



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5969

Introduced 2/10/2010, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-821	from Ch. 95 1/2, par. 3-821
625 ILCS 5/4-203	from Ch. 95 1/2, par. 4-203
720 ILCS 5/36-5 new	

Amends the Illinois Vehicle Code and the Criminal Code of 1961. Provides that there shall be no fee paid for a certificate of title issued to a county when the vehicle is a junk vehicle and the vehicle is forfeited to the county under the Vehicle Forfeiture Article of the Criminal Code of 1961. Provides that a county, sheriff, deputy sheriff, or employee of the county sheriff shall not be civilly or criminally liable for any damage to a forfeited vehicle stored with a commercial vehicle safety relocater. Eliminates provision that certain personal property belonging to the vehicle owner of a vehicle that is determined to be a hazardous dilapidated motor vehicle is subject to a lien. Effective immediately.

LRB096 17604 RLC 35819 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning forfeiture.

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 3-821 and 4-203 as follows:

6 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

7 Sec. 3-821. Miscellaneous Registration and Title Fees.

8 (a) The fee to be paid to the Secretary of State for the
 9 following certificates, registrations or evidences of proper
 10 registration, or for corrected or duplicate documents shall be
 11 in accordance with the following schedule:

12	Certificate of Title, except for an all-terrain	
13	vehicle or off-highway motorcycle	\$95
14	Certificate of Title for an all-terrain vehicle	
15	or off-highway motorcycle	\$30
16	Certificate of Title for an all-terrain vehicle	
17	or off-highway motorcycle used for production	
18	agriculture, or accepted by a dealer in trade	13
19	Certificate of Title for a low-speed vehicle	30
20	Transfer of Registration or any evidence of	
21	proper registration	\$25
22	Duplicate Registration Card for plates or other	
23	evidence of proper registration	3

1	Duplicate Registration Sticker or Stickers, each	20
2	Duplicate Certificate of Title	95
3	Corrected Registration Card or Card for other	
4	evidence of proper registration	3
5	Corrected Certificate of Title	95
6	Salvage Certificate	4
7	Fleet Reciprocity Permit	15
8	Prorate Decal	1
9	Prorate Backing Plate	3
10	Special Corrected Certificate of Title	15
11	Expedited Title Service (to be charged in addition	
12	to other applicable fees)	30

13 A special corrected certificate of title shall be issued
 14 (i) to remove a co-owner's name due to the death of the
 15 co-owner or due to a divorce or (ii) to change a co-owner's
 16 name due to a marriage.

17 There shall be no fee paid for a Junking Certificate.

18 There shall be no fee paid for a certificate of title
 19 issued to a county when the vehicle is a junk vehicle and the
 20 vehicle is forfeited to the county under Article 36 of the
 21 Criminal Code of 1961.

22 (a-5) The Secretary of State may revoke a certificate of
 23 title and registration card and issue a corrected certificate
 24 of title and registration card, at no fee to the vehicle owner
 25 or lienholder, if there is proof that the vehicle
 26 identification number is erroneously shown on the original

1 certificate of title.

2 (b) The Secretary may prescribe the maximum service charge
3 to be imposed upon an applicant for renewal of a registration
4 by any person authorized by law to receive and remit or
5 transmit to the Secretary such renewal application and fees
6 therewith.

7 (c) If a check is delivered to the Office of the Secretary
8 of State as payment of any fee or tax under this Code, and such
9 check is not honored by the bank on which it is drawn for any
10 reason, the registrant or other person tendering the check
11 remains liable for the payment of such fee or tax. The
12 Secretary of State may assess a service charge of \$19 in
13 addition to the fee or tax due and owing for all dishonored
14 checks.

15 If the total amount then due and owing exceeds the sum of
16 \$50 and has not been paid in full within 60 days from the date
17 such fee or tax became due to the Secretary of State, the
18 Secretary of State shall assess a penalty of 25% of such amount
19 remaining unpaid.

20 All amounts payable under this Section shall be computed to
21 the nearest dollar.

22 (d) The minimum fee and tax to be paid by any applicant for
23 apportionment of a fleet of vehicles under this Code shall be
24 \$15 if the application was filed on or before the date
25 specified by the Secretary together with fees and taxes due. If
26 an application and the fees or taxes due are filed after the

1 date specified by the Secretary, the Secretary may prescribe
2 the payment of interest at the rate of 1/2 of 1% per month or
3 fraction thereof after such due date and a minimum of \$8.

