



Sen. Andy Manar

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LRB100 12037 SLF 26620 a

1 AMENDMENT TO SENATE BILL 2185

2 AMENDMENT NO. _____. Amend Senate Bill 2185 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. This Act may be referred to as Conor's Law.

5 Section 5. The Department of State Police Law of the Civil
6 Administrative Code of Illinois is amended by adding Section
7 2605-54 as follows:

8 (20 ILCS 2605/2605-54 new)

9 Sec. 2605-54. Training policy; persons arrested while
10 under the influence of alcohol or drugs. The Department shall
11 adopt a policy and provide training to State Police officers
12 concerning response and care for persons under the influence of
13 alcohol or drugs. The policy shall be consistent with the
14 Alcoholism and Other Drug Abuse and Dependency Act and shall
15 provide guidance for the arrest of persons under the influence

1 of alcohol or drugs, proper medical attention if warranted, and
2 care and release of those persons from custody. The Department
3 shall create a separate policy for the release of persons
4 arrested under the influence of alcohol or drugs who are under
5 the age of 21 years of age. This policy shall include, but not
6 be limited to, language requiring the arresting officer to make
7 a reasonable attempt to contact a responsible adult who is
8 willing to take custody of the person who is under the
9 influence of alcohol or drugs.

10 Section 10. The Illinois Police Training Act is amended by
11 adding Section 10.17-5 as follows:

12 (50 ILCS 705/10.17-5 new)

13 Sec. 10.17-5. Training policy; persons arrested while
14 under the influence of alcohol or drugs. The Board shall create
15 a model policy to train law enforcement officers to respond to
16 a person arrested who is under the influence of alcohol or
17 drugs and the eventual release of that person from custody. The
18 Board shall create a separate model policy for the release of
19 persons arrested under the influence of alcohol or drugs who
20 are under the age of 21 years of age. This policy shall
21 include, but not be limited to, language requiring the
22 arresting officer to make a reasonable attempt to contact a
23 responsible adult who is willing to take custody of the person
24 who is under the influence of alcohol or drugs.

1 Section 15. The Illinois Vehicle Code is amended by
2 changing Section 4-203 as follows:

3 (625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

4 Sec. 4-203. Removal of motor vehicles or other vehicles;
5 towing or hauling away.

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

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

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

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

1 (e) Whenever a peace officer reasonably believes that a
2 person under arrest for a violation of Section 11-501 of this
3 Code or a similar provision of a local ordinance is likely,
4 upon release, to commit a subsequent violation of Section
5 11-501, or a similar provision of a local ordinance, the
6 arresting officer shall have the vehicle which the person was
7 operating at the time of the arrest impounded for a period of
8 ~~not more than~~ 12 hours after the time of arrest. However, such
9 vehicle may be released by the arresting law enforcement agency
10 prior to the end of the impoundment period if:

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

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

1 (e-5) Whenever a registered owner of a vehicle is taken
2 into custody for operating the vehicle in violation of Section
3 11-501 of this Code or a similar provision of a local ordinance
4 or Section 6-303 of this Code, a law enforcement officer may
5 have the vehicle immediately impounded for a period not less
6 than:

7 (1) 24 hours for a second violation of Section 11-501
8 of this Code or a similar provision of a local ordinance or
9 Section 6-303 of this Code or a combination of these
10 offenses; or

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

15 The vehicle may be released sooner if the vehicle is owned
16 by the person under arrest and the person under arrest gives
17 permission to another person to operate the vehicle and that
18 other person possesses a valid operator's license and would
19 not, as determined by the arresting law enforcement agency,
20 indicate a lack of ability to operate a motor vehicle in a safe
21 manner or would otherwise, by operating the motor vehicle, be
22 in violation of this Code.

23 (f) Except as provided in Chapter 18a of this Code, the
24 owner or lessor of privately owned real property within this
25 State, or any person authorized by such owner or lessor, or any
26 law enforcement agency in the case of publicly owned real

1 property may cause any motor vehicle abandoned or left
2 unattended upon such property without permission to be removed
3 by a towing service without liability for the costs of removal,
4 transportation or storage or damage caused by such removal,
5 transportation or storage. The towing or removal of any vehicle
6 from private property without the consent of the registered
7 owner or other legally authorized person in control of the
8 vehicle is subject to compliance with the following conditions
9 and restrictions:

10 1. Any towed or removed vehicle must be stored at the
11 site of the towing service's place of business. The site
12 must be open during business hours, and for the purpose of
13 redemption of vehicles, during the time that the person or
14 firm towing such vehicle is open for towing purposes.

15 2. The towing service shall within 30 minutes of
16 completion of such towing or removal, notify the law
17 enforcement agency having jurisdiction of such towing or
18 removal, and the make, model, color and license plate
19 number of the vehicle, and shall obtain and record the name
20 of the person at the law enforcement agency to whom such
21 information was reported.

22 3. If the registered owner or legally authorized person
23 entitled to possession of the vehicle shall arrive at the
24 scene prior to actual removal or towing of the vehicle, the
25 vehicle shall be disconnected from the tow truck and that
26 person shall be allowed to remove the vehicle without

1 interference, upon the payment of a reasonable service fee
2 of not more than one half the posted rate of the towing
3 service as provided in paragraph 6 of this subsection, for
4 which a receipt shall be given.

