

1 AN ACT concerning vehicles.

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
5 changing Section 4-203 as follows:

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
11 or more, its removal by a towing service may be authorized by
12 a 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
15 may be authorized by a law enforcement agency having
16 jurisdiction.

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

22 (d) When an abandoned, unattended, wrecked, burned or
23 partially dismantled vehicle is creating a traffic hazard
24 because of its position in relation to the highway or its
25 physical appearance is causing the impeding of traffic, its
26 immediate removal from the highway or private property
27 adjacent to the highway by a towing service may be authorized
28 by a law enforcement agency having jurisdiction.

29 (e) Whenever a peace officer reasonably believes that a
30 person under arrest for a violation of Section 11-501 of this
31 Code or a similar provision of a local ordinance is likely,

1 upon release, to commit a subsequent violation of Section
2 11-501, or a similar provision of a local ordinance, the
3 arresting officer shall have the vehicle which the person was
4 operating at the time of the arrest impounded for a period of
5 not more than 12 hours after the time of arrest. However,
6 such vehicle may be released by the arresting law enforcement
7 agency prior to the end of the impoundment period if:

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

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

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

31 (1) 24 hours for a second violation of Section
32 11-501 of this Code or a similar provision of a local
33 ordinance or Section 6-303 of this Code or a combination
34 of these offenses; or

1 (2) 48 hours for a third violation of Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or Section 6-303 of this Code or a combination
4 of these offenses.

5 The vehicle may be released sooner if the vehicle is
6 owned by the person under arrest and the person under arrest
7 gives permission to another person to operate the vehicle and
8 that other person possesses a valid operator's license and
9 would not, as determined by the arresting law enforcement
10 agency, indicate a lack of ability to operate a motor vehicle
11 in a safe manner or would otherwise, by operating the motor
12 vehicle, be in violation of this Code.

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

26 1. Any towed or removed vehicle must be stored at
27 the site of the towing service's place of business. The
28 site must be open during business hours, and for the
29 purpose of redemption of vehicles, during the time that
30 the person or firm towing such vehicle is open for towing
31 purposes.

32 2. The towing service shall within 30 minutes of
33 completion of such towing or removal, notify the law
34 enforcement agency having jurisdiction of such towing or

1 removal, and the make, model, color and license plate
2 number of the vehicle, and shall obtain and record the
3 name of the person at the law enforcement agency to whom
4 such information was reported.

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

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

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

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

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

11 c. The notice must also provide the name and
12 current telephone number of the towing service
13 towing or removing the vehicle.

14 d. The sign structure containing the required
15 notices must be permanently installed with the
16 bottom of the sign not less than 4 feet above ground
17 level, and must be continuously maintained on the
18 property for not less than 24 hours prior to the
19 towing or removing of any vehicle.

20 6. Any towing service that tows or removes vehicles
21 and proposes to require the owner, operator, or person in
22 control of the vehicle to pay the costs of towing and
23 storage prior to redemption of the vehicle must file and
24 keep on record with the local law enforcement agency a
25 complete copy of the current rates to be charged for such
26 services, and post at the storage site an identical rate
27 schedule and any written contracts with property owners,
28 lessors, or persons in control of property which
29 authorize them to remove vehicles as provided in this
30 Section.

31 7. No person shall engage in the removal of
32 vehicles from private property as described in this
33 Section without filing a notice of intent in each
34 community where he intends to do such removal, and such

1 notice shall be filed at least 7 days before commencing
2 such towing.

3 8. No removal of a vehicle from private property
4 shall be done except upon express written instructions of
5 the owners or persons in charge of the private property
6 upon which the vehicle is said to be trespassing.

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

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

27 This Section shall not apply to law enforcement,
28 firefighting, rescue, ambulance, or other emergency vehicles
29 which are marked as such or to property owned by any
30 governmental entity.

31 When an authorized person improperly causes a motor
32 vehicle to be removed, such person shall be liable to the
33 owner or lessee of the vehicle for the cost or removal,
34 transportation and storage, any damages resulting from the

1 removal, transportation and storage, attorney's fee and court
2 costs.

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

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

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

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

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

24 Vehicles removed from public or private property and
25 stored by a commercial vehicle relocater or any other towing
26 service in compliance with this Section and Sections 4-201
27 and 4-202 of this Code, or at the request of the vehicle
28 owner or operator, shall be subject to a possessor lien for
29 services pursuant to the Labor and Storage Lien (Small
30 Amount) Act; however, the provisions of that Act governing
31 the maximum amount of such a lien do not apply to any lien
32 covered by this subsection. "An--Act--concerning--liens--for
33 labor, services, skill or materials furnished upon or storage
34 furnished for chattels", filed July 24, 1941, as amended, and

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

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

19 No lien under this subsection (g) shall: exceed \$5,000 in
20 its total amount; or be increased or altered to reflect any
21 charge for services or materials rendered in addition to
22 those authorized by this Act.

23 Upon receipt of a properly signed credit card receipt, a
24 relocator or other towing service shall become a holder in
25 due course, and neither the holder of the credit card nor the
26 company which issued the credit card may thereafter refuse to
27 remit payment in the amount shown on the credit card receipt
28 minus the ordinary charge assessed by the credit card company
29 for processing the charge.

30 (Source: P.A. 90-738, eff. 1-1-99.)

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.