4 (e) Trucks, truck tractors, truck tractors with loads, and
5 motor buses, any one of which having a combined total weight in
6 excess of 12,000 lbs. shall file an application for a Fleet
7 Reciprocity Permit issued by the Secretary of State. This
8 permit shall be in the possession of any driver operating a
9 vehicle on Illinois highways. Any foreign licensed vehicle of
10 the second division operating at any time in Illinois without a
11 Fleet Reciprocity Permit or other proper Illinois
12 registration, shall subject the operator to the penalties
13 provided in Section 3-834 of this Code. For the purposes of
14 this Code, "Fleet Reciprocity Permit" means any second division
15 motor vehicle with a foreign license and used only in
16 interstate transportation of goods. The fee for such permit
17 shall be \$15 per fleet which shall include all vehicles of the
18 fleet being registered.

19 (f) For purposes of this Section, "all-terrain vehicle or
20 off-highway motorcycle used for production agriculture" means
21 any all-terrain vehicle or off-highway motorcycle used in the
22 raising of or the propagation of livestock, crops for sale for
23 human consumption, crops for livestock consumption, and
24 production seed stock grown for the propagation of feed grains
25 and the husbandry of animals or for the purpose of providing a
26 food product, including the husbandry of blood stock as a main

1 source of providing a food product. "All-terrain vehicle or
2 off-highway motorcycle used in production agriculture" also
3 means any all-terrain vehicle or off-highway motorcycle used in
4 animal husbandry, floriculture, aquaculture, horticulture, and
5 viticulture.

6 (g) All of the proceeds of the additional fees imposed by
7 Public Act 96-34 ~~this amendatory Act of the 96th General~~
8 ~~Assembly~~ shall be deposited into the Capital Projects Fund.

9 (Source: P.A. 95-287, eff. 1-1-08; 96-34, eff. 7-13-09; 96-554,
10 eff. 1-1-10; 96-653, eff. 1-1-10; revised 9-15-09.)

11 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

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

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

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

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

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

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

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

26 (2) the vehicle is owned by the person under arrest,

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

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

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

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

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

1 indicate a lack of ability to operate a motor vehicle in a safe
2 manner or would otherwise, by operating the motor vehicle, be
3 in violation of this Code.

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

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

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

1 of the person at the law enforcement agency to whom such
2 information was reported.

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

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

19 5. Except for property appurtenant to and obviously a
20 part of a single family residence, and except for instances
21 where notice is personally given to the owner or other
22 legally authorized person in control of the vehicle that
23 the area in which that vehicle is parked is reserved or
24 otherwise unavailable to unauthorized vehicles and they
25 are subject to being removed at the owner or operator's
26 expense, any property owner or lessor, prior to towing or

1 removing any vehicle from private property without the
2 consent of the owner or other legally authorized person in
3 control of that vehicle, must post a notice meeting the
4 following requirements:

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

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

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

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

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

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

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

25 8. No removal of a vehicle from private property shall
26 be done except upon express written instructions of the

1 owners or persons in charge of the private property upon
2 which the vehicle is said to be trespassing.

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

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

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

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

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

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

14 Any person who fails to comply with the conditions and
15 restrictions of this subsection shall be guilty of a Class C
16 misdemeanor and shall be fined not less than \$100 nor more than
17 \$500.

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

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

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

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

25 No lien under this subsection (g) shall: exceed \$2,000 in
26 its total amount; or be increased or altered to reflect any

1 charge for services or materials rendered in addition to those
2 authorized by this Act.

3 (h) Whenever a peace officer issues a citation to a driver
4 for a violation of subsection (a) of Section 11-506 of this
5 Code, the arresting officer may have the vehicle which the
6 person was operating at the time of the arrest impounded for a
7 period of 5 days after the time of arrest. An impounding agency
8 shall release a motor vehicle impounded under this subsection
9 (h) to the registered owner of the vehicle under any of the
10 following circumstances:

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

12 (2) If the person ticketed for a violation of
13 subsection (a) of Section 11-506 of this Code was not
14 authorized by the registered owner of the vehicle to
15 operate the vehicle at the time of the violation; or

16 (3) If the registered owner of the vehicle was neither
17 the driver nor a passenger in the vehicle at the time of
18 the violation or was unaware that the driver was using the
19 vehicle to engage in street racing; or

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

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

25 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;
26 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621, eff. 6-1-08;

1 95-876, eff. 8-21-08.)

2 Section 10. The Criminal Code of 1961 is amended by adding
3 Section 36-5 as follows:

4 (720 ILCS 5/36-5 new)

5 Sec. 36-5. County or sheriff not liable for stored
6 forfeited vehicle. A county, sheriff, deputy sheriff, or
7 employee of the county sheriff shall not be civilly or
8 criminally liable for any damage to a forfeited vehicle stored
9 with a commercial vehicle safety relocater.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.