



Rep. Robert Rita

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LRB094 03626 DRH 44692 a

1 AMENDMENT TO SENATE BILL 501

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 501 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 4-208 and 18a-300 as follows:

6 (625 ILCS 5/4-208) (from Ch. 95 1/2, par. 4-208)

7 Sec. 4-208. Disposal of unclaimed vehicles.

8 (a) In cities having a population of more than 500,000,  
9 whenever an abandoned, lost, stolen or unclaimed vehicle, or  
10 vehicle determined to be a hazardous dilapidated motor vehicle  
11 pursuant to Section 11-40-3.1 of the Illinois Municipal Code,  
12 remains unclaimed by the registered owner, lienholder or other  
13 legally entitled person for a period of 18 15 days after notice  
14 has been given under Sections 4-205 and 4-206 of this Code, if  
15 during that 18 days the possessor of the vehicle has sent an  
16 additional notice by first class mail to the registered owner,  
17 lienholder, or other legally entitled person, the vehicle shall  
18 be disposed, pursuant to the provisions of the "Municipal  
19 purchasing act for cities of 500,000 or more population", to a  
20 person licensed as an automotive parts recycler, rebuilder or  
21 scrap processor under Chapter 5 of this Code. With respect to  
22 any vehicle that has been booted, impounded, or both in  
23 accordance with subsection (c) of Section 11-208.3, a city with  
24 a population over 500,000 may establish a program whereby the

1 registered owner, lienholder, or other legally entitled person  
2 is entitled to any proceeds from the disposition of the  
3 vehicle, less any reasonable storage charges, administrative  
4 fees, booting fees, towing fees, parking fines and penalties,  
5 and other outstanding debt owed to the city.

6 (b) Except as provided in Section 4-208 for cities with  
7 more than 500,000 inhabitants, when an abandoned, lost, stolen  
8 or unclaimed vehicle 7 years of age or newer remains unclaimed  
9 by the registered owner, lienholder or other legally entitled  
10 persons for a period of 30 days after notice has been given as  
11 provided in Sections 4-205 and 4-206 of this Code, the law  
12 enforcement agency or towing service having possession of the  
13 vehicle shall cause it to be sold at public auction to a person  
14 licensed as an automotive parts recycler, rebuilder or scrap  
15 processor under Chapter 5 of this Code or the towing operator  
16 which towed the vehicle. Notice of the time and place of the  
17 sale shall be posted in a conspicuous place for at least 10  
18 days prior to the sale on the premises where the vehicle has  
19 been impounded. At least 10 days prior to the sale, the law  
20 enforcement agency where the vehicle is impounded, or the  
21 towing service where the vehicle is impounded, shall cause a  
22 notice of the time and place of the sale to be sent by  
23 certified mail to the registered owner, lienholder, or other  
24 legally entitled persons. Notice as provided in Sections 4-205  
25 and 4-206 of this Code and as provided in this subsection (b)  
26 shall state the time and place of sale and shall contain a  
27 complete description of the vehicle to be sold and what steps  
28 must be taken by any legally entitled person to reclaim the  
29 vehicle.

30 (c) If an abandoned, lost, stolen, or unclaimed vehicle  
31 displays dealer plates, notice under this Section and Section  
32 4-209 of this Code shall be sent to both the dealer and the  
33 registered owner, lienholder, or other legally entitled  
34 persons.

1 (d) In those instances where the certified notification  
2 specified in Sections 4-205 and 4-206 of this Code has been  
3 returned by the postal authorities to the law enforcement  
4 agency or towing service, the sending of a second certified  
5 notice will not be required.

6 (Source: P.A. 89-433, eff. 12-15-95; 90-330, eff. 8-8-97.)

