under the Uniform  
15 Disposition of Unclaimed Property Act. All sales pursuant to  
16 this Section must be public and conducted in a commercially  
17 reasonable manner so as to maximize the net proceeds of the  
18 sale. Conformity to the requirements of this Act shall be a  
19 perpetual bar to any action against such lienor by any person  
20 for the recovery of such chattels or the value thereof or any  
21 damages growing out of the failure of such person to receive  
22 such chattels.

23 A sale pursuant to this Section may be accomplished to  
24 enforce a lien for towing and storage of vehicles performed by  
25 any relocater or other towing service pursuant to the order of  
26 a law enforcement official or agency in accordance with Section

1 4-201 through 4-214 of the Illinois Vehicle Code, whether or  
2 not the towing and storage was performed without the vehicle  
3 owner's consent.  
4 (Source: P.A. 87-206.)"