

1 AN ACT concerning transportation.

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 Sections 4-203, 18a-100, 18a-101, 18a-105, 18a-200, 18a-500,
6 and 18a-501 and by adding Sections 18a-308, 18a-309, 18a-310,
7 18a-311, 18a-312, 18a-313, 18a-314, and 18a-315 as follows:

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
17 be authorized by a law enforcement agency having jurisdiction.

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

23 (d) When an abandoned, unattended, wrecked, burned or

1 partially dismantled vehicle is creating a traffic hazard
2 because of its position in relation to the highway or its
3 physical appearance is causing the impeding of traffic, its
4 immediate removal from the highway or private property adjacent
5 to the highway by a towing service may be authorized by a law
6 enforcement agency having jurisdiction.

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

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

25 (2) the vehicle is owned by the person under arrest,
26 and the person under arrest gives permission to another

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

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

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

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

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

1 manner or would otherwise, by operating the motor vehicle, be
2 in violation of this Code.

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

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

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

1 information was reported.

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

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

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

1 consent of the owner or other legally authorized person in
2 control of that vehicle, must post a notice meeting the
3 following requirements:

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

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

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

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

26 d. The sign structure containing the required

1 notices must be permanently installed with the bottom
2 of the sign not less than 4 feet above ground level,
3 and must be continuously maintained on the property for
4 not less than 24 hours prior to the towing or removing
5 of any vehicle.

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

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

24 8. No removal of a vehicle from private property shall
25 be done except upon express written instructions of the
26 owners or persons in charge of the private property upon

1 which the vehicle is said to be trespassing.

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

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

22 This Section shall not apply to law enforcement,
23 firefighting, rescue, ambulance, or other emergency vehicles
24 which are marked as such or to property owned by any
25 governmental entity.

26 When an authorized person improperly causes a motor vehicle

1 to be removed, such person shall be liable to the owner or
2 lessee of the vehicle for the cost or removal, transportation
3 and storage, any damages resulting from the removal,
4 transportation and storage, attorney's fee and court costs.

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

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

13 Any person who fails to comply with the conditions and
14 restrictions of this subsection shall be guilty of a Class C
15 misdemeanor and shall be fined not less than \$100 nor more than
16 \$500.

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

22 When a vehicle removal from either public or private
23 property is authorized by a law enforcement agency, the owner
24 of the vehicle shall be responsible for all towing and storage
25 charges.

26 Vehicles removed from public or private property and stored

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

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

24 No lien under this subsection (g) shall: exceed \$2,000 in
25 its total amount; or be increased or altered to reflect any
26 charge for services or materials rendered in addition to those

1 authorized by this Act.

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

3 (625 ILCS 5/18a-100) (from Ch. 95 1/2, par. 18a-100)

4 Sec. 18a-100. Definitions. As used in this Chapter: (1)
5 "Commercial vehicle relocater" or "relocater" means any person
6 or entity engaged in the business of removing trespassing
7 vehicles from private property or damaged or disabled vehicles
8 from public or private property by means of towing or
9 otherwise, and thereafter relocating and storing such
10 vehicles;

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

12 (3) "Operator" means any person who, as an employee of a
13 commercial vehicle relocater, removes trespassing vehicles
14 from private property or damaged or disabled vehicles from
15 public or private property by means of towing or otherwise.
16 This term includes the driver of any vehicle used in removing a
17 trespassing vehicle from private property, as well as any
18 person other than the driver who assists in the removal of a
19 trespassing vehicle from private property;

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

23 (5) "Relocator's license" means a license issued to a
24 commercial vehicle relocater in accordance with Sections
25 18a-400 or 18a-401 of this Chapter;

1 (6) "Dispatcher" means any person who, as an employee or
2 agent of a commercial vehicle relocater, dispatches vehicles to
3 or from locations from which operators perform removal
4 activities; and

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

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

9 (625 ILCS 5/18a-101) (from Ch. 95 1/2, par. 18a-101)

10 Sec. 18a-101. Declaration of policy and delegation of
11 jurisdiction. It is hereby declared to be the policy of the
12 State of Illinois to supervise and regulate the commercial
13 removal of trespassing vehicles from private property and
14 damaged or disabled vehicles from public or private property,
15 and the subsequent relocation and storage of such vehicles in
16 such manner as to fairly distribute rights and responsibilities
17 among vehicle owners, private property owners and commercial
18 vehicle relocaters, and for this purpose the power and
19 authority to administer and to enforce the provisions of this
20 Chapter shall be vested in the Illinois Commerce Commission.

