

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 Sections 4-216 and 11-208.7 as follows:

6 (625 ILCS 5/4-216)

7 Sec. 4-216. Storage fees; notice to lienholder of record.

8 (a) Any commercial vehicle relocater or any other private  
9 towing service providing removal or towing services pursuant to  
10 this Code and seeking to impose fees in connection with the  
11 furnishing of storage for a vehicle in the possession of the  
12 commercial vehicle relocater or other private towing service  
13 must provide written notice within 2 business days after the  
14 vehicle is removed or towed, by certified mail, return receipt  
15 requested, to the lienholder of record, regardless of whether  
16 the commercial vehicle relocater or other private towing  
17 service enforces a lien under the Labor and Storage Lien Act or  
18 the Labor and Storage Lien (Small Amount) Act. The notice shall  
19 be effective upon mailing and include the rate at which fees  
20 will be incurred, and shall provide the lienholder of record  
21 with an opportunity to inspect the vehicle on the premises  
22 where the vehicle is stored within 2 business days of the  
23 lienholder of record's ~~lienholder's~~ request. The date on which

1 the assessment and accrual of storage fees may commence is the  
2 date of the impoundment of the vehicle, subject to any  
3 applicable limitations set forth by a municipality authorizing  
4 the vehicle removal. Payment of the storage fees by the  
5 lienholder of record may be made in cash or by cashier's check,  
6 certified check, debit card, credit card, or wire transfer, at  
7 the option of the lienholder of record taking possession of the  
8 vehicle. The commercial vehicle relocater or other private  
9 towing service shall furnish a copy of the certified mail  
10 receipt to the lienholder of record upon request.

11 (b) The notification requirements in subsection (a) of this  
12 Section apply in addition to any lienholder of record notice  
13 requirements under this Code relating to the removal or towing  
14 of an abandoned, lost, stolen, or unclaimed vehicle. If the  
15 commercial vehicle relocater or other private towing service  
16 fails to comply with the notification requirements set forth in  
17 subsection (a) of this Section, storage fees shall not be  
18 assessed and collected and the lienholder of record shall be  
19 entitled to injunctive relief for possession of the vehicle  
20 without the payment of any storage fees.

21 (c) If the notification required under subsection (a) was  
22 not sent and a lienholder of record discovers its collateral is  
23 in the possession of a commercial vehicle relocater or other  
24 private towing service by means other than the notification  
25 required in subsection (a) of this Section, the lienholder of  
26 record is entitled to recover any storage fees paid to the

1 commercial vehicle relocater or other private towing service to  
2 reclaim possession of its collateral.

3 (d) An action under this Section may be brought by the  
4 lienholder of record against the commercial vehicle locator or  
5 other private towing service in the circuit court.

6 (e) Notwithstanding any provision to the contrary in this  
7 Code, a commercial vehicle relocater or other private towing  
8 service seeking to impose storage fees for a vehicle in its  
9 possession may not foreclose or otherwise enforce its claim for  
10 payment of storage services or any lien relating to the claim  
11 pursuant to this Code or other applicable law unless it first  
12 complies with the lienholder of record notification  
13 requirements set forth in subsection (a) of this Section.

14 (f) If the vehicle that is removed or towed is registered  
15 in a state other than Illinois, the assessment and accrual of  
16 storage fees may commence on the date that the request for  
17 lienholder of record information is filed by the commercial  
18 vehicle relocater or other private towing service with the  
19 applicable administrative agency or office in that state if:  
20 (i) the commercial vehicle relocater or other private towing  
21 service furnishes the lienholder of record with a copy or proof  
22 of filing of the request for lienholder of record information;  
23 (ii) the commercial vehicle relocater or other private towing  
24 service provides to the lienholder of record the notification  
25 required by this Section within one business day after  
26 receiving the requested lienholder of record information; and

1 (iii) the assessment of storage fees complies with any  
2 applicable limitations set forth by a municipality authorizing  
3 the vehicle removal.

4 (Source: P.A. 100-311, eff. 11-23-17; 100-863, eff. 8-14-18.)

