

SB 1874 -- Redline

Introduced to Engrossed -- VEH REMOVAL & RELOCATION

Deletions ~~struck~~ · Insertions underlined

~~*LRB09408927DRH39147b*~~ SB1874 ~~04TH~~Engrossed ~~GENERAL LRB094 ASSEMBLY 08927 State DRH of 39147 Illinois b and AN~~
~~2006 ACT SB1874 concerning Introduced vehicles. 2/25/2005, by Sen.~~

~~James F.~~

~~Clayborne, Jr.~~

~~SYNOPSIS AS INTRODUCED:~~

~~ILCS 5/4-203 from Ch.~~

~~95 1/2, par.~~

~~4-203 ILCS 5/4-207 from Ch.~~

~~95 1/2, par.~~

~~4-207 ILCS 5/18a-300 from Ch.~~

~~95 1/2, par.~~

~~18a-300 ILCS 5/18a-501 from Ch.~~

~~95 1/2, par.~~

~~18a-501 ILCS 306/70 ILCS 306/71 new ILCS 308/60 ILCS 308/61 new Amends the Illinois Vehicle Code, the
Automotive Repair Act, and the Automotive Collision Repair Act.~~

~~Provides that, when a vehicle is towed or hauled away, the relocater or possessor of the vehicle must,
within 10 days of relocation, notify the registered owner and any lienholders of the vehicle, via
certified mail, return receipt requested, that the vehicle has been relocated.~~

~~Provides that, if notification is not provided during that time, the relocater or possessor of the
vehicle is entitled to recover from the lienholder not more than 10 days of storage charges.~~

~~Provides that, if notification is provided within 10 days, the relocater or possessor of the vehicle is
entitled to recover from the lienholder charges for the number of days in storage.~~

~~Provides that the relocater or possessor of the vehicle is entitled to charge the lienholder for the
reasonable costs of a title search necessary to identify the lienholder.~~

~~Provides that no vehicle shall be released to the owner, lienholder, or other legally entitled person
until all authorized charges have been paid.~~

~~Provides that a lienholder is entitled to one free inspection of the vehicle, with proper notice and
during regular business hours.~~

~~Effective January 1, 2006.~~

~~LRB094 08927 DRH 39147 b A BILL FOR SB1874 LRB094 08927 DRH 39147 b AN ACT concerning vehicles.~~

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the SB1874 Engrossed - 2 - LRB094 08927 DRH 39147 b arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest.

The vehicle may be released sooner if the vehicle is owned SB1874 Engrossed - 3 - LRB094 08927 DRH 39147 b by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that SB1874 Engrossed - 4 - LRB094 08927 DRH 39147 b person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

The notice must also provide the name and current telephone number of the towing service towing SB1874 Engrossed - 5 - LRB094 08927 DRH 39147 b or removing the vehicle.

Any vehicle owner or SB1874 Engrossed - 6 - LRB094 08927 DRH 39147 b custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle.

SB1874 Engrossed - 7 - LRB094 08927 DRH 39147 b When a vehicle removal from either public or private

property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

SB1874 Engrossed - 8 - LRB094 08927 DRH 39147 b (Source:

The Commission shall prescribe reasonable rules and regulations pertaining to SB1874 Engrossed - 9 - LRB094 08927 DRH 39147 b insignia to be painted or firmly affixed to vehicles and shall waive the requirements of the address on any vehicle in cases where the operator of a vehicle has painted or otherwise firmly affixed to the vehicle a seal or trade mark that clearly identifies the operator of the vehicle;

(8) To charge the private property owner, who requested that an unauthorized vehicle be removed from his property, with the costs of removing the vehicle contrary to any terms that may be a part of the contract between the property owner and SB1874 Engrossed - 10 - LRB094 08927 DRH 39147 b the commercial relocater.

(14) To remove any vehicle, otherwise in accordance with SB1874 Engrossed - 11 - LRB094 08927 DRH 39147 b this Chapter, more than 15 air miles from its location when towed from a location in an unincorporated area of a county or more than 10 air miles from its location when towed from any other location;

If equipment is leased to one relocater, it SB1874 Engrossed - 12 - LRB094 08927 DRH 39147 b cannot thereafter be leased to another relocater until a written cancellation of lease is properly filed with the Commission;

(b) ~~The Except relocater as or otherwise possessor provided of in any this relocated subsection vehicle (b).~~ SB1874 Engrossed - 13 - LRB094 08927 DRH 39147 b the relocater or possessor of any relocated vehicle must, within 10 days of taking possession of the vehicle, notify the registered owner and any lienholders of the vehicle, as disclosed by the vehicle registration records of the Illinois Secretary of State, by first class and certified mail, return receipt requested, that the vehicle has been relocated.

If the Secretary of State does not provide to the relocater or possessor of the relocated vehicle the name and address of the registered owner and any lienholders of the vehicle within 10 days after the relocater or possessor took possession of the vehicle, however, the required notice must be sent no later than 3 business days after owner and lienholder information has been furnished to the relocater or possessor of the relocated vehicle.

