



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3430

Introduced 2/18/2025, by Rep. Norma Hernandez

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Nonconsensual Towing Act. Creates the Commercial Vehicle Towing Advisory Committee. Sets forth members, terms, compensation, meetings, and record keeping. Provides that the Committee shall: (1) establish rules and standards for the inclusion of a towing and recovery service on the tow list; (2) establish statewide maximum towing and storage rates for nonconsensual tows; (3) require the towing and recovery service to ban the use of per-pound billing for nonconsensual towing; (4) publish a Towing Service Standard Manual; and (5) collect and compile data and information on the number of people who have been towed nonconsensually and the areas where nonconsensual tows have occurred. Requires a towing and recovery service to allow an owner of a commercial motor vehicle or a designee of the owner of the commercial motor vehicle to access the vehicle in a reasonable manner as established by rules adopted by the Committee. Allows a law enforcement officer to use the services of the a tow list. Provides that it is unlawful for: (1) a law enforcement officer to receive compensation or receive any other incentive to select a particular towing and recovery service from the list, hold any financial interest in a towing and recovery service, and recommend any towing and recovery service in the performance of his or her duties; (2) any member or employee of the Committee, Department of Transportation, or Secretary of State to receive compensation from a towing and recovery service for the privilege of being included on the tow list; (3) a towing and recovery service to pay money or other valuable consideration for the privilege of nonconsensual towing commercial motor vehicles; and (4) a towing and recovery service to employ or otherwise compensate individuals whose primary task is to report the presence of unauthorized, improperly, or illegally parked commercial motor vehicles for the purpose of towing or removal and storage. Provides that before a towing and recovery service connects a commercial motor vehicle to a tow truck for a nonconsensual tow, the towing and recovery service shall document the vehicle's condition and the reason for the tow. Prohibits a towing and recovery service from using vehicle immobilization devices except under the direction of law enforcement. Repeals the Act on July 1, 2030. Effective July 1, 2025.

LRB104 10396 LNS 20471 b

A BILL FOR

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 Nonconsensual Towing Act.

6 Section 5. Definitions. As used in this Act:

7 "Cargo" means goods and materials transported by a  
8 commercial motor vehicle as defined in 49 CFR Section 390.5,  
9 75, including, but not limited to:

- 10 (1) pallets;
- 11 (2) containers;
- 12 (3) bracing;
- 13 (4) air pillows;
- 14 (5) tie-down assemblies and other securement 81  
15 systems;
- 16 (6) cradles;
- 17 (7) chocks; and
- 18 (8) all other dunnage and packaging.

19 "Commercial vehicle" means any self-propelled or motored  
20 device designed to be used or used primarily for the  
21 transportation of passengers or property, or both, and have a  
22 gross vehicular weight rating of fifteen thousand (15,000)  
23 pounds or more.

1 "Committee" means the Commercial Vehicle Towing Advisory  
2 Committee created by this Act.

3 "Drop fee" means a fee that a towing and recovery service  
4 charges to unhook a commercial motor vehicle from a tow truck.

5 "Heavy-duty towing" means the towing of a vehicle,  
6 including trailers and semitrailers, with a gross vehicle  
7 rating over 26,000 pounds.

8 "Law enforcement officer" means any local law enforcement  
9 officer or Illinois State Police trooper.

10 "Medium-duty towing" means the towing of a vehicle,  
11 including trailers and semitrailers with a gross vehicle  
12 rating of over 15,000 pounds to 26,000 pounds.

13 "Motor vehicle" means a vehicle which self-propels, and is  
14 intended primarily for use and operation on public roads and  
15 highways.

16 "Nonconsensual towing" means the moving, transporting, or  
17 recovery of a commercial vehicle by a towing and recovery  
18 service without the prior consent or authorization of the  
19 owner or operator of the motor vehicle from private property  
20 or by police-initiated towing.

