



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0690

Introduced 2/6/2007, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-203

from Ch. 95 1/2, par. 4-203

Amends the Illinois Vehicle Code. Provides that any lawfully-towed vehicle shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act (instead of vehicles removed from public or private property and stored by a commercial vehicle relocater, or any other towing service in compliance with the listed Sections, or at the request of the vehicle owner or operator).

LRB095 04517 LCT 24570 b

1 AN ACT concerning vehicles.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 4-203 as follows:

6 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

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

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

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

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

21 (d) When an abandoned, unattended, wrecked, burned or
22 partially dismantled vehicle is creating a traffic hazard
23 because of its position in relation to the highway or its

1 physical appearance is causing the impeding of traffic, its
2 immediate removal from the highway or private property adjacent
3 to the highway by a towing service may be authorized by a law
4 enforcement agency having jurisdiction.

5 (e) Whenever a peace officer reasonably believes that a
6 person under arrest for a violation of Section 11-501 of this
7 Code or a similar provision of a local ordinance is likely,
8 upon release, to commit a subsequent violation of Section
9 11-501, or a similar provision of a local ordinance, the
10 arresting officer shall have the vehicle which the person was
11 operating at the time of the arrest impounded for a period of
12 not more than 12 hours after the time of arrest. However, such
13 vehicle may be released by the arresting law enforcement agency
14 prior to the end of the impoundment period if:

15 (1) the vehicle was not owned by the person under
16 arrest, and the lawful owner requesting such release
17 possesses a valid operator's license, proof of ownership,
18 and would not, as determined by the arresting law
19 enforcement agency, indicate a lack of ability to operate a
20 motor vehicle in a safe manner, or who would otherwise, by
21 operating such motor vehicle, be in violation of this Code;
22 or

23 (2) the vehicle is owned by the person under arrest,
24 and the person under arrest gives permission to another
25 person to operate such vehicle, provided however, that the
26 other person possesses a valid operator's license and would

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

5 (e-5) Whenever a registered owner of a vehicle is taken
6 into custody for operating the vehicle in violation of Section
7 11-501 of this Code or a similar provision of a local ordinance
8 or Section 6-303 of this Code, a law enforcement officer may
9 have the vehicle immediately impounded for a period not less
10 than:

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

15 (2) 48 hours for a third violation of Section 11-501 of
16 this Code or a similar provision of a local ordinance or
17 Section 6-303 of this Code or a combination of these
18 offenses.

19 The vehicle may be released sooner if the vehicle is owned
20 by the person under arrest and the person under arrest gives
21 permission to another person to operate the vehicle and that
22 other person possesses a valid operator's license and would
23 not, as determined by the arresting law enforcement agency,
24 indicate a lack of ability to operate a motor vehicle in a safe
25 manner or would otherwise, by operating the motor vehicle, be
26 in violation of this Code.

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

14 1. Any towed or removed vehicle must be stored at the
15 site of the towing service's place of business. The site
16 must be open during business hours, and for the purpose of
17 redemption of vehicles, during the time that the person or
18 firm towing such vehicle is open for towing purposes.

19 2. The towing service shall within 30 minutes of
20 completion of such towing or removal, notify the law
21 enforcement agency having jurisdiction of such towing or
22 removal, and the make, model, color and license plate
23 number of the vehicle, and shall obtain and record the name
24 of the person at the law enforcement agency to whom such
25 information was reported.

26 3. If the registered owner or legally authorized person

1 entitled to possession of the vehicle shall arrive at the
2 scene prior to actual removal or towing of the vehicle, the
3 vehicle shall be disconnected from the tow truck and that
4 person shall be allowed to remove the vehicle without
5 interference, upon the payment of a reasonable service fee
6 of not more than one half the posted rate of the towing
7 service as provided in paragraph 6 of this subsection, for
8 which a receipt shall be given.