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

22 (625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

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

1 ~~(1) Vehicles registered for a gross weight in excess of~~
2 ~~10,000 pounds, or if the vehicle is not registered, with a~~
3 ~~gross weight in excess of 10,000 pounds including vehicle~~
4 ~~weight and maximum load; or~~

5 ~~(2) Motorcycles.~~

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

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

9 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

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

12 (1) Regulate commercial vehicle relocators and their
13 employees or agents in accordance with this Chapter and to that
14 end may establish reasonable requirements with respect to
15 proper service and practices relating thereto;

16 (2) Require the maintenance of uniform systems of accounts,
17 records and the preservation thereof;

18 (3) Require that all drivers and other personnel used in
19 relocation be employees of a licensed locator;

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

21 (5) Adopt reasonable and proper rules covering the exercise
22 of powers conferred upon it by this Chapter, and reasonable
23 rules governing investigations, hearings and proceedings under
24 this Chapter;

25 (6) Set reasonable rates for the commercial towing or

1 removal of trespassing vehicles from private property and
2 damaged or disabled vehicles from public or private property.

3 The rates shall not exceed the mean average of the 5 highest
4 rates for police tows within the territory to which this
5 Chapter applies that are performed under Sections 4-201 and
6 4-214 of this Code and that are of record at hearing; provided
7 that the Commission shall not re-calculate the maximum
8 specified herein if the order containing the previous
9 calculation was entered within one calendar year of the date on
10 which the new order is entered. Set reasonable rates for the
11 storage, for periods in excess of 24 hours, of the vehicles in
12 connection with the towing or removal; however, no relocater
13 shall impose charges for storage for the first 24 hours after
14 towing or removal. Set reasonable rates for other services
15 provided by relocators, provided that the rates shall not be
16 charged to the owner or operator of a relocated vehicle. The
17 maximum rates allowed for towing, storage, and other services
18 shall be posted on the Illinois Commerce Commission website.

19 Any fee charged by a relocater for the use of a credit card
20 that is used to pay for any service rendered by the relocater
21 shall be included in the total amount that shall not exceed the
22 maximum reasonable rate established by the Commission. The
23 Commission shall require a relocater to refund any amount
24 charged in excess of the reasonable rate established by the
25 Commission, including any fee for the use of a credit card;

26 (7) Investigate and maintain current files of the criminal

1 records, if any, of all relocators and their employees and of
2 all applicants for relocator's license, operator's licenses
3 and dispatcher's licenses. If the Commission determines that an
4 applicant for a license issued under this Chapter will be
5 subjected to a criminal history records check, the applicant
6 shall submit his or her fingerprints to the Department of State
7 Police in the form and manner prescribed by the Department of
8 State Police. These fingerprints shall be checked against the
9 Department of State Police and Federal Bureau of Investigation
10 criminal history record information databases now and
11 hereafter filed. The Department of State Police shall charge
12 the applicant a fee for conducting the criminal history records
13 check, which shall be deposited in the State Police Services
14 Fund and shall not exceed the actual cost of the records check.
15 The Department of State Police shall furnish pursuant to
16 positive identification, records of conviction to the
17 Commission;

18 (8) Issue relocator's licenses, dispatcher's employment
19 permits, and operator's employment permits in accordance with
20 Article IV of this Chapter;

21 (9) Establish fitness standards for applicants seeking
22 relocator licensees and holders of relocator licenses;