7 (625 ILCS 5/18a-300) (from Ch. 95 1/2, par. 18a-300)

8 Sec. 18a-300. Commercial vehicle relocators - Unlawful  
9 practices. It shall be unlawful for any commercial vehicle  
10 relocator:

11 (1) To operate in any county in which this Chapter is  
12 applicable without a valid, current relocator's license as  
13 provided in Article IV of this Chapter;

14 (2) To employ as an operator, or otherwise so use the  
15 services of, any person who does not have at the commencement  
16 of employment or service, or at any time during the course of  
17 employment or service, a valid, current operator's employment  
18 permit, or temporary operator's employment permit issued in  
19 accordance with Sections 18a-403 or 18a-405 of this Chapter; or  
20 to fail to notify the Commission, in writing, of any known  
21 criminal conviction of any employee occurring at any time  
22 before or during the course of employment or service;

23 (3) To employ as a dispatcher, or otherwise so use the  
24 services of, any person who does not have at the commencement  
25 of employment or service, or at any time during the course of  
26 employment or service, a valid, current dispatcher's or  
27 operator's employment permit or temporary dispatcher's or  
28 operator's employment permit issued in accordance with  
29 Sections 18a-403 or 18a-407 of this Chapter; or to fail to  
30 notify the Commission, in writing, of any known criminal  
31 conviction of any employee occurring at any time before or  
32 during the course of employment or service;

33 (4) To operate upon the highways of this State any vehicle

1 used in connection with any commercial vehicle relocation  
2 service unless:

3 (A) There is painted or firmly affixed to the vehicle  
4 on both sides of the vehicle in a color or colors vividly  
5 contrasting to the color of the vehicle the name, address  
6 and telephone number of the relocater. The Commission shall  
7 prescribe reasonable rules and regulations pertaining to  
8 insignia to be painted or firmly affixed to vehicles and  
9 shall waive the requirements of the address on any vehicle  
10 in cases where the operator of a vehicle has painted or  
11 otherwise firmly affixed to the vehicle a seal or trade  
12 mark that clearly identifies the operator of the vehicle;  
13 and

14 (B) There is carried in the power unit of the vehicle a  
15 certified copy of the currently effective relocater's  
16 license and operator's employment permit. Copies may be  
17 photographed, photocopied, or reproduced or printed by any  
18 other legible and durable process. Any person guilty of not  
19 causing to be displayed a copy of his relocater's license  
20 and operator's employment permit may in any hearing  
21 concerning the violation be excused from the payment of the  
22 penalty hereinafter provided upon a showing that the  
23 license was issued by the Commission, but was subsequently  
24 lost or destroyed;

25 (5) To operate upon the highways of this State any vehicle  
26 used in connection with any commercial vehicle relocation  
27 service that bears the name or address and telephone number of  
28 any person or entity other than the relocater by which it is  
29 owned or to which it is leased;

30 (6) To advertise in any newspaper, book, list, classified  
31 directory or other publication unless there is contained in the  
32 advertisement the license number of the relocator;

33 (7) To remove any vehicle from private property without  
34 having first obtained the written authorization of the property

1 owner or other person in lawful possession or control of the  
2 property, his authorized agent, or an authorized law  
3 enforcement officer. The authorization may be on a contractual  
4 basis covering a period of time or limited to a specific  
5 removal;

6 (8) To charge the private property owner, who requested  
7 that an unauthorized vehicle be removed from his property, with  
8 the costs of removing the vehicle contrary to any terms that  
9 may be a part of the contract between the property owner and  
10 the commercial relocater. Nothing in this paragraph shall  
11 prevent a relocater from assessing, collecting, or receiving  
12 from the property owner, lessee, or their agents any fee  
13 prescribed by the Commission;

14 (9) To remove a vehicle when the owner or operator of the  
15 vehicle is present or arrives at the vehicle location at any  
16 time prior to the completion of removal, and is willing and  
17 able to remove the vehicle immediately;

18 (10) To remove any vehicle from property on which signs are  
19 required and on which there are not posted appropriate signs  
20 under Section 18a-302;