5 (625 ILCS 5/11-208.7)

6 Sec. 11-208.7. Administrative fees and procedures for  
7 impounding vehicles for specified violations.

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

20 (b) An ordinance establishing procedures for the release of  
21 properly impounded vehicles under this Section may impose fees  
22 only for the following violations:

23 (1) operation or use of a motor vehicle in the  
24 commission of, or in the attempt to commit, an offense for  
25 which a motor vehicle may be seized and forfeited pursuant

1 to Section 36-1 of the Criminal Code of 2012; or

2 (2) driving under the influence of alcohol, another  
3 drug or drugs, an intoxicating compound or compounds, or  
4 any combination thereof, in violation of Section 11-501 of  
5 this Code; or

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

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

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

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

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

1 Substances Act; or

2 (8) operation or use of a motor vehicle with an expired  
3 driver's license, in violation of Section 6-101 of this  
4 Code, if the period of expiration is greater than one year;  
5 or

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

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

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

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

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

26 (A) while the vehicle is part of a funeral

1 procession; or

2 (B) in a manner that interferes with a funeral  
3 procession.

4 (c) The following shall apply to any fees imposed for  
5 administrative and processing costs pursuant to subsection  
6 (b):

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

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

14 (3) The fees shall be uniform for all similarly  
15 situated vehicles.

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

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

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

1 storage fees.

2 (e) Any ordinance establishing procedures for the  
3 impoundment and release of vehicles under this Section shall  
4 include the following provisions concerning notice of  
5 impoundment:

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

10 (2) At the time the vehicle is towed, the county or  
11 municipality shall notify, as soon as practicable, or make  
12 a reasonable attempt to notify the owner, lessee, or person  
13 identifying himself or herself as the owner or lessee of  
14 the vehicle, or any person who is found to be in control of  
15 the vehicle at the time of the alleged offense, of the fact  
16 of the seizure, and of the vehicle owner's or lessee's  
17 right to an administrative hearing. Notice shall be given  
18 by the towing company to the lienholder of record pursuant  
19 to Section 4-216 of this Code.

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



1 (f) Any ordinance establishing procedures for the  
2 impoundment and release of vehicles under this Section shall  
3 include a provision providing that the registered owner or  
4 lessee of the vehicle and any lienholder of record shall be  
5 provided with a notice of hearing. The notice shall:

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

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

12 (3) contain the date, time, and location of the  
13 administrative hearing. An initial hearing shall be  
14 scheduled and convened no later than 45 days after the date  
15 of the mailing of the notice of hearing.

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

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

25 (2) at the conclusion of the administrative hearing,  
26 the hearing officer shall issue a written decision either

1           sustaining or overruling the vehicle impoundment;

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

6           (4) all final decisions of the administrative hearing  
7           officer shall be subject to review under the provisions of  
8           the Administrative Review Law, unless the county or  
9           municipality allows in the enabling ordinance for direct  
10          appeal to the circuit court having jurisdiction over the  
11          county or municipality;

12          (5) unless the administrative hearing officer  
13          overturns the basis for the vehicle impoundment, no vehicle  
14          shall be released to the owner, lessee, or lienholder of  
15          record until all administrative fees and towing and storage  
16          charges are paid; and

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

23          (h) Vehicles not retrieved from the towing facility or  
24          storage facility within 35 days after the administrative  
25          hearing officer issues a written decision shall be deemed  
26          abandoned and disposed of in accordance with the provisions of

1 Article II of Chapter 4 of this Code.

2 (i) Unless stayed by a court of competent jurisdiction, any  
3 fine, penalty, or administrative fee imposed under this Section  
4 which remains unpaid in whole or in part after the expiration  
5 of the deadline for seeking judicial review under the  
6 Administrative Review Law may be enforced in the same manner as  
7 a judgment entered by a court of competent jurisdiction.

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

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

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

19 (k) Pursuant to Section 4-216 of this Code, the lienholder  
20 of record shall have an opportunity to view the vehicle on the  
21 premises where the vehicle is located within 2 business days of  
22 the request.

23 (l) The changes made to this Section by this amendatory Act  
24 of the 101st General Assembly do not apply to a municipality  
25 with a population of 1,000,000 or more inhabitants.

26 (Source: P.A. 98-518, eff. 8-22-13; 98-734, eff. 1-1-15;

1 98-756, eff. 7-16-14; 99-848, eff. 8-19-16.)

2 Section 99. Effective date. This Act takes effect 90 days  
3 after becoming law.