



**WILLIAM J. SCOTT**

ATTORNEY GENERAL

STATE OF ILLINOIS

500 SOUTH SECOND STREET

SPRINGFIELD

62706

October 23, 1975

FILE NO. S-981

**MOTOR VEHICLES:**

Application of Length Limitations  
of Illinois Vehicle Code to Portable  
Towing Device

Honorable Michael J. Henshaw  
State's Attorney  
Saline County  
Courthouse  
Harrisburg, Illinois 62946

Dear Mr. Henshaw:

I have your letter wherein you state in pertinent  
part:

"Enclosed you will find a brochure of a towing  
device which is commercially referred to as  
'hand-i-tow'. It is generally accepted that  
these units meet the definition of a vehicle  
within the Motor Vehicle Code, are registered  
by the Secretary of State, require the appro-  
priate safety equipment, and can be legally  
towed by a motor vehicle.

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The question therefore becomes, when a motor vehicle tows a portable towing device such as the 'hand-i-tow' which in turn carries a disabled vehicle, does this combination become an illegal combination under Chapter 95 1/2, Section 107c of the Illinois Revised Statutes?"

The portable towing device to which you refer consists of a triangular frame with two wheels upon which is mounted a towing frame. Your letter refers to a combination of a motor vehicle towing the portable towing device which in turn carries a disabled vehicle. From the picture in the brochure it is plain that the hand-i-tow does not carry the disabled vehicle; rather the device carries only two wheels of the disabled vehicle. The other two wheels are still on the ground when the hand-i-tow is being used. Instead of being carried, the disabled vehicle is coupled with the hand-i-tow; and the hand-i-tow is also coupled with the towing vehicle, which in turn pulls or tows the hand-i-tow and the disabled vehicle.

The initial question is whether the portable towing device referred to in your letter is a "vehicle" within the meaning of the Illinois Vehicle Code. (Ill. Rev. Stat. 1973, ch. 95 1/2, pars. 1-100 et seq.) "Vehicle" is defined in section

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1-217 of the Code (Ill. Rev. Stat. 1973, ch. 95 1/2, par. 1-217)

which provides in pertinent part:

"Vehicle. Every device, in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks and snowmobiles as defined in the Snowmobile Registration and Safety Act. \* \* \*"

It is my opinion that the portable towing device referred to in your letter comes within the above definition. It is a device by which property is or may be transported or drawn upon a highway.

Since the portable towing device is a vehicle, the combination described in your letter consists of three vehicles: the towing vehicle, the hand-i-tow, and the disabled vehicle. Subsection (c) of section 15-107 of the Illinois Vehicle Code (Ill. Rev. Stat. 1973, ch. 95 1/2, par. 15-107(c)) prohibits combinations of more than two vehicles. That subsection states in pertinent part:

"(c) A truck tractor semitrailer may draw one trailer, and a truck in transit may draw 3 trucks in transit coupled together by

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the triple saddle-mount method. Except as otherwise provided, no other combination of vehicles coupled together shall consist of more than 2 vehicles. \* \* \* (emphasis added.)

Thus, the combination described in your letter is an illegal combination of vehicles, unless the combination comes within an exception to the prohibition in subsection 15-107(c).

It is my opinion that there is no applicable exception. Subsection (d) of section 15-107 permits combinations of more than two vehicles when disabled vehicles are being towed to the nearest repair station. Subsection (d) provides in pertinent part:

"\* \* \* Neither shall the length limitations apply to a combination of vehicles consisting of a towing vehicle and a disabled vehicle or vehicles when engaged in towing the disabled vehicle or vehicles from the highway to the nearest repair station."

This exception in subsection (d) is limited to combinations "consisting of a towing vehicle and a disabled vehicle or vehicles". A combination consisting of a towing vehicle, a hand-i-tow, and a disabled vehicle does not come within this exception. The exception permits a single towing vehicle to tow more than one disabled vehicle. There is no room in the

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exception for an auxiliary towing vehicle such as the hand-i-tow.

Therefore, a combination consisting of a towing vehicle, a portable towing device such as the hand-i-tow, and a disabled vehicle is a combination of three vehicles and is, as a result, an illegal combination under subsection 15-107(c) of the Illinois Vehicle Code.

Very truly yours,

A T T O R N E Y   G E N E R A L