

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 forfeited to the county  
20 under Article 36 of the Criminal Code of 1961.

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

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

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

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

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

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

1 the payment of interest at the rate of 1/2 of 1% per month or  
2 fraction thereof after such due date and a minimum of \$8.

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

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

1 off-highway motorcycle used in production agriculture" also  
2 means any all-terrain vehicle or off-highway motorcycle used in  
3 animal husbandry, floriculture, aquaculture, horticulture, and  
4 viticulture.

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

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

10 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

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

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

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

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

25 (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 authorized by a law enforcement agency in compliance with this  
3 Section and Sections 4-201 and 4-202 of this Code, or at the  
4 request of the vehicle owner or operator, shall be subject to a  
5 possessor lien for services pursuant to the Labor and Storage  
6 Lien (Small Amount) Act. The provisions of Section 1 of that  
7 Act relating to notice and implied consent shall be deemed  
8 satisfied by compliance with Section 18a-302 and subsection (6)  
9 of Section 18a-300. In no event shall such lien be greater than  
10 the rate or rates established in accordance with subsection (6)  
11 of Section 18a-200 of this Code. In no event shall such lien be  
12 increased or altered to reflect any charge for services or  
13 materials rendered in addition to those authorized by this Act.  
14 Every such lien shall be payable by use of any major credit  
15 card, in addition to being payable 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 (h) Whenever a peace officer issues a citation to a driver  
3 for a violation of subsection (a) of Section 11-506 of this  
4 Code, the arresting officer may have the vehicle which the  
5 person was operating at the time of the arrest impounded for a  
6 period of 5 days after the time of arrest. An impounding agency  
7 shall release a motor vehicle impounded under this subsection  
8 (h) to the registered owner of the vehicle under any of the  
9 following circumstances:

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

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

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

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

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

24 (Source: P.A. 94-522, eff. 8-10-05; 94-784, eff. 1-1-07;  
25 95-310, eff. 1-1-08; 95-562, eff. 7-1-08; 95-621, eff. 6-1-08;  
26 95-876, eff. 8-21-08.)

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

3           (720 ILCS 5/36-5 new)

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

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