

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER d: RELOCATION TOWING

PART 1715  
SAFETY RELOCATION TOWING

SUBPART A: DEFINITIONS

Section  
1715.5 Definitions

SUBPART B: REGISTRATION

Section  
1715.10 Annual Registration  
1715.20 Registration and Filing of Forms  
1715.30 Processing and Issuance of Registration  
1715.40 Registrations Conditioned Upon Compliance  
1715.50 Registration to be Carried by Holder  
1715.60 Alteration of Registration  
1715.70 Registration Fee  
1715.80 Transfer of Registration

SUBPART C: DISCLOSURES

Section  
1715.100 Approval of Disclosure Forms  
1715.110 Tow Authorized by Law Enforcement Agency  
1715.120 Owner or Operator Authorization  
1715.130 Commercial Towing Contracts

SUBPART D: POSTING OF SIGNS

Section  
1715.200 Posting Requirements

SUBPART E: VEHICLE IDENTIFICATION

Section  
1715.300 Safety Towing Vehicle Identification Requirement

SUBPART F: INSURANCE REQUIREMENTS

Section  
1715.400 Registration Conditioned Upon Compliance With Insurance Requirements

- 1715.410 Proof of Insurance or Bond Coverage
- 1715.420 Safety Relocator's Liability
- 1715.430 Amounts of Insurance Coverage

#### SUBPART G: BOOKS AND RECORDS

- Section
- 1715.500 Audit and Inspection of Safety Relocator's Books and Records

#### SUBPART H: ENFORCEMENT

- Section
- 1715.600 Enforcement of the Law
- 1715.610 Enforcement Proceedings and Imposition of Sanctions
- 1715.620 Informal Settlement in Lieu of Formal Proceeding
- 1715.630 Initiation of Operating Practices Proceeding
- 1715.640 Failure to Appear at Hearing
- 1715.650 Service of Order
- 1715.660 Standards for the Assessment of Civil Penalties
- 1715.670 Payment of Civil Penalties

#### SUBPART I: DISPOSITION OF UNCLAIMED VEHICLES

- Section
- 1715.700 Disposition of Unclaimed Vehicles

AUTHORITY: Implementing and authorized by the Illinois Commercial Safety Towing Law [625 ILCS 5/Ch. 18d].

SOURCE: Adopted at 32 Ill. Reg. \_\_\_\_, effective September 15, 2008.

#### SUBPART A: DEFINITIONS

##### **Section 1715.5 Definitions**

The following terms, when used in this Part, shall have the meanings ascribed to them in this Section.

"Charge": The per unit price, cost or rate for a towing, storage or incidental service multiplied by the number of units of the service provided by the Towing Service.

"Commission": The Illinois Commerce Commission.

"Cost": A per unit rate for towing, storage or incidental services provided by a towing service.

"Entity": A corporation, limited liability company, partnership, sole proprietorship or other business entity.

"Law": The Illinois Commercial Safety Towing Law [625 ILCS 5/Ch. 18d].

"Operator": A person who was operating the vehicle at the time it became disabled or was damaged in an accident.

"Owner": A person to whom title to a vehicle has been issued, or who, without title, has the right to exclusive use of the vehicle for a period longer than 30 days, or who has lawful possession of the vehicle, or in whose name the vehicle is registered.

"Post-tow": After a vehicle has been towed to the safety relocater's storage facility.

"Pre-tow": Prior to rendition of towing, storage or incidental services with respect to a vehicle.

"Price": A per unit rate for towing, storage or incidental services provided by a towing service.

"Registration Certificate": A commercial vehicle safety relocater registration certificate.

"Safety Relocated", "Safety Relocating", "Safety Relocation" and "Safety Towing": Refers to the towing of damaged or disabled vehicles from public or private property.

"Safety Relocater": Any person or entity that removes damaged or disabled vehicles from public or private property by the use of towing equipment or otherwise and charges the vehicle owner, vehicle operator or third party authorizer for that service.

"Third Party Authorization": An authorization to tow a damaged or disabled vehicle that is made by someone other than a vehicle owner or operator and that is done on behalf of the vehicle owner or operator.

## SUBPART B: REGISTRATION

### **Section 1715.10 Annual Registration**

- a) **Registration Requirement**  
Except as provided by subsection (b), all commercial vehicle safety relocators shall register annually with the Commission. All registrations shall expire on July

31 of each year.

b) Exemption

1) Vehicle Dealers

This Part shall not apply to vehicle dealers licensed under Section 5-101 of the Illinois Vehicle Code [625 ILCS 5/5-101] if the towing that the vehicle dealer conducts is exclusively conducted pursuant to a service agreement between the vehicle dealer and the owner or operator of the damaged vehicle and/or a vehicle manufacturer's warranty.

