



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1220

Introduced 02/08/11, by Rep. Michael J. Zalewski

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-208.7 new

Amends the Illinois Vehicle Code. Provides that any municipality may, consistent with the new provision, establish by ordinance procedures for the release of properly impounded vehicles that were used in the commission of specified offenses and for the imposition of a reasonable administrative fee related to the municipality's administrative and processing costs associated with the removal, impoundment, storage, and release of the vehicle. Provides that the administrative fee shall be waived by the municipality upon verifiable proof that the vehicle was stolen at the time the vehicle was impounded. Lists the costs for which fees may be imposed. Provides that the registered owner of the impounded vehicle is entitled to a hearing to contest the imposition of fees.

LRB097 06352 HEP 46432 b

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 adding
5 Section 11-208.7 as follows:

6 (625 ILCS 5/11-208.7 new)

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

9 (a) Any municipality may, consistent with this Section,
10 provide by ordinance procedures for the release of properly
11 impounded vehicles and for the imposition of a reasonable
12 administrative fee related to its administrative and
13 processing costs associated with the removal, impoundment,
14 storage, and release of the vehicle. The administrative fee
15 shall be waived by the municipality upon verifiable proof that
16 the vehicle was stolen at the time the vehicle was impounded.

17 (b) Any ordinance establishing procedures for the release
18 of properly impounded vehicles under this Section may impose
19 fees for the following violations:

20 (1) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense for
22 which a motor vehicle may be seized and forfeited pursuant
23 to Section 36-1 of the Criminal Code of 1961; or

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

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

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

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

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

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

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

4 or

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

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

14 (c) The following shall apply to any fees imposed for
15 administrative and processing costs pursuant to subsection

16 (b):

17 (1) The fees shall be imposed on the registered owner
18 or the agents of that owner.

19 (2) The fees shall be in addition to any other
20 penalties that may be assessed by a court of law for the
21 underlying violations.

22 (3) The fees shall be uniform for all similarly
23 situated vehicles.

24 (4) The fees shall be collected by and paid to the
25 municipality imposing the fees.

26 (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall provide
2 for an opportunity for a hearing, as provided in subdivision
3 (b) (4) of Section 11-208.3 of this Code, and for the release of
4 the vehicle to a lienholder of record upon payment of all
5 administrative fees.