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

16 5. Except for property appurtenant to and obviously a
17 part of a single family residence, and except for instances
18 where notice is personally given to the owner or other
19 legally authorized person in control of the vehicle that
20 the area in which that vehicle is parked is reserved or
21 otherwise unavailable to unauthorized vehicles and they
22 are subject to being removed at the owner or operator's
23 expense, any property owner or lessor, prior to towing or
24 removing any vehicle from private property without the
25 consent of the owner or other legally authorized person in
26 control of that vehicle, must post a notice meeting the

1 following requirements:

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

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

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

21 c. The notice must also provide the name and
22 current telephone number of the towing service towing
23 or removing the vehicle.

24 d. The sign structure containing the required
25 notices must be permanently installed with the bottom
26 of the sign not less than 4 feet above ground level,

1 and must be continuously maintained on the property for
2 not less than 24 hours prior to the towing or removing
3 of any vehicle.

4 6. Any towing service that tows or removes vehicles and
5 proposes to require the owner, operator, or person in
6 control of the vehicle to pay the costs of towing and
7 storage prior to redemption of the vehicle must file and
8 keep on record with the local law enforcement agency a
9 complete copy of the current rates to be charged for such
10 services, and post at the storage site an identical rate
11 schedule and any written contracts with property owners,
12 lessors, or persons in control of property which authorize
13 them to remove vehicles as provided in this Section.

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

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

23 9. Vehicle entry for the purpose of removal shall be
24 allowed with reasonable care on the part of the person or
25 firm towing the vehicle. Such person or firm shall be
26 liable for any damages occasioned to the vehicle if such

1 entry is not in accordance with the standards of reasonable
2 care.

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

17 This Section shall not apply to law enforcement,
18 firefighting, rescue, ambulance, or other emergency vehicles
19 which are marked as such or to property owned by any
20 governmental entity.

21 When an authorized person improperly causes a motor vehicle
22 to be removed, such person shall be liable to the owner or
23 lessee of the vehicle for the cost or removal, transportation
24 and storage, any damages resulting from the removal,
25 transportation and storage, attorney's fee and court costs.

26 Any towing or storage charges accrued shall be payable by

1 the use of any major credit card, in addition to being payable
2 in cash.

3 11. Towing companies shall also provide insurance
4 coverage for areas where vehicles towed under the
5 provisions of this Chapter will be impounded or otherwise
6 stored, and shall adequately cover loss by fire, theft or
7 other risks.

8 Any person who fails to comply with the conditions and
9 restrictions of this subsection shall be guilty of a Class C
10 misdemeanor and shall be fined not less than \$100 nor more than
11 \$500.

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

17 When a vehicle removal from either public or private
18 property is authorized by a law enforcement agency, the owner
19 of the vehicle shall be responsible for all towing and storage
20 charges.

21 Any lawfully-towed vehicle ~~Vehicles removed from public or~~
22 ~~private property and stored by a commercial vehicle relocator~~
23 ~~or any other towing service in compliance with this Section and~~
24 ~~Sections 4-201 and 4-202 of this Code, or at the request of the~~
25 ~~vehicle owner or operator,~~ shall be subject to a possessor lien
26 for services pursuant to the Labor and Storage Lien (Small

1 Amount) Act. The provisions of Section 1 of that Act relating
2 to notice and implied consent shall be deemed satisfied by
3 compliance with Section 18a-302 and subsection (6) of Section
4 18a-300. In no event shall such lien be greater than the rate
5 or rates established in accordance with subsection (6) of
6 Section 18a-200 of this Code. In no event shall such lien be
7 increased or altered to reflect any charge for services or
8 materials rendered in addition to those authorized by this Act.
9 Every such lien shall be payable by use of any major credit
10 card, in addition to being payable in cash.

11 Any personal property belonging to the vehicle owner in a
12 vehicle subject to a lien under this subsection (g) shall
13 likewise be subject to that lien, excepting only: food;
14 medicine; perishable property; any operator's licenses; any
15 cash, credit cards, or checks or checkbooks; and any wallet,
16 purse, or other property containing any operator's license or
17 other identifying documents or materials, cash, credit cards,
18 checks, or checkbooks.

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

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