

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 1. Short Title. This Act may be cited as the
5 Statewide Relocation Towing Licensure Commission Act.

6 Section 5. The Statewide Relocation Towing Licensure
7 Commission.

8 (a) There is hereby created the Statewide Relocation Towing
9 Licensure Commission.

10 (b) Within 60 days after the effective date of this Act,
11 the members of the Commission shall be appointed with the
12 following members:

13 (1) one member of the General Assembly, appointed by
14 the President of the Senate;

15 (2) one member of the General Assembly, appointed by
16 the Minority Leader of the Senate;

17 (3) one member of the General Assembly, appointed by
18 the Speaker of the House of Representatives;

19 (4) one member of the General Assembly, appointed by
20 the Minority Leader of the House of Representatives;

21 (5) the Mayor of the City of Chicago, or his or her
22 designee;

23 (6) the Secretary of Transportation, or his or her

1 designee;

2 (7) the Director of State Police, or his or her
3 designee;

4 (8) two members of the public who represent the towing
5 industry, appointed by the President of the Professional
6 Towing and Recovery Operators of Illinois;

7 (9) two members of the public who represent the
8 property casualty insurance industry, appointed by the
9 Executive Director of the Illinois Insurance Association;

10 (10) the President of the Illinois Municipal League, or
11 his or her designee;

12 (11) the President of the Illinois Sheriffs'
13 Association, or his or her designee;

14 (12) the Cook County State's Attorney, or his or her
15 designee;

16 (13) the Chairman of the Illinois Commerce Commission,
17 or his or her designee; and

18 (14) the President of the Northwest Municipal
19 Conference, or his or her designee.

20 (c) The members of the Commission shall receive no
21 compensation for serving as members of the Commission.

22 (d) The Illinois Commerce Commission shall provide
23 administrative and other support to the Commission.

24 Section 10. Meetings.

25 (a) Each member of the Commission shall have voting rights

1 and all actions and recommendations shall be approved by a
2 simple majority vote of the members.

3 (b) The Commission shall meet no less than 3 times before
4 the end of the calendar year in which this Act of the 99th
5 General Assembly becomes effective.

6 (c) At the initial meeting, the Commission shall elect one
7 member as a Chairperson, through a simple majority vote, who
8 shall thereafter call any subsequent meetings.

9 Section 15. Reporting.

10 (a) No later than July 1, 2017, the Commission shall submit
11 a report to the Governor and to the General Assembly, which
12 shall include, but is not limited to:

13 (1) an evaluation of the current towing laws in this
14 State;

15 (2) a recommendation for an appropriate towing program
16 for this State;

17 (3) a review of all potential litigation costs for an
18 owner of an impounded vehicle, a towing company, and a
19 county or municipality; and

20 (3) any other matters the Commission deems necessary.

21 Section 20. Repealer. This Act is repealed on January 1,
22 2018.

23 Section 105. The Illinois Vehicle Code is amended by

1 changing Sections 11-208.7 and 11-1431 as follows:

2 (625 ILCS 5/11-208.7)

3 Sec. 11-208.7. Administrative fees and procedures for
4 impounding vehicles for specified violations.

5 (a) Any county or municipality may, consistent with this
6 Section, provide by ordinance procedures for the release of
7 properly impounded vehicles and for the imposition of a
8 reasonable administrative fee related to its administrative
9 and processing costs associated with the investigation,
10 arrest, and detention of an offender, or the removal,
11 impoundment, storage, and release of the vehicle. The
12 administrative fee imposed by the county or municipality may be
13 in addition to any fees charged for the towing and storage of
14 an impounded vehicle. The administrative fee shall be waived by
15 the county or municipality upon verifiable proof that the
16 vehicle was stolen at the time the vehicle was impounded.

17 (b) An ~~Any~~ ordinance establishing procedures for the
18 release of properly impounded vehicles under this Section may
19 impose fees only for the following violations:

20 (1) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense for
22 which a motor vehicle may be seized and forfeited pursuant
23 to Section 36-1 of the Criminal Code of 2012; or

24 (2) driving under the influence of alcohol, another
25 drug or drugs, an intoxicating compound or compounds, or

1 any combination thereof, in violation of Section 11-501 of
2 this Code; or

3 (3) operation or use of a motor vehicle in the
4 commission of, or in the attempt to commit, a felony or in
5 violation of the Cannabis Control Act; or

6 (4) operation or use of a motor vehicle in the
7 commission of, or in the attempt to commit, an offense in
8 violation of the Illinois Controlled Substances Act; or

9 (5) operation or use of a motor vehicle in the
10 commission of, or in the attempt to commit, an offense in
11 violation of Section 24-1, 24-1.5, or 24-3.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012; or

13 (6) driving while a driver's license, permit, or
14 privilege to operate a motor vehicle is suspended or
15 revoked pursuant to Section 6-303 of this Code; except that
16 vehicles shall not be subjected to seizure or impoundment
17 if the suspension is for an unpaid citation (parking or
18 moving) or due to failure to comply with emission testing;
19 or

