

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 1-100, 4-203, and 18a-105 and by adding Chapter 18d as  
6 follows:

7 (625 ILCS 5/1-100) (from Ch. 95 1/2, par. 1-100)

8 Sec. 1-100. Short Title. This Act may be cited as the  
9 Illinois Vehicle Code.

10 Portions of this Act may likewise be cited by a short title  
11 as follows:

12 Chapters 2, 3, 4 and 5: the Illinois Vehicle Title &  
13 Registration Law.

14 Chapter 6: the Illinois Driver Licensing Law.

15 Chapter 7: the Illinois Safety and Family Financial  
16 Responsibility Law.

17 Chapter 11: the Illinois Rules of the Road.

18 Chapter 12: the Illinois Vehicle Equipment Law.

19 Chapter 13: the Illinois Vehicle Inspection Law.

20 Chapter 14: the Illinois Vehicle Equipment Safety Compact.

21 Chapter 15: the Illinois Size and Weight Law.

22 Chapter 17: the Illinois Highway Safety Law.

23 Chapter 18a: the Illinois Commercial Relocation of

1 Trespassing Vehicles Law.

2 Chapter 18b: the Illinois Motor Carrier Safety Law.

3 Chapter 18c: the Illinois Commercial Transportation Law.

4 Chapter 18d: The Illinois Commercial Safety Towing Law.

5 (Source: P.A. 89-92, eff. 7-1-96.)

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  
24 physical appearance is causing the impeding of traffic, its  
25 immediate removal from the highway or private property adjacent

1 to the highway by a towing service may be authorized by a law  
2 enforcement agency having jurisdiction.

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

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

21 (2) the vehicle is owned by the person under arrest,  
22 and the person under arrest gives permission to another  
23 person to operate such vehicle, provided however, that the  
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

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

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

9 (1) 24 hours for a second violation of Section 11-501  
10 of this Code or a similar provision of a local ordinance or  
11 Section 6-303 of this Code or a combination of these  
12 offenses; or

13 (2) 48 hours for a third violation of Section 11-501 of  
14 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.

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

25 (f) Except as provided in Chapter 18a of this Code, the  
26 owner or lessor of privately owned real property within this

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

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

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

24 3. If the registered owner or legally authorized person  
25 entitled to possession of the vehicle shall arrive at the  
26 scene prior to actual removal or towing of the vehicle, the

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

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

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

26 a. Except as otherwise provided in subparagraph

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

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

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

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

22 d. The sign structure containing the required  
23 notices must be permanently installed with the bottom  
24 of the sign not less than 4 feet above ground level,  
25 and must be continuously maintained on the property for  
26 not less than 24 hours prior to the towing or removing

1 of any vehicle.

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

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

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

24 9. Vehicle entry for the purpose of removal shall be  
25 allowed with reasonable care on the part of the person or  
26 firm towing the vehicle. Such person or firm shall be

1           liable for any damages occasioned to the vehicle if such  
2           entry is not in accordance with the standards of reasonable  
3           care.

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

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

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

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

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

9 Any person who fails to comply with the conditions and  
10 restrictions of this subsection shall be guilty of a Class C  
11 misdemeanor and shall be fined not less than \$100 nor more than  
12 \$500.

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

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

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

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

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

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

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

25 (625 ILCS 5/18a-105) (from Ch. 95 1/2, par. 18a-105)

1           Sec. 18a-105. Exemptions. This Chapter shall not apply to  
2 the relocation of motorcycles.†

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

7           ~~(2) Motorcycles.~~

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

10          (Source: P.A. 85-923.)

11           (625 ILCS 5/Chapter 18d heading new)

12           CHAPTER 18d. ILLINOIS COMMERCIAL SAFETY TOWING LAW

13           (625 ILCS 5/18d-101 new)

14           Sec. 18d-101. Short title. This Chapter may be cited as the  
15 Illinois Commercial Safety Towing Law.

16           (625 ILCS 5/18d-105 new)

17           Sec. 18d-105. Definitions. As used in this Chapter:

18           (1) "Commercial vehicle safety relocater" or "safety  
19 relocater" means any person or entity engaged in the business  
20 of removing damaged or disabled vehicles from public or private  
21 property by means of towing or otherwise, and thereafter  
22 relocating and storing such vehicles.