2) Application for Exemption

To qualify for an exemption under this Section, a vehicle dealer shall submit an exemption request form to the Commission at the address listed in Section 1715.20. When the Commission determines that the applicant is eligible for the exemption, it will issue exemption documentation to the applicant. A copy of that documentation shall be available for inspection in the cab of every vehicle of the dealer performing safety relocation services.

3) Tenure of Exemption

Any vehicle dealer who is exempt under this Section, but who conducts any towing service that does not fall within the exemption, is no longer qualified for the exemption and shall meet all the requirements of this Part.

**Section 1715.20 Registration and Filing of Forms**

Applications for safety relocater registration shall be made by completing and filing copies of the Commission's Safety Relocater Registration Form. Completed registration forms shall be filed with the Commission at the following address:

Illinois Commerce Commission  
Transportation Division  
Processing Section  
527 East Capitol Avenue  
Springfield IL 62701

**Section 1715.30 Processing and Issuance of Registration**

Upon receipt of a registration form, the Commission shall review it for completeness. If the form is properly completed, proof of insurance provided as required under Subpart F of this Part and payment received of the annual registration fee as required under Section 1715.70, a Safety Relocater Annual Registration shall be issued by the Commission.

**Section 1715.40 Registrations Conditioned Upon Compliance**

Each registration issued to a safety relocater is conditioned upon compliance with the provisions of the Law and this Part. Operations in violation of the Law or this Part are unauthorized and render the safety relocater subject to penalties, including suspension, revocation, fines or a combination of sanctions.

#### **Section 1715.50 Registration to be Carried by Holder**

Each vehicle used for safety towing must carry a copy of the Commission issued registration in its cab. The copy shall be presented to any employee of the Commission on request.

#### **Section 1715.60 Alteration of Registration**

No safety relocater or its employees shall alter, mark or in any manner change the appearance of a registration issued by the Commission. Any alteration, marking or change in the appearance of a registration shall render the registration invalid.

#### **Section 1715.70 Registration Fee**

- a) All safety relocater registrations must be accompanied by a \$450 fee plus \$150 per tow truck.
- b) The fee shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/TRF".
- c) The fee is non-refundable.

#### **Section 1715.80 Transfer of Registration**

A safety relocater registration is not transferable.

### **SUBPART C: DISCLOSURES**

#### **Section 1715.100 Approval of Disclosure Forms**

- a) The Commission shall prescribe a uniform form for disclosures required by the Law.
- b) A safety relocater may comply with disclosure requirements of the Law by:
  - 1) Using a form prescribed by the Staff of the Commission;
  - 2) Using a form that contains all of the information contained in a form prescribed by the Staff of the Commission; or
  - 3) Using a form specifically approved by the Staff of the Commission.

## **Section 1715.110 Tow Authorized by Law Enforcement Agency**

The disclosures and authorization required under this Part are not required if a tow was authorized by a law enforcement agency or officer, as evidenced by a tow sheet issued by the law enforcement agency or officer, or if no tow sheet was issued by the authorizing law enforcement agency or officer, then evidenced by records of the safety relocater showing the date and time of authorization, the department and star or badge number of the officer from whom authorization was received, and the incident report number assigned by the law enforcement agency or officer.

## **Section 1715.120 Owner or Operator Authorization**

- a) **Personal Authorization from Vehicle Owner or Operator**  
When the vehicle owner or operator has personally authorized a safety relocater to provide towing, storage or incidental services with respect to a vehicle to which this Part applies:
  - 1) If the vehicle owner or operator of the vehicle is present at the scene and not incapacitated, incompetent or otherwise unable to sign, the safety relocater shall obtain the signature of the vehicle owner or operator;
  - 2) If the vehicle owner or operator of the vehicle is not present at the scene, or is otherwise incapacitated, incompetent or unable to sign, the safety relocater shall:
    - A) Make a record of:
      - i) The name, mailing address and telephone number of the person giving the authorization;
      - ii) The date and time authorization was given; and
      - iii) The driver's license, social security, or other unique identifying number of the person by whom the authorization was given; and
    - B) Transmit the name of the commercial vehicle safety relocater, its business address and telephone number, the address of the location to which the vehicle will be relocated, and the cost of all relocation, storage and any other fees, without limitation, that the commercial vehicle safety relocater will charge for its services to:
      - i) The law enforcement agency having jurisdiction; or
      - ii) The insurance agent for the vehicle owner or operator.