5 4. The rebate or payment of money or any other valuable
6 consideration from the towing service or its owners,
7 managers or employees to the owners or operators of the
8 premises from which the vehicles are towed or removed, for
9 the privilege of removing or towing those vehicles, is
10 prohibited. Any individual who violates this paragraph
11 shall be guilty of a Class A misdemeanor.

12 5. Except for property appurtenant to and obviously a
13 part of a single family residence, and except for instances
14 where notice is personally given to the owner or other
15 legally authorized person in control of the vehicle that
16 the area in which that vehicle is parked is reserved or
17 otherwise unavailable to unauthorized vehicles and they
18 are subject to being removed at the owner or operator's
19 expense, any property owner or lessor, prior to towing or
20 removing any vehicle from private property without the
21 consent of the owner or other legally authorized person in
22 control of that vehicle, must post a notice meeting the
23 following requirements:

24 a. Except as otherwise provided in subparagraph
25 a.1 of this subdivision (f)5, the notice must be
26 prominently placed at each driveway access or curb cut

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

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

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

17 c. The notice must also provide the name and
18 current telephone number of the towing service towing
19 or removing the vehicle.

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

26 6. Any towing service that tows or removes vehicles and

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

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

18 8. No removal of a vehicle from private property shall
19 be done except upon express written instructions of the
20 owners or persons in charge of the private property upon
21 which the vehicle is said to be trespassing.

22 9. Vehicle entry for the purpose of removal shall be
23 allowed with reasonable care on the part of the person or
24 firm towing the vehicle. Such person or firm shall be
25 liable for any damages occasioned to the vehicle if such
26 entry is not in accordance with the standards of reasonable

1 care.

2 9.5. Except as authorized by a law enforcement officer,
3 no towing service shall engage in the removal of a
4 commercial motor vehicle that requires a commercial
5 driver's license to operate by operating the vehicle under
6 its own power on a highway.

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

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

25 When an authorized person improperly causes a motor vehicle
26 to be removed, such person shall be liable to the owner or

1 lessee of the vehicle for the cost or removal, transportation
2 and storage, any damages resulting from the removal,
3 transportation and storage, attorney's fee and court costs.

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

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

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

16 (g)(1) When a vehicle is determined to be a hazardous
17 dilapidated motor vehicle pursuant to Section 11-40-3.1 of the
18 Illinois Municipal Code or Section 5-12002.1 of the Counties
19 Code, its removal and impoundment by a towing service may be
20 authorized by a law enforcement agency with appropriate
21 jurisdiction.

22 (2) 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 (3) Vehicles removed from public or private property and

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

16 (4) Any personal property belonging to the vehicle owner in
17 a vehicle subject to a lien under this subsection (g) shall
18 likewise be subject to that lien, excepting only: child
19 restraint systems as defined in Section 4 of the Child
20 Passenger Protection Act and other child booster seats;
21 eyeglasses; food; medicine; perishable property; any
22 operator's licenses; any cash, credit cards, or checks or
23 checkbooks; any wallet, purse, or other property containing any
24 operator's license or other identifying documents or
25 materials, cash, credit cards, checks, or checkbooks; and any
26 personal property belonging to a person other than the vehicle

1 owner if that person provides adequate proof that the personal
2 property belongs to that person. The spouse, child, mother,
3 father, brother, or sister of the vehicle owner may claim
4 personal property excepted under this paragraph (4) if the
5 person claiming the personal property provides the commercial
6 vehicle relocater or towing service with the authorization of
7 the vehicle owner.

8 (5) This paragraph (5) applies only in the case of a
9 vehicle that is towed as a result of being involved in an
10 accident. In addition to the personal property excepted under
11 paragraph (4), all other personal property in a vehicle subject
12 to a lien under this subsection (g) is exempt from that lien
13 and may be claimed by the vehicle owner if the vehicle owner
14 provides the commercial vehicle relocater or towing service
15 with proof that the vehicle owner has an insurance policy
16 covering towing and storage fees. The spouse, child, mother,
17 father, brother, or sister of the vehicle owner may claim
18 personal property in a vehicle subject to a lien under this
19 subsection (g) if the person claiming the personal property
20 provides the commercial vehicle relocater or towing service
21 with the authorization of the vehicle owner and proof that the
22 vehicle owner has an insurance policy covering towing and
23 storage fees. The regulation of liens on personal property and
24 exceptions to those liens in the case of vehicles towed as a
25 result of being involved in an accident are exclusive powers
26 and functions of the State. A home rule unit may not regulate

1 liens on personal property and exceptions to those liens in the
2 case of vehicles towed as a result of being involved in an
3 accident. This paragraph (5) is a denial and limitation of home
4 rule powers and functions under subsection (h) of Section 6 of
5 Article VII of the Illinois Constitution.

6 (6) No lien under this subsection (g) shall: exceed \$2,000
7 in its total amount; or be increased or altered to reflect any
8 charge for services or materials rendered in addition to those
9 authorized by this Act.

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

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

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

23 (3) If the registered owner of the vehicle was neither
24 the driver nor a passenger in the vehicle at the time of
25 the violation or was unaware that the driver was using the
26 vehicle to engage in street racing; or

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

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

6 (i) Except for vehicles exempted under subsection (b) of
7 Section 7-601 of this Code, whenever a law enforcement officer
8 issues a citation to a driver for a violation of Section 3-707
9 of this Code, and the driver has a prior conviction for a
10 violation of Section 3-707 of this Code in the past 12 months,
11 the arresting officer shall authorize the removal and
12 impoundment of the vehicle by a towing service.
13 (Source: P.A. 99-438, eff. 1-1-16.)".