23 (10) Upon verified complaint in writing by any person,
24 organization or body politic, or upon its own initiative may,
25 investigate whether any commercial vehicle relocator,
26 operator, dispatcher, or person otherwise required to comply

1 with any provision of this Chapter or any rule promulgated
2 hereunder, has failed to comply with any provision or rule;

3 (11) Whenever the Commission receives notice from the
4 Secretary of State that any domestic or foreign corporation
5 regulated under this Chapter has not paid a franchise tax,
6 license fee or penalty required under the Business Corporation
7 Act of 1983, institute proceedings for the revocation of the
8 license or right to engage in any business required under this
9 Chapter or the suspension thereof until such time as the
10 delinquent franchise tax, license fee or penalty is paid.

11 (12) Establish form disclosures for use by commercial
12 vehicle relocators and operators, including all material
13 disclosures that must be made to the vehicle owner or operator
14 before a vehicle is towed, as is required by Section 18a-308 of
15 this Code.

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

21 (14) Establish form contracts for use by commercial vehicle
22 relocators and operators that comply with all requirements of
23 this Code.

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

25 (625 ILCS 5/18a-308 new)

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

3 (a) A commercial vehicle relocater or operator shall not
4 commence the towing of a damaged or disabled vehicle without
5 specific authorization from the vehicle owner or operator after
6 the disclosures set forth in this Section.

7 (b) Every commercial vehicle relocater or operator shall,
8 before towing a damaged or disabled vehicle, give to each
9 vehicle owner or operator a written disclosure providing:

10 (1) The formal business name of the commercial vehicle
11 relocater or its operator, as registered with the Illinois
12 Secretary of State, and its business address and telephone
13 number.

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

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

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

21 "As a customer, you also have the following rights
22 under Illinois law:

23 (1) This written disclosure must be provided to you
24 before your vehicle is towed, providing the business
25 name, business address, address where the vehicle will
26 be towed, and a reliable telephone number;

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

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

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

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

12 (6) Upon your demand, you must be provided with
13 proof of the existence of mandatory insurance insuring
14 against all risks associated with the transportation
15 and storage of your vehicle;

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

20 (c) The commercial vehicle relocater or operator shall
21 provide a copy of the completed disclosure required by this
22 Section to the vehicle owner or operator, before towing the
23 damaged or disabled vehicle, and shall maintain an identical
24 copy of the completed disclosure in its records for a minimum
25 of 5 years after the transaction concludes.

26 (d) If the vehicle owner or operator is incapacitated,

1 incompetent, or otherwise unable to knowingly accept receipt of
2 the disclosure described in this Section, the commercial
3 vehicle relocator or operator shall provide a completed copy of
4 the disclosure to local law enforcement and, if known, the
5 vehicle owner or operator's automobile insurance company.

6 (e) If the commercial vehicle relocator or operator fails
7 to comply with the requirements of this Section, the commercial
8 vehicle relocator or operator shall be prohibited from seeking
9 any compensation whatsoever from the vehicle owner or operator,
10 including but not limited to any towing, storage, or other
11 incidental fees. Furthermore, if the commercial vehicle
12 relocator or operator fails to comply with the requirements of
13 this Section, any contracts entered into by the commercial
14 vehicle relocator or operator and the vehicle owner or operator
15 shall be deemed null, void, and unenforceable.

16 (625 ILCS 5/18a-309 new)

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

19 (a) Upon demand of the vehicle owner or operator, the
20 commercial vehicle relocator or operator shall provide an
21 itemized final invoice that fairly and accurately documents the
22 charges owed by the vehicle owner or operator for relocation of
23 damaged or disabled vehicles. The final estimate or invoice
24 shall accurately record in writing all of the items set forth
25 in this Section.