21 "Per pound billing" means a method of calculating a fee  
22 for towing using a formula that considers the weight of the  
23 commercial motor vehicle, equipment, or cargo that is the  
24 subject of the towing and multiplies the weight of the  
25 vehicle, equipment, or cargo by a monetary amount.

26 "Police initiated towing" means towing of a commercial

1 motor vehicle which was authorized, requested, or dispatched  
2 by a law enforcement officer.

3 "Tow list" means a list of approved towing companies  
4 compiled, maintained and used by a law enforcement officer or  
5 his or her designee, and as authorized by the Secretary of  
6 State to perform police-initiated towing services of disabled  
7 or abandoned commercial motor vehicles.

8 "Towing" means the moving, transporting, or recovery from  
9 public or private property, or from a storage facility of a  
10 person's commercial motor vehicle, the moving or removing of  
11 an unclaimed commercial vehicle, or the immobilization of or  
12 preparation for moving or removing of the commercial motor  
13 vehicle, for which a fee is charged either directly or  
14 indirectly.

15 "Towing and recovery service" means an individual or  
16 business entity that provides towing and recovery services at  
17 the direction of a law enforcement officer or private property  
18 owner in exchange for a fee or charge.

19 "Vehicle immobilization device" means a mechanical device  
20 that is designated or adapted to be attached to a wheel, tire,  
21 or other part of a parked commercial motor vehicle to prohibit  
22 the vehicle's usual manner of movement or operation.

23 Section 10. Commercial Vehicle Towing Advisory Committee.

24 (a) The Secretary of State shall create within the  
25 Department of Transportation a Commercial Vehicle Towing

1 Advisory Committee. The Committee shall consist of the  
2 following members:

3 (1) the Secretary of State, or his or her designee;

4 (2) the Director of the Illinois State Police, or his  
5 or her designee;

6 (3) two members, the President of the Professional  
7 Towing & Recovery Operators of Illinois and his or her  
8 appointee, to represent the towing and recovery services  
9 within the State;

10 (4) two members, appointed by the President of the  
11 Illinois Trucking Association, to represent the commercial  
12 motor carriers within the State; and

13 (5) one member, appointed by the Governor, to  
14 represent the local police jurisdictions.

15 (b) Members of the Committee shall serve for a term of 2  
16 years. Members may serve consecutive terms. Members shall  
17 serve without compensation.

18 (c) At the first meeting, the Committee shall elect a  
19 chairperson from its membership to serve for a term of 2 years.  
20 A chairperson may serve consecutive terms.

21 (d) The Committee shall hold its first meeting no later  
22 than September 1, 2025, at a time and location within the State  
23 to be determined by the Secretary of State. Thereafter,  
24 meetings shall be held on dates and at times and locations  
25 within the State and selected by the chairperson in  
26 consultation with the other members or by the Secretary of

1 State, if the most recent chairperson's term has expired.

2 (e) The Committee shall keep and maintain a record of all  
3 proceedings of the Committee, and copies of all orders or  
4 recommendations issued by the Committee.

5 Section 15. Committee's duties. The Commercial Vehicle  
6 Towing Advisory Committee shall:

7 (1) Establish rules and standards for the inclusion of  
8 a towing and recovery service on the tow list, including  
9 application procedures and minimum qualification  
10 requirements.

11 (2) Establish statewide maximum towing and storage  
12 rates for nonconsensual tows, including those for private  
13 property. The established maximum rates shall include  
14 maximum rates for administrative fees, provided as  
15 follows:

16 (A) a towing and recovery service may charge less  
17 than, but may not charge more than the approved  
18 statewide rates;

19 (B) the towing and recovery service shall not  
20 charge or retain any fees not indicated by the  
21 Committee for the maximum rates for towing and storage  
22 of a commercial motor vehicle after the nonconsensual  
23 tow from private property; and

24 (C) the statewide maximum towing and storage rates  
25 for nonconsensual tows shall be reviewed annually.

1 Market fluctuations within the towing industry may be  
2 considered along with current consensual towing market  
3 rates and their relationship to nonconsensual towing  
4 rates.