23           (2) "Commission" means the Illinois Commerce Commission.

1 (625 ILCS 5/18d-110 new)

2 Sec. 18d-110. The General Assembly finds and declares that  
3 commercial vehicle towing service in the State of Illinois  
4 fundamentally affects the public interest and public welfare.  
5 It is the intent of the General Assembly, in this amendatory  
6 Act of the 95th General Assembly, to promote the public  
7 interest and the public welfare by requiring similar basic  
8 consumer protections and fraud prevention measures that are  
9 required of other marketplace participants, including the  
10 disclosure of material terms and conditions of the service to  
11 consumers before consumers accept the terms and conditions. The  
12 General Assembly also intends that the provisions in this  
13 amendatory Act of the 95th General Assembly promote safety for  
14 all persons and vehicles that travel or otherwise use the  
15 public highways of this State. The General Assembly finds that  
16 it is in the public interest that persons whose vehicles are  
17 towed from the public highways know important basic  
18 information, such as where they can retrieve their vehicles and  
19 the cost to retrieve their vehicles, so that they can avoid  
20 vehicle deterioration and arrange for a prompt repair of the  
21 vehicles.

22 (625 ILCS 5/18d-115 new)

23 Sec. 18d-115. It shall be unlawful for any commercial  
24 vehicle safety relocater to operate in any county in which this

1 Chapter is applicable without a valid, current safety  
2 relocator's registration certificate issued by the Illinois  
3 Commerce Commission. The Illinois Commerce Commission shall  
4 issue safety relocator's registration certificates in  
5 accordance with administrative rules adopted by the  
6 Commission. The Commission may, at any time during the term of  
7 the registration certificate, make inquiry, into the  
8 licensee's management or conduct of business or otherwise, to  
9 determine that the provisions of this Chapter and the rules of  
10 the Commission adopted under this Chapter are being observed.

11 (625 ILCS 5/18d-120 new)

12 Sec. 18d-120. Disclosure to vehicle owner or operator  
13 before towing of damaged or disabled vehicle commences.

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

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

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

25 (2) The address of the location to which the vehicle

1       shall be relocated.

2           (3) The cost of all relocation, storage, and any other  
3       fees, without limitation, that the commercial vehicle  
4       safety relocater will charge for its services.

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

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

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

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

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

18           (4) Upon your demand, your vehicle must be returned  
19       during business hours, upon your prompt payment of all  
20       reasonable fees;

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

23           (6) Upon your demand, you must be provided with proof  
24       of the existence of mandatory insurance insuring against  
25       all risks associated with the transportation and storage of  
26       your vehicle."

1       (c) The commercial vehicle safety relocater shall provide a  
2 copy of the completed disclosure required by this Section to  
3 the vehicle owner or operator, before towing the damaged or  
4 disabled vehicle, and shall maintain an identical copy of the  
5 completed disclosure in its records for a minimum of 5 years  
6 after the transaction concludes.

7       (d) If the vehicle owner or operator is incapacitated,  
8 incompetent, or otherwise unable to knowingly accept receipt of  
9 the disclosure described in this Section, the commercial  
10 vehicle safety relocater shall provide a completed copy of the  
11 disclosure to local law enforcement and, if known, the vehicle  
12 owner or operator's automobile insurance company.

13       (e) If the commercial vehicle safety relocater fails to  
14 comply with the requirements of this Section, the commercial  
15 vehicle safety relocater shall be prohibited from seeking any  
16 compensation whatsoever from the vehicle owner or operator,  
17 including but not limited to any towing, storage, or other  
18 incidental fees. Furthermore, if the commercial vehicle safety  
19 relocater or operator fails to comply with the requirements of  
20 this Section, any contracts entered into by the commercial  
21 vehicle safety relocater and the vehicle owner or operator  
22 shall be deemed null, void, and unenforceable.

23       (625 ILCS 5/18d-125 new)

24       Sec. 18d-125. Disclosures to vehicle owners or operators;  
25 invoices.

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

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

23       (c) A legible copy of the invoice shall be given to the  
24       vehicle owner or operator, and a legible copy shall be retained  
25       by the commercial vehicle safety relocater for a period of 5  
26       years from the date of release of the vehicle. The copy may be

1 retained in electronic format. Records may be stored at a  
2 separate location.

