



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3122

by Rep. Justin Slaughter

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1431

Amends the Illinois Vehicle Code. Provides that a tower or the employee or agent of a tower that is summoned, or is alleging it was summoned, to the scene of an accident or disabled or damaged vehicle shall possess specified information, in writing or in an electronic record, before arriving at the scene. Provides that the tower shall make the information available to law enforcement, upon request, from the time the tower appears at the scene until the time the vehicle is towed and released to a third party, and shall maintain that information for 3 years. Provides that the tower shall make the information available for inspection and copying within 48 hours of a written request by any law enforcement officer or law enforcement entity, the Illinois Commerce Commission, or the Attorney General. Provides that a tower shall furnish the vehicle's owner or operator with a written itemized estimate of all charges and services to be performed. Provides that a tower shall obtain the vehicle owner's or operator's signature on the itemized estimate and shall furnish a copy to the person who signed the estimate. Provides that a tower shall not charge a towing, clean-up, service, or vehicle storage fee that is unreasonable. In penalty provisions, provides that a person who violates the provisions is guilty of a Class 4 felony. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

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 5. The Illinois Vehicle Code is amended by changing  
5 Section 11-1431 as follows:

6 (625 ILCS 5/11-1431)

7 Sec. 11-1431. Solicitations at accident or disablement  
8 scene ~~prohibited~~.

9 (a) A tower, as defined by Section 1-205.2 of this Code, or  
10 an employee or agent of a tower may not: (i) stop at the scene  
11 of a motor vehicle accident or at or near a damaged or disabled  
12 vehicle for the purpose of soliciting the owner or operator of  
13 the damaged or disabled vehicle to enter into a towing service  
14 transaction; or (ii) stop at the scene of an accident or at or  
15 near a damaged or disabled vehicle unless called to the  
16 location by a law enforcement officer, the Illinois Department  
17 of Transportation, the Illinois State Toll Highway Authority, a  
18 local agency having jurisdiction over the highway, the owner or  
19 operator of the damaged or disabled vehicle, or the owner or  
20 operator's authorized agent, including his or her insurer or  
21 motor club of which the owner or operator is a member. This  
22 Section shall not apply to employees of the Department, the  
23 Illinois State Toll Highway Authority, or local agencies when

1 engaged in their official duties. Nothing in this Section shall  
2 prevent a tower from stopping at the scene of a motor vehicle  
3 accident or at or near a damaged or disabled vehicle if the  
4 owner or operator signals the tower for assistance from the  
5 location of the motor vehicle accident or damaged or disabled  
6 vehicle.

7 (a-1) A tower or the employee or agent of a tower that is  
8 summoned, or is alleging it was summoned, to the scene of an  
9 accident or disabled or damaged vehicle shall possess the  
10 following information in writing before arriving at the scene:

11 (1) the first and last name and working telephone  
12 number of the person who summoned it to the scene;

13 (2) the make, model, year, and license plate number of  
14 the disabled vehicle;

15 (3) the date and time it was summoned to the scene; and

16 (4) the name of the person who obtained the information  
17 in items (1), (2), and (3).

18 As used in this subsection, "in writing" includes an  
19 electronic record.

20 (a-2) A tower shall make the written information described  
21 in subsection (a-1) available to law enforcement, upon request,  
22 from the time the tower appears at the scene until the time the  
23 vehicle is towed and released to a third party, and shall  
24 maintain the information for 3 years. The tower shall make the  
25 information available for inspection and copying within 48  
26 hours of a written request by any law enforcement officer or

1 law enforcement entity, the Illinois Commerce Commission, or  
2 the Attorney General.

3 (a-3) Before attaching a vehicle to the tow truck, if the  
4 vehicle owner or operator is present at the time and location  
5 of the anticipated tow, the tower shall furnish the vehicle's  
6 owner or operator with a written itemized estimate of all  
7 charges and services to be performed. The estimate shall  
8 include the following:

9 (1) the name, address, telephone number, and  
10 commercial vehicle relocator's license number of the  
11 tower;

12 (2) the license plate number of the tow truck  
13 performing the tow;

14 (3) the first and last name of the towing operator,  
15 and, if different than the towing operator, the first and  
16 last name of the person from the towing company furnishing  
17 the estimate; and

18 (4) a description and cost for all services, including,  
19 but not limited to, charges for labor, special equipment,  
20 mileage from dispatch to return, and storage fees,  
21 expressed as a 24-hour rate.

22 The estimate may be furnished after the vehicle is attached  
23 and removed to the nearest safe shoulder or street if done at  
24 the request of a law enforcement or public agency and the  
25 estimate is furnished before the removal of the vehicle from  
26 the nearest safe shoulder or street.

1       (a-4) The tower shall obtain the vehicle owner's or  
2       operator's signature on the itemized estimate provided under  
3       subsection (a-3) and shall furnish a copy to the person who  
4       signed the estimate.

5       (a-5) A tower shall not charge a towing, clean-up, service,  
6       or vehicle storage fee that is unreasonable.

7       (a-6) For purposes of this Section, a towing, clean-up,  
8       service, or vehicle storage fee is reasonable if it is  
9       comparable to rates and fees charged by other facilities in the  
10       same locale.

11       (b) A person or company who violates this Section is guilty  
12       of a Class 4 felony. A person convicted of violating this  
13       Section shall also have his or her driver's license, permit, or  
14       privileges suspended for 3 months. After the expiration of the  
15       3-month suspension, the person's driver's license, permit, or  
16       privileges shall not be reinstated until he or she has paid a  
17       reinstatement fee of \$100. If a person violates this Section  
18       while his or her driver's license, permit, or privileges are  
19       suspended under this subsection (b), his or her driver's  
20       license, permit, or privileges shall be suspended for an  
21       additional 6 months, and shall not be reinstated after the  
22       expiration of the 6-month suspension until he or she pays a  
23       reinstatement fee of \$100. A vehicle owner, or his or her  
24       authorized agent or automobile insurer, may bring a claim  
25       against a company or person who willfully and materially  
26       violates this Section. A court may award the prevailing party

1 reasonable attorney's fees, costs, and expenses relating to  
2 that action.

3 (Source: P.A. 99-438, eff. 1-1-16; 99-848, eff. 8-19-16;  
4 100-201, eff. 8-18-17.)

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.