21 (11) To fail to notify law enforcement authorities in the  
22 jurisdiction in which the trespassing vehicle was removed  
23 within one hour of the removal. Notification shall include a  
24 complete description of the vehicle, registration numbers if  
25 possible, the locations from which and to which the vehicle was  
26 removed, the time of removal, and any other information  
27 required by regulation, statute or ordinance;

28 (12) To impose any charge other than in accordance with the  
29 rates set by the Commission as provided in paragraph (6) of  
30 Section 18a-200 of this Chapter;

31 (13) To fail, in the office or location at which relocated  
32 vehicles are routinely returned to their owners, to prominently  
33 post the name, address and telephone number of the nearest  
34 office of the Commission to which inquiries or complaints may

1 be sent;

2 (13.1) To fail to distribute to each owner or operator of a  
3 relocated vehicle, in written form as prescribed by Commission  
4 rule or regulation, the relevant statutes, regulations and  
5 ordinances governing commercial vehicle relocators, including,  
6 in at least 12 point boldface type, the name, address and  
7 telephone number of the nearest office of the Commission to  
8 which inquiries or complaints may be sent;

9 (13.2) To fail, in the office or location at which  
10 relocated vehicles are routinely returned to their owners, to  
11 place the relocator's representative in a position where that  
12 representative is not fully visible, above his or her  
13 shoulders, to the owners of relocated vehicles;

14 (13.3) To fail, in the office or location at which  
15 relocated vehicles are routinely returned to their owners, to  
16 ensure that the relocator's representative provides suitable  
17 evidence of his or her identity to the owners of relocated  
18 vehicles upon request;

19 (14) To remove any vehicle, otherwise in accordance with  
20 this Chapter, more than 15 air miles from its location when  
21 towed from a location in an unincorporated area of a county or  
22 more than 10 air miles from its location when towed from any  
23 other location;

24 (15) To fail to make a telephone number available to the  
25 police department of any municipality in which a relocator  
26 operates at which the relocator or an employee of the relocator  
27 may be contacted at any time during the hours in which the  
28 relocator is engaged in the towing of vehicles, or advertised  
29 as engaged in the towing of vehicles, for the purpose of  
30 effectuating the release of a towed vehicle; or to fail to  
31 include the telephone number in any advertisement of the  
32 relocator's services published or otherwise appearing on or  
33 after the effective date of this amendatory Act; or to fail to  
34 have an employee available at any time on the premises owned or

1 controlled by the relocater for the purposes of arranging for  
2 the immediate release of the vehicle.

3 Apart from any other penalty or liability authorized under  
4 this Act, if after a reasonable effort, the owner of the  
5 vehicle is unable to make telephone contact with the relocater  
6 for a period of one hour from his initial attempt during any  
7 time period in which the relocater is required to respond at  
8 the number, all fees for towing, storage, or otherwise are to  
9 be waived. Proof of 3 attempted phone calls to the number  
10 provided to the police department by an officer or employee of  
11 the department on behalf of the vehicle owner within the space  
12 of one hour, at least 2 of which are separated by 45 minutes,  
13 shall be deemed sufficient proof of the owner's reasonable  
14 effort to make contact with the vehicle relocater. Failure of  
15 the relocater to respond to the phone calls is not a criminal  
16 violation of this Chapter;

17 (16) To use equipment which the relocater does not own,  
18 except in compliance with Section 18a-306 of this Chapter and  
19 Commission regulations. No equipment can be leased to more than  
20 one relocater at any time. Equipment leases shall be filed with  
21 the Commission. If equipment is leased to one relocater, it  
22 cannot thereafter be leased to another relocater until a  
23 written cancellation of lease is properly filed with the  
24 Commission;

25 (17) To use drivers or other personnel who are not  
26 employees or contractors of the relocater;

27 (18) To fail to refund any amount charged in excess of the  
28 reasonable rate established by the Commission;

29 (19) To violate any other provision of this Chapter, or of  
30 Commission regulations or orders adopted under this Chapter.

31 (Source: P.A. 88-448.)".