20 (7) operation or use of a motor vehicle while
21 soliciting, possessing, or attempting to solicit or
22 possess cannabis or a controlled substance, as defined by
23 the Cannabis Control Act or the Illinois Controlled
24 Substances Act; or

25 (8) operation or use of a motor vehicle with an expired
26 driver's license, in violation of Section 6-101 of this

1 Code, if the period of expiration is greater than one year;

2 or

3 (9) operation or use of a motor vehicle without ever
4 having been issued a driver's license or permit, in
5 violation of Section 6-101 of this Code, or operating a
6 motor vehicle without ever having been issued a driver's
7 license or permit due to a person's age; or

8 (10) operation or use of a motor vehicle by a person
9 against whom a warrant has been issued by a circuit clerk
10 in Illinois for failing to answer charges that the driver
11 violated Section 6-101, 6-303, or 11-501 of this Code; or

12 (11) operation or use of a motor vehicle in the
13 commission of, or in the attempt to commit, an offense in
14 violation of Article 16 or 16A of the Criminal Code of 1961
15 or the Criminal Code of 2012; or

16 (12) operation or use of a motor vehicle in the
17 commission of, or in the attempt to commit, any other
18 misdemeanor or felony offense in violation of the Criminal
19 Code of 1961 or the Criminal Code of 2012, when so provided
20 by local ordinance; or

21 (13) operation or use of a motor vehicle in violation
22 of Section 11-503 of this Code:

23 (A) while the vehicle is part of a funeral
24 procession; or

25 (B) in a manner that interferes with a funeral
26 procession.

1 (c) The following shall apply to any fees imposed for
2 administrative and processing costs pursuant to subsection
3 (b):

4 (1) All administrative fees and towing and storage
5 charges shall be imposed on the registered owner of the
6 motor vehicle or the agents of that owner.

7 (2) The fees shall be in addition to (i) any other
8 penalties that may be assessed by a court of law for the
9 underlying violations; and (ii) any towing or storage fees,
10 or both, charged by the towing company.

11 (3) The fees shall be uniform for all similarly
12 situated vehicles.

13 (4) The fees shall be collected by and paid to the
14 county or municipality imposing the fees.

15 (5) The towing or storage fees, or both, shall be
16 collected by and paid to the person, firm, or entity that
17 tows and stores the impounded vehicle.

18 (d) Any ordinance establishing procedures for the release
19 of properly impounded vehicles under this Section shall provide
20 for an opportunity for a hearing, as provided in subdivision
21 (b) (4) of Section 11-208.3 of this Code, and for the release of
22 the vehicle to the owner of record, lessee, or a lienholder of
23 record upon payment of all administrative fees and towing and
24 storage fees.

25 (e) Any ordinance establishing procedures for the
26 impoundment and release of vehicles under this Section shall

1 include the following provisions concerning notice of
2 impoundment:

3 (1) Whenever a police officer has cause to believe that
4 a motor vehicle is subject to impoundment, the officer
5 shall provide for the towing of the vehicle to a facility
6 authorized by the county or municipality.

7 (2) At the time the vehicle is towed, the county or
8 municipality shall notify or make a reasonable attempt to
9 notify the owner, lessee, or person identifying himself or
10 herself as the owner or lessee of the vehicle, or any
11 person who is found to be in control of the vehicle at the
12 time of the alleged offense, of the fact of the seizure,
13 and of the vehicle owner's or lessee's right to an
14 administrative hearing.

15 (3) The county or municipality shall also provide
16 notice that the motor vehicle will remain impounded pending
17 the completion of an administrative hearing, unless the
18 owner or lessee of the vehicle or a lienholder posts with
19 the county or municipality a bond equal to the
20 administrative fee as provided by ordinance and pays for
21 all towing and storage charges.

22 (f) Any ordinance establishing procedures for the
23 impoundment and release of vehicles under this Section shall
24 include a provision providing that the registered owner or
25 lessee of the vehicle and any lienholder of record shall be
26 provided with a notice of hearing. The notice shall:

1 (1) be served upon the owner, lessee, and any
2 lienholder of record either by personal service or by first
3 class mail to the interested party's address as registered
4 with the Secretary of State;

5 (2) be served upon interested parties within 10 days
6 after a vehicle is impounded by the municipality; and

7 (3) contain the date, time, and location of the
8 administrative hearing. An initial hearing shall be
9 scheduled and convened no later than 45 days after the date
10 of the mailing of the notice of hearing.