3 (d) Disclosure forms required in accordance with this  
4 Section 18d-120 must be approved by the Commission.

5 (625 ILCS 5/18d-130 new)

6 Sec. 18d-130. Disclosures to vehicle owners or operators;  
7 required signs. Every commercial vehicle safety relocater's  
8 storage facility that relocates or stores damaged or disabled  
9 vehicles shall post, in a prominent place on the business  
10 premises, one or more signs, readily visible to customers, in  
11 the following form:

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

13 1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME  
14 OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND  
15 TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO  
16 BE TOWED.

17 2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE  
18 TOWING AND STORAGE OF YOUR VEHICLE.

19 3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A  
20 FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR  
21 ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE  
22 IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE  
23 TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE  
24 VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.

25 4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS

1       RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL  
2       REASONABLE FEES.

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

4             6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF  
5       INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR  
6       MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR  
7       VEHICLE IN TRANSIT AND WHILE IN STORAGE. IF THE COMMERCIAL  
8       VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE  
9       RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM  
10       THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE  
11       COMMERCIAL VEHICLE RELOCATOR.

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

15             (625 ILCS 5/18d-135 new)

16       Sec. 18d-135. Record keeping. Every commercial vehicle  
17       safety locator engaged in relocation or storage of damaged or  
18       disabled vehicles shall maintain copies of (i) all disclosures  
19       provided to vehicle owners or operators as required under this  
20       Chapter and (ii) all invoices provided to vehicle owners or  
21       operators as required under this Chapter. The copies may be  
22       maintained in an electronic format, shall be kept for 5 years,  
23       and shall be available for inspection by the Illinois Commerce  
24       Commission.

25       Failure to provide requested documentation to the Illinois

1 Commerce Commission within 3 business days of a request  
2 received from the Illinois Commerce Commission shall subject  
3 the commercial vehicle safety relocater to penalties imposed by  
4 the Illinois Commerce Commission. Penalties may include  
5 suspension of registration certificate and monetary fines up to  
6 \$1,000 for each violation.

7 (625 ILCS 5/18d-140 new)

8 Sec. 18d-140. Any vehicle used in connection with any  
9 commercial vehicle safety relocation service must have painted  
10 or firmly affixed to the vehicle on both sides of the vehicle  
11 in a color or colors vividly contrasting to the color of the  
12 vehicle the name, address, and telephone number of the safety  
13 relocater. The Commission shall prescribe reasonable rules and  
14 regulations pertaining to insignia to be painted or firmly  
15 affixed to vehicles.

16 (625 ILCS 5/18d-145 new)

17 Sec. 18d-145. Any vehicle used in connection with any  
18 commercial vehicle safety relocation service must carry in the  
19 power unit of the vehicle a certified copy of the currently  
20 effective safety relocater's registration certificate. Copies  
21 may be photographed, photocopied, or reproduced or printed by  
22 any other legible and durable process. Any person guilty of not  
23 causing to be displayed a copy of the safety relocater's  
24 registration certificate may in any hearing concerning the

1 violation be excused from the payment of the penalty  
2 hereinafter provided upon a showing that the registration  
3 certificate was issued by the Commission, but was subsequently  
4 lost or destroyed.

5 (625 ILCS 5/18d-150 new)

6 Sec. 18d-150. Waiver or limitation of liability  
7 prohibited.

8 (a) Commercial vehicle safety relocators engaged in the  
9 relocation or storage of damaged or disabled vehicles shall be  
10 prohibited from including a clause in contracts for the  
11 relocation or storage of vehicles purporting to waive or limit  
12 the commercial vehicle safety relocators' liability under this  
13 Code, in tort or contract, or under any other cognizable cause  
14 of action available to the vehicle owner or operator.

15 (b) Commercial vehicle safety relocators are prohibited  
16 from requiring the vehicle owner or operator to sign or agree  
17 to any document purporting to waive or limit the commercial  
18 vehicle safety relocators' liability under this Code, in tort  
19 or contract, or under any other cognizable cause of action  
20 available to the vehicle owner or operator.