- b) **Third Party Authorization**  
A third party, acting as agent for the owner or operator of a vehicle, may give authorization as required by Section 18d-120(a) of the Law, provided the agent is responsible for payment of, or approves, all charges for towing, storage and incidental services so authorized. Examples of third parties include motor clubs, repair shops, body shops and vehicle dealers.

### **Section 1715.130 Commercial Towing Contracts**

- a) **Contractual Towing Agreements**  
Subparts C and D of this Part shall not apply to towing pursuant to a written contract between the safety relocater and another entity (for example, unit of local government, fleet operator, motor club, body shop, repair shop, vehicle dealer, etc.) establishing a predetermined cost of all relocation, storage and any other fees that the safety relocater will charge for its services, provided that a copy of the contract is made available for inspection by law enforcement at the offices of the safety relocater and is carried in the cab of every vehicle performing safety relocation services subject to this exemption.
- b) **Contract**
  - 1) In order to be eligible for this exemption, the contract must be a standing contract. It cannot be a contract designed to cover a single towing operation.
  - 2) All items required by the Law to be disclosed shall be included in the contract, to the extent that those disclosures can be generalized.

### **SUBPART D: POSTING OF SIGNS**

### **Section 1715.200 Posting Requirements**

Signs shall be posted in a conspicuous manner and be free of any obstruction or interference at each storage location from which a vehicle can be claimed. Each sign shall be in letters not less than 1.5 inches in height on its first line and the remaining lines shall be in letters not less than one-half inch in height in the following form:

**YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:**

1. **BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED.**
2. **BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE.**

3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.
4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL REASONABLE FEES.
5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD.
6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND WHILE IN STORAGE. IF THE COMMERCIAL VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR.

#### SUBPART E: VEHICLE IDENTIFICATION

##### **Section 1715.300 Safety Towing Vehicle Identification Requirement**

- a) Any vehicle used for safety towing must be identified with the Commission issued registration number and bear the full legal name of the safety relocator, as it appears on the registration, together with the address and telephone number of the relocator. This information shall be on both sides of the vehicle's power unit, in characters not less than 2 inches in height, and in colors contrasting with the color of the background against which the information is painted or printed.
- b) For purposes of this Section, the required address shall be the actual physical location of the safety relocator's place of business, not a post office box.

#### SUBPART F: INSURANCE REQUIREMENTS

##### **Section 1715.400 Registration Conditioned Upon Compliance With Insurance Requirements**

A registration issued by the Commission to a safety relocator has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

##### **Section 1715.410 Proof of Insurance or Bond Coverage**

Proof of insurance or bond coverage or cancellation shall be on forms E, H and K prescribed by

the Commission. The filing of such proof shall constitute acceptance of the minimum terms required by Section 18d-170 of the Law and prescribed in this Part, or higher levels of coverage stated in the policy or set forth on the certificate of insurance, and shall bind the insurance company to those terms. The coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is superseded by filing a subsequent certificate of insurance.

#### **Section 1715.420 Safety Relocator's Liability**

- a) The safety rellocator's liability shall extend to all operations by or under authority of the safety rellocator's registration.
- b) The safety rellocator's insurance shall cover all operations conducted by or under the authority of the safety rellocator's registration.

#### **Section 1715.430 Amounts of Insurance Coverage**

- a) All safety relocators shall file with the Commission and have in effect an indemnity bond or insurance policy or certificates of bonds or insurance in lieu of a bond or policy that shall indemnify or insure the safety rellocator for its liability in the following amounts:
  - 1) for injury to person, in an amount not less than \$100,000 to any one person and \$300,000 for any one accident;
  - 2) in case of damage to property other than a vehicle being removed, in an amount not less than \$50,000 for any one accident; and
  - 3) in case of damage to any vehicle relocated or stored by the safety rellocator, in an amount not less than \$15,000 per vehicle.
- b) Any such bond or policy shall be issued by a bonding or insurance firm authorized to do business as such in the State of Illinois. All certificates or indemnity bonds or insurance filed with the Commission must show the coverage effective continuously until cancelled, and the Commission may require evidence of continued validity as it deems necessary.

### **SUBPART G: BOOKS AND RECORDS**

#### **Section 1715.500 Audit and Inspection of Safety Relocator's Books and Records**

Each safety rellocator shall permit any Commission employee to inspect or audit its books and records, on request, at any time when the rellocator is open to the public.