1 (b) The final invoice shall show the formal business name
2 of the commercial vehicle relocater or its operator, as
3 registered with the Illinois Secretary of State, its business
4 address and telephone number, the date of the invoice, the
5 odometer reading at the time the final invoice was prepared,
6 the name of the vehicle owner or operator, and the description
7 of the motor vehicle, including the motor vehicle
8 identification number. In addition, the invoice shall describe
9 any modifications made to the vehicle by the commercial vehicle
10 relocater or operator, any observable damage to the vehicle
11 upon its initial receipt by the commercial vehicle relocater or
12 operator, and any observable damage to the vehicle at the time
13 of its release to the vehicle owner or operator. The invoice
14 shall itemize any additional charges and include those charges
15 in the total presented to the vehicle owner or operator.

16 (c) A legible copy of the invoice shall be given to the
17 vehicle owner or operator, and a legible copy shall be retained
18 by the collision repair facility for a period of 5 years from
19 the date of release of the vehicle. The copy may be retained in
20 electronic format. Records may be stored at a separate
21 location.

22 (625 ILCS 5/18a-310 new)

23 Sec. 18a-310. Disclosures to vehicle owners or operators;
24 required signs. Every commercial vehicle relocater's or
25 operator's storage facility that relocates or stores damaged or

1 disabled vehicles shall post, in a prominent place on the
2 business premises, one or more signs, readily visible to
3 customers, in the following form:

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

5 1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME
6 OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND
7 TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO
8 BE TOWED.

9 2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE
10 TOWING AND STORAGE OF YOUR VEHICLE.

11 3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A
12 FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR
13 ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE
14 IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE
15 TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE
16 VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.

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

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

22 6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF
23 INSURANCE, WHICH THE COMMERCIAL VEHICLE RELOCATOR MUST
24 MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE
25 IN TRANSIT AND WHILE IN STORAGE.

26 IF THE COMMERCIAL VEHICLE RELOCATOR HAS COMPLIED WITH

1 THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE
2 VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED
3 BY THE COMMERCIAL VEHICLE RELOCATOR, IN AN AMOUNT NOT IN
4 EXCESS OF THOSE FEES SET BY THE ILLINOIS COMMERCE
5 COMMISSION.

6 THE ILLINOIS COMMERCE COMMISSION HAS SET THE FOLLOWING
7 MAXIMUM FEES FOR SERVICES:

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

11 (625 ILCS 5/18a-311 new)

12 Sec. 18a-311. Record keeping. Every commercial vehicle
13 relocator and operator engaged in relocation or storage of
14 damaged or disabled vehicles shall maintain copies of (i) all
15 disclosures provided to vehicle owners or operators as required
16 under Section 18a-308 and (ii) all invoices provided to vehicle
17 owners or operators as required under Section 18a-309. The
18 copies may be maintained in an electronic format, shall be kept
19 for 5 years, and shall be available for inspection by the
20 Attorney General.

21 (625 ILCS 5/18a-312 new)

22 Sec. 18a-312. Waiver or limitation of liability
23 prohibited.

24 (a) Commercial vehicle relocators or operators engaged in

1 the relocation or storage of damaged or disabled vehicles shall
2 be prohibited from including a clause in contracts for the
3 relocation or storage of vehicles purporting to waive or limit
4 the commercial vehicle relocators' or operator's liability
5 under this Code, in tort or contract, or under any other
6 cognizable cause of action available to the vehicle owner or
7 operator.

8 (b) Commercial vehicle relocators or operators are
9 prohibited from requiring the vehicle owner or operator to sign
10 or agree to any document purporting to waive or limit the
11 commercial vehicle relocators' and operator's liability under
12 this Code, in tort or contract, or under any other cognizable
13 cause of action available to the vehicle owner or operator.

14 (c) Any contract, release, or other document purporting to
15 wave or limit the commercial vehicle relocators' or operator's
16 liability under this Code, in tort or contract, or under any
17 other cognizable cause of action available to the vehicle owner
18 or operator, shall be deemed null, void, and unenforceable.