11 (g) In addition to the requirements contained in
12 subdivision (b) (4) of Section 11-208.3 of this Code relating to
13 administrative hearings, any ordinance providing for the
14 impoundment and release of vehicles under this Section shall
15 include the following requirements concerning administrative
16 hearings:

17 (1) administrative hearings shall be conducted by a
18 hearing officer who is an attorney licensed to practice law
19 in this State for a minimum of 3 years;

20 (2) at the conclusion of the administrative hearing,
21 the hearing officer shall issue a written decision either
22 sustaining or overruling the vehicle impoundment;

23 (3) if the basis for the vehicle impoundment is
24 sustained by the administrative hearing officer, any
25 administrative fee posted to secure the release of the
26 vehicle shall be forfeited to the county or municipality;

1 (4) all final decisions of the administrative hearing
2 officer shall be subject to review under the provisions of
3 the Administrative Review Law, unless the county or
4 municipality allows in the enabling ordinance for direct
5 appeal to the circuit court having jurisdiction over the
6 county or municipality; ~~and~~

7 (5) unless the administrative hearing officer
8 overturns the basis for the vehicle impoundment, no vehicle
9 shall be released to the owner, lessee, or lienholder of
10 record until all administrative fees and towing and storage
11 charges are paid; and ~~and~~

12 (6) if the administrative hearing officer finds that a
13 county or municipality that impounds a vehicle exceeded its
14 authority under this Code, the county or municipality shall
15 be liable to the registered owner or lessee of the vehicle
16 for the cost of storage fees and reasonable attorney's
17 fees.

18 (h) Vehicles not retrieved from the towing facility or
19 storage facility within 35 days after the administrative
20 hearing officer issues a written decision shall be deemed
21 abandoned and disposed of in accordance with the provisions of
22 Article II of Chapter 4 of this Code.

23 (i) Unless stayed by a court of competent jurisdiction, any
24 fine, penalty, or administrative fee imposed under this Section
25 which remains unpaid in whole or in part after the expiration
26 of the deadline for seeking judicial review under the

1 Administrative Review Law may be enforced in the same manner as
2 a judgment entered by a court of competent jurisdiction.

3 (j) The fee limits in subsection (b), the exceptions in
4 paragraph (6) of subsection (b), and all of paragraph (6) of
5 subsection (g) of this Section shall not apply to a home rule
6 unit that tows a vehicle on a public way if a circumstance
7 requires the towing of the vehicle or if the vehicle is towed
8 due to a violation of a statute or local ordinance, and the
9 home rule unit:

10 (1) owns and operates a towing facility within its
11 boundaries for the storage of towed vehicles; and

12 (2) owns and operates tow trucks or enters into a
13 contract with a third party vendor to operate tow trucks.

14 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;
15 98-518, eff. 8-22-13; 98-734, eff. 1-1-15; 98-756, eff.
16 7-16-14.)

17 (625 ILCS 5/11-1431)

18 Sec. 11-1431. Solicitations at accident or disablement
19 scene prohibited.

20 (a) A tower, as defined by Section 1-205.2 of this Code, or
21 an employee or agent of a tower may not: (i) stop at the scene
22 of a motor vehicle accident or at or near a damaged or disabled
23 vehicle for the purpose of soliciting the owner or operator of
24 the damaged or disabled vehicle to enter into a towing service
25 transaction; or (ii) stop at the scene of an accident or at or

1 near a damaged or disabled vehicle unless called to the
2 location by a law enforcement officer, the Illinois Department
3 of Transportation, the Illinois State Toll Highway Authority, a
4 local agency having jurisdiction over the highway, ~~or~~ the owner
5 or operator of the damaged or disabled vehicle, or the owner or
6 operator's authorized agent, including his or her insurer or
7 motor club of which the owner or operator is a member. This
8 Section shall not apply to employees of the Department, the
9 Illinois State Toll Highway Authority, or local agencies when
10 engaged in their official duties. Nothing in this Section shall
11 prevent a tower from stopping at the scene of a motor vehicle
12 accident or at or near a damaged or disabled vehicle if the
13 owner or operator signals the tower for assistance from the
14 location of the motor vehicle accident or damaged or disabled
15 vehicle.

16 (b) A person or company who violates this Section is guilty
17 of a Class 4 felony ~~business offense and shall be required to~~
18 ~~pay a fine of more than \$500, but not more than \$1,000.~~ A
19 person convicted of violating this Section shall also have his
20 or her driver's license, permit, or privileges suspended for 3
21 months. After the expiration of the 3 month suspension, the
22 person's driver's license, permit, or privileges shall not be
23 reinstated until he or she has paid a reinstatement fee of
24 \$100. If a person violates this Section while his or her
25 driver's license, permit, or privileges are suspended under
26 this subsection (b), his or her driver's license, permit, or

1 privileges shall be suspended for an additional 6 months, and
2 shall not be reinstated after the expiration of the 6 month
3 suspension until he or she pays a reinstatement fee of \$100. A
4 vehicle owner, or his or her authorized agent or automobile
5 insurer, may bring a claim against a company or person who
6 willfully and materially violates this Section. A court may
7 award the prevailing party reasonable attorney's fees, costs,
8 and expenses relating to that action.

9 (Source: P.A. 99-438, eff. 1-1-16.)

10 Section 999. Effective date. This Act takes effect upon
11 becoming law.