5 (3) Require the towing and recovery service to ban the  
6 use of per-pound billing for nonconsensual towing.

7 (4) Publish a Towing Service Standard Manual, with  
8 rules governing the use of towing and recovery services  
9 for nonconsensual towing of commercial vehicles no later  
10 than January 1, 2026. At a minimum, the rules shall  
11 include the following provisions to:

12 (A) establish the information required to be  
13 included on any invoice associated with the towing of  
14 a commercial motor vehicle, including, but not limited  
15 to, requiring that the invoice be itemized;

16 (B) establish factors that shall be considered in  
17 determining whether a charge levied by a towing and  
18 recovery service is fair, equitable, and reasonable;

19 (C) establish a process the Committee shall use to  
20 receive, investigate, and adjudicate complaints  
21 against a towing and recovery service;

22 (D) establish a service charge dispute resolution  
23 process that includes, at a minimum, provisions  
24 requiring completion of a written complaint form,  
25 deadlines for initiating a complaint after receiving  
26 an itemized invoice, deadlines for responding to a

1 complaint, cessation of storage fees during the  
2 complaint resolution process, a hearing on the  
3 complaint, and deadlines for issuing a formal decision  
4 adjudicating the service charge dispute;

5 (E) establish an appeals process for the appeal of  
6 any determination of order of the Committee under this  
7 subsection;

8 (F) establish a disciplinary procedure for  
9 violations of the rules by the towing and recovery  
10 service, including the suspension or removal of a  
11 towing and recovery service from the tow list; and

12 (G) establish a process that the Secretary of  
13 State may use to suspend or remove a towing and  
14 recovery service from any tow list.

15 (5) Collect and compile data and information on the  
16 number of people who have been towed nonconsensually and  
17 the areas where nonconsensual towings have occurred.

18 Section 20. Access to towed vehicle.

19 (a) Upon nonconsensual towing and recovery of a commercial  
20 towing vehicle and movement of the commercial motor vehicle to  
21 a storage facility, a towing and recovery service shall allow  
22 an owner of a commercial motor vehicle or a designee of the  
23 owner of the commercial motor vehicle to access the vehicle in  
24 a reasonable manner as established by rules adopted by the  
25 Committee. Any vehicle towed nonconsensually in this State

1 must be stored in the State.

2 (b) The towing and recovery services shall provide a  
3 commercial vehicle owner or operator or owner's designee with  
4 reasonable access to the vehicle so that the vehicle owner and  
5 operator or the owner's designee may access and collect any  
6 personal property contained in the vehicle, regardless of  
7 whether any payment has been made for the towing and recovery  
8 service charges.

9 (c) If there is no dispute as to the charges assessed by  
10 the towing and recovery service for the nonconsensual towing  
11 of the commercial motor vehicle, the vehicle owner or operator  
12 or the owner's designee shall pay the towing service invoice  
13 and the towing and recovery service shall release the vehicle  
14 immediately.

15 Section 25. Use of tow list. In authorizing a towing and  
16 recovery service to perform towing services, any law  
17 enforcement officer may use the services of a tow list, as long  
18 as:

19 (1) they are under no obligation to include or retain  
20 the services of any towing and recovery service in any  
21 contract or agreement with respect to any tow list  
22 established pursuant to this Act. A towing and recovery  
23 service is subject to removal from a towing list at any  
24 time; and

25 (2) an owner or operator of a commercial motor vehicle

1           may request a specific towing and recovery service and  
2           that request shall be honored by the law enforcement  
3           officer unless the requested towing and recovery service  
4           cannot perform the requested towing and recovery service  
5           or does not respond in a reasonable time, as determined by  
6           the law enforcement officer.