If the required notice is not provided within ~~10 the days period of provided taking for possession in of this the subsection vehicle (b).~~ the lien of the relocater or possessor of the vehicle shall not exceed the vehicle storage charges for 10 ~~days-days, or for the period ending 3 business days after the Secretary of State furnished owner and lienholder information to the relocater or possessor of the vehicle.~~

If notice is given within ~~10 the day time of period taking provided possession for of in the this vehicle, subsection (b).~~ the relocater or possessor of the vehicle is entitled to a lien on the vehicle for storage charges for the number of days the vehicle was stored.

At any time before the vehicle is disposed of as provided by law, the registered owner or lienholder legally entitled to its possession may reclaim the vehicle by presenting proof of SB1874 Engrossed - 14 - LRB094 08927 DRH 39147 b ownership or of the right to possession of the vehicle and by payment of all towing and storage charges authorized by law.

(815 ILCS 306/70) ~~SB1874 - 14 - LRB094 08927 DRH 39147 b~~ Sec.

(4) Storage charges imposed in accordance with the schedule of charges if disclosed to consumers prior to repairs and in accordance with Section ~~7461~~ of this Act.

(5) The costs of a title search necessary to identify the registered owner and lienholder, in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code.

(a) If the consumer fails to remove the vehicle within ~~1015~~ days of being notified that automotive repair is complete, the automotive repair facility shall send a ~~notification request by for certified owner mail and to lienholder the information registered to owner, the lienholder, Illinois and Secretary any of other State, legally as entitled SB1874 persons Engrossed advising where 15 the vehicle LRB094 is 08927 hold, DRH detailing 39147 all b charges provided claimed in due, paragraph and (b) providing copies of all this documentation Section. of the repairs and authorization for the repairs.~~

Notification Within shall 3 be business sent days no of later receipt than of 10 owner business and days lienholder after information from the date Secretary of State, the consumer automotive was repair notified facility that shall send a notification by certified mail to the automotive registered repair owner, was the completed, lienholder, and any other legally entitled persons advising where the vehicle is held and detailing all charges claimed to be due.

Upon request of the registered owner, lienholder, or other legally entitled person, the automotive repair facility shall, without charge, provide copies of all documentation of the repairs and authorization for the repairs.

(b) When ownership or lienholder information is needed for an automotive repair facility to give notification as required under this Code, the automotive repair facility shall cause the vehicle registration records of the State of Illinois to be searched by ~~SB1874 - 15 - LRB094 08927 DRH 39147 b~~

the Secretary of State.

(d) Fees for services provided under this Section shall be in amounts prescribed by the Secretary of State under Section SB1874 Engrossed - 16 - LRB094 08927 DRH 39147 b 3-821.1 of the Illinois Vehicle Code.

After failing to provide the required notice, however, the automotive repair facility may not claim any additional charges, including but not limited to storage or holding charges related to any delay in the removal of the ~~vehicle~~ vehicle, other than those storage or holding charges imposed in the first 15 days.

Upon reasonable notice and during the collision repair facility's ~~SB1874 - 16 - LRB094 08927 DRH 39147 b~~ business hours, a consumer, the lienholder, or another legally entitled person may remove a motor vehicle from a collision repair facility upon paying for the following:

(4) Storage and administrative charges imposed in accordance with the schedule of charges if posted on a sign within the shop or otherwise disclosed to consumers prior to repairs and in accordance with Section ~~7461~~ of this Act.

~~(Source:)~~ (5) The costs of a title search necessary to identify the registered owner and lienholder, in amounts prescribed by the Secretary of State under Section 3-821.1 of this Code.

SB1874 Engrossed - 17 - LRB094 08927 DRH 39147 b (Source:

(a) If the consumer fails to remove the vehicle within ~~10~~ 15 days of being notified that automotive collision and body repair is complete, the automotive collision and body repair facility shall send a ~~notification request by for certified owner mail to the registered owner, the lienholder, and other lienholder legally information entitled to persons, advising where the vehicle Illinois is Secretary held, of detailing State, all as charges provided claimed in due, paragraph and (b) providing copies of all this documentation Section. of the repairs and authorization for the repairs.~~

Notification Within must 3 be business sent days no of later receipt than of 10 owner business and days lienholder after information from the date Secretary of State, the consumer automotive was repair notified facility that shall send notification by certified mail to the automotive registered collision owner, the lienholder, and body other repair legally was entitled completed, persons, advising where the vehicle is held and detailing all charges claimed to be due.

Upon request of the registered owner, lienholder, or other legally entitled person, the automotive repair facility shall, without charge, provide copies of all documentation of the repairs and authorization for the repairs.

(b) If ownership or lienholder information is needed for an automotive collision and body repair facility to give notification as required under this Code, the automotive collision and body ~~SB1874 - 17 - LRB094 08927 DRH 39147 b~~ repair facility shall cause the vehicle registration records of the State of Illinois to be searched by the Secretary of State.

mail or other delivery service, by facsimile transmission, or by SB1874 Engrossed - 18 - LRB094 08927 DRH 39147 b other means the Secretary of State deems acceptable.

mail or other delivery service or by facsimile transmission, as requested by the ~~Automotive~~ automotive collision and body repair facility, or by other means acceptable to the Secretary of State.

After failing to provide the required notice, however, the automotive collision and body repair facility may not claim any additional charges, including but not limited to storage or holding charges related to any delay in the removal of the ~~vehicle~~ vehicle, other than those storage or holding charges imposed in the first 15 days.