

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
5 changing Section 4-203.5 as follows:

6 (625 ILCS 5/4-203.5)

7 Sec. 4-203.5. Tow rotation list.

8 (a) Each law enforcement agency whose duties include the
9 patrol of highways in this State shall maintain a tow rotation
10 list which shall be used by law enforcement officers
11 authorizing the tow of a vehicle within the jurisdiction of
12 the law enforcement agency. To ensure adequate response time,
13 a law enforcement agency may maintain multiple tow rotation
14 lists, with each tow rotation list covering tows authorized in
15 different geographic locations within the jurisdiction of the
16 law enforcement agency. A towing service may be included on
17 more than one tow rotation list.

18 (b) Any towing service operating within the jurisdiction
19 of a law enforcement agency may submit an application in a form
20 and manner prescribed by the law enforcement agency for
21 inclusion on the law enforcement agency's tow rotation list.
22 The towing service does not need to be located within the
23 jurisdiction of the law enforcement agency. To be included on

1 a tow rotation list the towing service must meet the following
2 requirements:

3 (1) possess a license permitting the towing service to
4 operate in every unit of local government in the law
5 enforcement agency's jurisdiction that requires a license
6 for the operation of a towing service;

7 (2) if required by the law enforcement agency for
8 inclusion on that law enforcement agency's tow rotation
9 list, each owner of the towing service and each person
10 operating a vehicle on behalf of the towing service shall
11 submit his or her fingerprints to the Illinois State
12 Police in the form and manner prescribed by the Illinois
13 State Police. These fingerprints should be transmitted
14 through a live scan fingerprint vendor licensed by the
15 Department of Financial and Professional Regulation. These
16 fingerprints shall be checked against the fingerprint
17 records now and hereafter filed in the Illinois State
18 Police and Federal Bureau of Investigation criminal
19 history records databases. The Illinois State Police shall
20 charge a fee for conducting the criminal history record
21 check, which shall be deposited in the State Police
22 Services Fund and shall not exceed the actual cost of the
23 State and national criminal history record check. The
24 Illinois State Police shall furnish, pursuant to positive
25 identification, all Illinois conviction information to the
26 law enforcement agency maintaining the tow rotation list

1 and shall forward the national criminal history record
2 information to the law enforcement agency maintaining the
3 tow rotation list. A person may not own a towing service or
4 operate a vehicle on behalf of a towing service included
5 on a tow rotation list if that person has been convicted
6 during the 5 years preceding the application of a criminal
7 offense involving one or more of the following:

8 (A) bodily injury or attempt to inflict bodily
9 injury to another person;

10 (B) theft of property or attempted theft of
11 property; or

12 (C) sexual assault or attempted sexual assault of
13 any kind;

14 (3) each person operating a vehicle on behalf of the
15 towing service must be classified for the type of towing
16 operation he or she shall be performing and the vehicle he
17 or she shall be operating;

18 (4) possess and maintain the following insurance in
19 addition to any other insurance required by law:

20 (A) comprehensive automobile liability insurance
21 with a minimum combined single limit coverage of
22 \$1,000,000;

23 (B) commercial general liability insurance with
24 limits of not less than \$1,000,000 per occurrence,
25 \$100,000 minimum garage keepers legal liability
26 insurance, and \$100,000 minimum on-hook coverage or

1 cargo insurance; and

2 (C) a worker's compensation policy covering every
3 person operating a tow truck on behalf of the towing
4 service, if required under current law;

5 (5) possess a secure parking lot used for short-term
6 vehicle storage after a vehicle is towed that is open
7 during business hours and is equipped with security
8 features as required by the law enforcement agency;

9 (6) utilize only vehicles that possess a valid vehicle
10 registration, display a valid Illinois license plate in
11 accordance with Section 5-202 of this Code, and comply
12 with the weight requirements of this Code;

13 (7) every person operating a towing or recovery
14 vehicle on behalf of the towing service must have
15 completed a Traffic Incident Management Training Program
16 approved by the Department of Transportation;

17 (8) hold a valid authority issued to it by the
18 Illinois Commerce Commission;

19 (9) comply with all other applicable federal, State,
20 and local laws; and

21 (10) comply with any additional requirements the
22 applicable law enforcement agency deems necessary.

23 The law enforcement agency may select which towing
24 services meeting the requirements of this subsection (b) shall
25 be included on a tow rotation list. The law enforcement agency
26 may choose to have only one towing service on its tow rotation

1 list. Complaints regarding the process for inclusion on a tow
2 rotation list or the use of a tow rotation list may be referred
3 in writing to the head of the law enforcement agency
4 administering that tow rotation list. The head of the law
5 enforcement agency shall make the final determination as to
6 which qualified towing services shall be included on a tow
7 rotation list, and shall not be held liable for the exclusion
8 of any towing service from a tow rotation list.

9 (c) Whenever a law enforcement officer initiates a tow of
10 a vehicle, the officer shall contact his or her law
11 enforcement agency and inform the agency that a tow has been
12 authorized. The law enforcement agency shall then select a
13 towing service from the law enforcement agency's tow rotation
14 list corresponding to the geographical area where the tow was
15 authorized, and shall contact that towing service directly by
16 phone, computer, or similar means. Towing services shall be
17 contacted in the order listed on the appropriate tow rotation
18 list, at which point the towing service shall be placed at the
19 end of that tow rotation list. In the event a listed towing
20 service is not available, the next listed towing service on
21 that tow rotation list shall be contacted.

22 (d) A law enforcement agency may deviate from the order
23 listed on a tow rotation list if the towing service next on
24 that tow rotation list is, in the judgment of the authorizing
25 officer or the law enforcement agency making the selection,
26 incapable of or not properly equipped for handling a specific

1 task related to the tow that requires special skills or
2 equipment. A deviation from the order listed on the tow
3 rotation list for this reason shall not cause a loss of
4 rotation turn by the towing service determined to be incapable
5 or not properly equipped for handling the request.

6 (e) In the event of an emergency a law enforcement officer
7 or agency, taking into account the safety and location of the
8 situation, may deviate from the order of the tow rotation list
9 and obtain towing service from any source deemed appropriate.

10 (f) If the owner or operator of a disabled vehicle is
11 present at the scene of the disabled vehicle, is not under
12 arrest, and does not abandon his or her vehicle, and in the law
13 enforcement officer's opinion the disabled vehicle is not
14 impeding or obstructing traffic, illegally parked, or posing a
15 security or safety risk, the law enforcement officer shall
16 allow the owner of the vehicle to specify a towing service to
17 relocate the disabled vehicle. If the owner chooses not to
18 specify a towing service, the law enforcement agency shall
19 select a towing service for the vehicle as provided in
20 subsection (c) of this Section.

21 (g) If a tow operator is present or arrives where a tow is
22 needed and it has not been requested by the law enforcement
23 agency or the owner or operator, the law enforcement officer,
24 unless acting under Section 11-1431 of this Code, shall advise
25 the tow operator to leave the scene.

26 (h) (Blank). ~~Nothing contained in this Section shall apply~~

1 ~~to a law enforcement agency having jurisdiction solely over a~~
2 ~~municipality with a population over 1,000,000.~~

3 (Source: P.A. 102-538, eff. 8-20-21.)