7           Section 30. Prohibitions; nonconsensual tows on private  
8           property.

9           (a) It shall be unlawful for:

10           (1) a law enforcement officer to:

11                   (A) receive compensation or receive any other  
12                   incentive, monetary or otherwise, to select a  
13                   particular towing and recovery service from the list;

14                   (B) hold any financial interest in a towing and  
15                   recovery service; and

16                   (C) recommend any towing and recovery service in  
17                   the performance of his or her duties;

18           (2) any member or employee of the Committee,  
19           Department of Transportation, or Secretary of State to  
20           receive compensation from a towing and recovery service  
21           for the privilege of being included on the tow list;

22           (3) a towing and recovery service to pay money or  
23           other valuable consideration for the privilege of  
24           nonconsensual towing commercial motor vehicles; and

25           (4) a towing and recovery service to employ or

1 otherwise compensate individuals, commonly referred to as  
2 "spotters," whose primary task is to report the presence  
3 of unauthorized, improperly, or illegally parked  
4 commercial motor vehicles for the purpose of towing or  
5 removal and storage.

6 (b) Nonconsensual tows for unauthorized, illegally parked  
7 commercial motor vehicles on private property must be  
8 performed by State-based towers. Towed vehicles must be stored  
9 within the State.

10 Section 35. Documentation; authorization.

11 (a) Before a towing and recovery service connects a  
12 commercial motor vehicle to a tow truck for a nonconsensual  
13 tow, the towing and recovery service shall document the  
14 vehicle's condition and the reason for the tow by:

15 (1) taking at least 4 photographs of the vehicle, with  
16 at least one photograph taken from the front, one  
17 photograph taken from the rear, one photograph taken from  
18 the driver's side and one taken from the passenger's side.

19 These photographs must:

20 (A) show the entire vehicle from the required  
21 angle; and

22 (B) have the vehicle fill at least three-fourths  
23 of the photograph, measured from side to side; and

24 (2) taking a photograph that shows the reason the  
25 vehicle is being towed nonconsensually. The photograph

1 must show the portion of the vehicle in relation to the  
2 reason, including any sign that the vehicle was towed.

3 (b) Upon demand of the owner or operator of the commercial  
4 motor vehicle or the owner's designee, the Secretary of State  
5 or the Committee, the towing and recovery service shall  
6 provide copies of the photographs.

7 (c) A towing and recovery service's failure to produce the  
8 photographs shall create a rebuttable presumption that the  
9 towing and recovery service did not have the authority to tow a  
10 vehicle from either a private property owner or operator or a  
11 law enforcement officer.

12 (d) Before a towing and recovery service connects a  
13 commercial motor vehicle to a tow truck for a nonconsensual  
14 tow, the towing and recovery service shall have authorization  
15 to nonconsensually tow a commercial motor vehicle.  
16 Authorization shall be found if:

17 (1) a law enforcement officer requests a  
18 police-initiated tow and requests that a towing and  
19 recovery service from the tow list provide towing;

20 (2) the towing and recovery service has received  
21 permission to tow the commercial motor vehicle from the  
22 owner of the private property;

23 (3) a towing service shall not tow a commercial motor  
24 vehicle from private property without the owner or  
25 operator of the private property giving the tower service  
26 written permission; or

1           (4) in order for the towing and recovery service to  
2           conduct a nonconsensual tow, the private property owner  
3           must have posted signage visible and facing the driver at  
4           each entryway into the property stating that vehicles  
5           parked on the property without authorization or  
6           inappropriately or illegally parked are subject to being  
7           towed. The sign must also contain the international towing  
8           symbol no smaller than 4 inches by 4 inches and be  
9           permanently mounted in a position that is no lower than 5  
10          feet and no higher than 8 feet.

11          (e) The towing and recovery service shall not assess a  
12          drop fee to release the commercial motor vehicle after the  
13          vehicle is hooked up to the tow truck but before the vehicle is  
14          removed from the private property.

15          Section 40. Vehicle immobilization devices prohibited. A  
16          towing and recovery service shall not use vehicle  
17          immobilization devices except under the direction of law  
18          enforcement.

19          Section 90. Repeal. This Act is repealed on July 1, 2030.

20          Section 99. Effective date. This Act takes effect July 1,  
21          2025.