21 (c) Any contract, release, or other document purporting to  
22 waive or limit the commercial vehicle safety relocators'  
23 liability under this Code, in tort or contract, or under any  
24 other cognizable cause of action available to the vehicle owner  
25 or operator, shall be deemed null, void, and unenforceable.

1 (625 ILCS 5/18d-155 new)

2 Sec. 18d-155. The Illinois Commerce Commission may request  
3 documentation or investigate business practices by a  
4 commercial vehicle safety relocater to determine compliance  
5 with this Chapter. Failure to comply with any Section of this  
6 Chapter, as determined by the Illinois Commerce Commission  
7 shall subject a commercial vehicle safety relocater to  
8 penalties imposed by the Illinois Commerce Commission.  
9 Penalties may include suspension of registration certificate  
10 and monetary fines up to \$1,000 for each violation.

11 (625 ILCS 5/18d-160 new)

12 Sec. 18d-160. Unlawful practice. Any commercial vehicle  
13 safety relocater engaged in the relocation or storage of  
14 damaged or disabled vehicles who fails to comply with Sections  
15 18d-115, 18d-120, 18d-125, 18d-130, 18d-135, or 18d-150 of this  
16 Code commits an unlawful practice within the meaning of the  
17 Consumer Fraud and Deceptive Business Practices Act.

18 (625 ILCS 5/18d-165 new)

19 Sec. 18d-165. Charges payable in cash or by major credit  
20 card. Any towing or storage charges accrued by the vehicle  
21 owner or operator shall be payable by the use of any major  
22 credit card, in addition to being payable in cash.

1 (625 ILCS 5/18d-170 new)

2 Sec. 18d-170. Mandatory insurance coverage.

3 (a) A commercial vehicle safety relocater shall provide  
4 insurance coverage for all risks associated with the  
5 transportation of vehicles towed under this Chapter, as well as  
6 for areas where vehicles towed under this Chapter are impounded  
7 or otherwise stored, and shall adequately cover loss by fire,  
8 theft, or other risks.

9 (b) Upon the demand of the vehicle owner or operator, a  
10 commercial vehicle safety relocater shall promptly supply  
11 proof of the existence of this insurance.

12 (c) Any person who fails to comply with the conditions and  
13 restrictions of this subsection shall be fined not less than  
14 \$100 nor more than \$500.

15 (625 ILCS 5/18d-175 new)

16 Sec. 18d-175. Disposition of funds. All fees and fines  
17 collected by the Commission under this Chapter shall be paid  
18 into the Transportation Regulatory Fund in the State treasury.  
19 The money in that fund shall be used to defray the expenses of  
20 the administration of this Chapter.

21 (625 ILCS 5/18d-180 new)

22 Sec. 18d-180. The provisions of this Chapter apply to all  
23 the activities of safety relocaters in any jurisdiction to  
24 which Chapter 18a of this Code applies in accordance with

1 Section 18a-700.

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

4 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5 Sec. 2Z. Violations of other Acts. Any person who knowingly  
6 violates the Automotive Repair Act, the Automotive Collision  
7 Repair Act, the Home Repair and Remodeling Act, the Dance  
8 Studio Act, the Physical Fitness Services Act, the Hearing  
9 Instrument Consumer Protection Act, the Illinois Union Label  
10 Act, the Job Referral and Job Listing Services Consumer  
11 Protection Act, the Travel Promotion Consumer Protection Act,  
12 the Credit Services Organizations Act, the Automatic Telephone  
13 Dialers Act, the Pay-Per-Call Services Consumer Protection  
14 Act, the Telephone Solicitations Act, the Illinois Funeral or  
15 Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic  
16 Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home  
17 Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud  
18 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax  
19 Act, the Payday Loan Reform Act, subsection (a) or (b) of  
20 Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail  
21 Act, paragraph (6) of subsection (k) of Section 6-305 of the  
22 Illinois Vehicle Code, Section 18d-115, 18d-120, 18d-125,  
23 18d-135, or 18d-150 of the Illinois Vehicle Code, Article 3 of  
24 the Residential Real Property Disclosure Act, the Automatic

1 Contract Renewal Act, or the Personal Information Protection  
2 Act commits an unlawful practice within the meaning of this  
3 Act.

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

7 Section 99. Effective date. This Act takes effect July 1,  
8 2008.