19 (625 ILCS 5/18a-313 new)

20 Sec. 18a-313. Unlawful practice. Any commercial vehicle
21 relocator or operator engaged in the relocation or storage of
22 damaged or disabled vehicles who fails to comply with Sections
23 18a-308, 18a-309, 18a-310, 18a-312, or 18a-500 of this Code
24 commits an unlawful practice within the meaning of the Consumer
25 Fraud and Deceptive Business Practices Act.

1 (625 ILCS 5/18a-314 new)

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

6 (625 ILCS 5/18a-315 new)

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

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

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

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

21 (625 ILCS 5/18a-500) (from Ch. 95 1/2, par. 18a-500)

22 Sec. 18a-500. Posting of rates. Every commercial vehicle
23 relocater shall print and keep open to the public, all

1 authorized rates and charges for towing, otherwise moving, and
2 storing vehicles in connection with removal of unauthorized
3 vehicles from private property or damaged or disabled vehicles
4 from public or private property. Such rates and charges shall
5 be clearly stated in terms of lawful money of the United
6 States, and shall be posted in such form and manner, and shall
7 contain such information as the Commission shall by regulation
8 prescribe.

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

10 (625 ILCS 5/18a-501) (from Ch. 95 1/2, par. 18a-501)

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

12 (a) Except as otherwise provided in subsection (b), any
13 vehicle ~~Unauthorized vehicles~~ removed and stored by a
14 commercial vehicle relocater in compliance with this Chapter
15 shall be subject to a possessory lien for services pursuant to
16 the Labor and Storage Lien (Small Amount) Act, and the
17 provisions of Section 1 of that Act relating to notice and
18 implied consent shall be deemed satisfied by compliance with
19 Section 18a-302 and item (10) of Section 18a-300. In no event
20 shall such lien be greater than the rate or rates established
21 in accordance with item (6) of Section 18a-200. In no event
22 shall such lien be increased or altered to reflect any charge
23 for services or materials rendered in addition to those
24 authorized by this Act. Every such lien shall be payable by use
25 of any major credit card, in addition to being payable in cash.

1 Upon receipt of a properly signed credit card receipt, a
2 relocater shall become a holder in due course, and neither the
3 holder of the credit card nor the company which issued the
4 credit card may thereafter refuse to remit payment in the
5 amount shown on the credit card receipt minus the ordinary
6 charge assessed by the credit card company for processing the
7 charge. The Commission may adopt regulations governing
8 acceptance of credit cards by a relocater.

9 (b) A commercial vehicle relocater or operator that fails
10 to comply with Sections 18a-300, 18a-301, 18a-302, 18a-304,
11 18a-308, 18a-309, 18a-310, 18a-311, 18a-312, or 18a-500 of this
12 Code is barred from asserting a possessory or chattel lien for
13 the amount of any fees claimed for any towing, storage, or
14 other services provided.

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

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

18 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

19 Sec. 2Z. Violations of other Acts. Any person who knowingly
20 violates the Automotive Repair Act, the Automotive Collision
21 Repair Act, the Home Repair and Remodeling Act, the Dance
22 Studio Act, the Physical Fitness Services Act, the Hearing
23 Instrument Consumer Protection Act, the Illinois Union Label
24 Act, the Job Referral and Job Listing Services Consumer

1 Protection Act, the Travel Promotion Consumer Protection Act,
2 the Credit Services Organizations Act, the Automatic Telephone
3 Dialers Act, the Pay-Per-Call Services Consumer Protection
4 Act, the Telephone Solicitations Act, the Illinois Funeral or
5 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic
6 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home
7 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud
8 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
9 Act, the Payday Loan Reform Act, subsection (a) or (b) of
10 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail
11 Act, paragraph (6) of subsection (k) of Section 6-305 of the
12 Illinois Vehicle Code, Section 18a-308, 18a-309, 18a-310,
13 18a-312, or 18a-500 of the Illinois Vehicle Code as provided in
14 Section 18a-313 of that Code, Article 3 of the Residential Real
15 Property Disclosure Act, the Automatic Contract Renewal Act, or
16 the Personal Information Protection Act commits an unlawful
17 practice within the meaning of this Act.

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