### **SUBPART H: ENFORCEMENT**

### **Section 1715.600 Enforcement of the Law**

The enforcement provisions in Article VII of the Illinois Commercial Transportation Law [625 ILCS 5/Ch.18c, Art. VII] shall likewise govern the enforcement of the Illinois Commercial Safety Towing Law.

### **Section 1715.610 Enforcement Proceedings and Imposition of Sanctions**

The Commission may conduct a proceeding known as an enforcement proceeding when it has reason to believe that a person has committed an act that is a violation of the Law or this Part. The result of the proceeding may be the imposition of sanctions including, but not limited to, the suspension or revocation of the person's license or registration, issuance of a cease and desist order, assessment of civil penalties, or a combination of sanctions. The proceeding shall be governed by the Commission's Rules of Practice (83 Ill. Adm. Code 200).

### **Section 1715.620 Informal Settlement in Lieu of Formal Proceeding**

Prior to the institution of formal enforcement proceedings before the Commission, a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Law.

- a) The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Law or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise the option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise the option to settle. Service shall be made by depositing in the United States mail a postage prepaid envelope addressed to the respondent.
- b) Monetary settlements specified in the NAVOS shall be based upon the available fine amounts contained in the Law.
- c) An amount less than the minimum established in the NAVOS may be agreed upon between the Staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement that shall be presented to the Commission for approval or rejection.
- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, cooperation with authorities in the resolution of the dispute, and willingness to comply with the Law and this Part, and the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

- e) If a settlement agreement is not reached, the matter will be set for hearing before an Administrative Law Judge pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200).
- f) The respondent's right to a hearing and respondent's position at hearing will not be prejudiced in any way if settlement is not reached.

#### **Section 1715.630 Initiation of Operating Practices Proceeding**

- a) An enforcement proceeding shall be initiated by the issuance of a Complaint that shall set forth the alleged violations of the Law or this Part. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Service shall be made by depositing in the United States mail a postage prepaid envelope addressed to the respondent. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200.
- d) Respondent's failure to appear at a hearing or otherwise respond to a Complaint shall constitute a waiver of the respondent's right to contest the alleged violation or violations. Commission Staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may order the imposition of any applicable sanction.

#### **Section 1715.640 Failure to Appear at Hearing**

Respondent's failure to appear at the hearing set for the violation in issue may constitute a waiver of respondent's right to appear to contest the alleged violation. Commission Staff shall testify in support of its allegations and the Commission is authorized, without further notice, to find the facts to be as alleged in the order and may order the imposition of any applicable sanction.

#### **Section 1715.650 Service of Order**

Service of orders shall be made by certified mail, return receipt requested.

#### **Section 1715.660 Standards for the Assessment of Civil Penalties**

- a) In determining whether to assess civil penalties, the Commission shall consider the following factors:

- 1) the lack of mitigating circumstances, including:
    - A) whether the violation's occurrence was attributable to causes beyond the respondent's control, rather than to respondent's fault or intent; and
    - B) whether the violation's occurrence was attributable to action by the Commission that precluded compliance;
  - 2) the lack of good faith or intent, including:
    - A) the past compliance history of the respondent; and
    - B) whether a violation is the result of willful conduct or comes about through mistake, inadvertence or negligence;
  - 3) the financial ability of the respondent to pay the penalties assessed;
  - 4) the degree to which the violative conduct was harmful to the public; and
  - 5) the financial benefit accruing to the respondent as a result of its illegal activities.
- b) If it is determined that a civil penalty shall be assessed, the amount of the civil penalty shall be determined in accordance with the following procedure:
- 1) A numerical value of from 0 to 5 shall be assigned to each of the factors specified in subsections (a)(1), (2), (3), (4) and (5);
  - 2) The values assigned will be summed. The sum will be divided by the maximum possible weighted value per violation (25) and then multiplied by the maximum possible penalty per violation allowed under the Law. The result will be the civil penalty the Commission will seek to assess against the respondent.
- c) The Commission's consideration shall be limited to only those violations for which evidence exists. It shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

### **Section 1715.670 Payment of Civil Penalties**

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, by money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment.
- b) All remittances shall be made payable to the Illinois Commerce Commission/TRF and sent to:

Illinois Commerce Commission  
Transportation Division  
Processing Section  
527 East Capitol Avenue  
Springfield IL 62701

#### SUBPART I: DISPOSITION OF UNCLAIMED VEHICLES

##### **Section 1715.700 Disposition of Unclaimed Vehicles**

Unclaimed vehicles shall be disposed of in accordance with 625 ILCS 5/4-208 and 4-209.