



Sen. Dan McConchie

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LRB101 06378 TAE 59840 a

1 AMENDMENT TO SENATE BILL 1060

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1060 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Highway Act is amended by changing  
5 Section 10 as follows:

6 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

7 Sec. 10. The Authority shall have power:

8 (a) To pass resolutions, make by-laws, rules and  
9 regulations for the management, regulation and control of its  
10 affairs, and to fix tolls, and to make, enact and enforce all  
11 needful rules and regulations in connection with the  
12 construction, operation, management, care, regulation or  
13 protection of its property or any toll highways, constructed or  
14 reconstructed hereunder. Any by-laws adopted under this  
15 Section shall include a requirement that directors disclose and  
16 avoid potential conflicts of interest. The by-laws shall be

1 posted on the Authority's website.

2 (a-5) To fix, assess, and collect civil fines for a  
3 vehicle's operation on a toll highway without the required toll  
4 having been paid. The Authority may establish by rule a system  
5 of civil administrative adjudication to adjudicate only  
6 alleged instances of a vehicle's operation on a toll highway  
7 without the required toll having been paid, as detected by the  
8 Authority's video or photo surveillance system. In cases in  
9 which the operator of the vehicle is not the registered vehicle  
10 owner, the establishment of ownership of the vehicle creates a  
11 rebuttable presumption that the vehicle was being operated by  
12 an agent of the registered vehicle owner. If the registered  
13 vehicle owner liable for a violation under this Section was not  
14 the operator of the vehicle at the time of the violation, the  
15 owner may maintain an action for indemnification against the  
16 operator in the circuit court. Rules establishing a system of  
17 civil administrative adjudication must provide for written  
18 notice, by first class mail or other means provided by law, to  
19 the address of the registered owner of the cited vehicle as  
20 recorded with the Secretary of State or to the lessee of the  
21 cited vehicle at the last address known to the lessor of the  
22 cited vehicle at the time of the lease, of the alleged  
23 violation and an opportunity to be heard on the question of the  
24 violation and must provide for the establishment of a toll-free  
25 telephone number to receive inquiries concerning alleged  
26 violations. The notice shall also inform the registered vehicle

1 owner that failure to contest in the manner and time provided  
2 shall be deemed an admission of liability and that a final  
3 order of liability may be entered on that admission. A duly  
4 authorized agent of the Authority may perform or execute the  
5 preparation, certification, affirmation, or mailing of the  
6 notice. A notice of violation, sworn or affirmed to or  
7 certified by a duly authorized agent of the Authority, or a  
8 facsimile of the notice, based upon an inspection of  
9 photographs, microphotographs, videotape, or other recorded  
10 images produced by a video or photo surveillance system, shall  
11 be admitted as prima facie evidence of the correctness of the  
12 facts contained in the notice or facsimile. Only civil fines,  
13 along with the corresponding outstanding toll, and costs may be  
14 imposed by administrative adjudication. A fine may be imposed  
15 under this paragraph only if a violation is established by a  
16 preponderance of the evidence. Judicial review of all final  
17 orders of the Authority under this paragraph shall be conducted  
18 in the circuit court of the county in which the administrative  
19 decision was rendered in accordance with the Administrative  
20 Review Law.

21 The Authority may maintain a listing or searchable database  
22 on its website of persons or entities that have been issued one  
23 or more final orders of liability with a total amount due of  
24 more than \$1,000 for tolls, fines, unpaid late fees, or  
25 administrative costs that remain unpaid after the exhaustion  
26 of, or the failure to exhaust, the judicial review procedures

1 under the Administrative Review Law. Each entry may include the  
2 person's or entity's name as listed on the final order of  
3 liability.

4 Any outstanding toll, fine, additional late payment fine,  
5 other sanction, or costs imposed, or part of any fine, other  
6 sanction, or costs imposed, remaining unpaid after the  
7 exhaustion of, or the failure to exhaust, judicial review  
8 procedures under the Administrative Review Law are a debt due  
9 and owing the Authority and may be collected in accordance with  
10 applicable law. After expiration of the period in which  
11 judicial review under the Administrative Review Law may be  
12 sought, unless stayed by a court of competent jurisdiction, a  
13 final order of the Authority under this subsection (a-5) may be  
14 enforced in the same manner as a judgment entered by a court of  
15 competent jurisdiction. Notwithstanding any other provision of  
16 this Act, the Authority may, with the approval of the Attorney  
17 General, retain a law firm or law firms with expertise in the  
18 collection of government fines and debts for the purpose of  
19 collecting fines, costs, and other moneys due under this  
20 subsection (a-5).

21 A system of civil administrative adjudication may also  
22 provide for a program of vehicle immobilization, tow, or  
23 impoundment for the purpose of facilitating enforcement of any  
24 final order or orders of the Authority under this subsection  
25 (a-5) that result in a finding or liability for 5 or more  
26 violations after expiration of the period in which judicial

1 review under the Administrative Review Law may be sought. The  
2 registered vehicle owner of a vehicle immobilized, towed, or  
3 impounded for nonpayment of a final order of the Authority  
4 under this subsection (a-5) shall have the right to request a  
5 hearing before the Authority's civil administrative  
6 adjudicatory system to challenge the validity of the  
7 immobilization, tow, or impoundment. This hearing, however,  
8 shall not constitute a readjudication of the merits of  
9 previously adjudicated notices. Judicial review of all final  
10 orders of the Authority under this subsection (a-5) shall be  
11 conducted in the circuit court of the county in which the  
12 administrative decision was rendered in accordance with the  
13 Administrative Review Law.

14 No commercial entity that is the lessor of a vehicle under  
15 a written lease agreement shall be liable for an administrative  
16 notice of violation for toll evasion issued under this  
17 subsection (a-5) involving that vehicle during the period of  
18 the lease if the lessor provides a copy of the leasing  
19 agreement to the Authority within 30 days of the issue date on  
20 the notice of violation. The leasing agreement also must  
21 contain a provision or addendum informing the lessee that the  
22 lessee is liable for payment of all tolls and any fines for  
23 toll evasion. Each entity must also post a sign at the leasing  
24 counter notifying the lessee of that liability. The copy of the  
25 leasing agreement provided to the Authority must contain the  
26 name, address, and driver's license number of the lessee, as

1 well as the check-out and return dates and times of the vehicle  
2 and the vehicle license plate number and vehicle make and  
3 model.

4 As used in this subsection (a-5), "lessor" includes  
5 commercial leasing and rental entities but does not include  
6 public passenger vehicle entities.

7 The Authority shall establish an amnesty program for  
8 violations adjudicated under this subsection (a-5). Under the  
9 program, any person who has an outstanding notice of violation  
10 for toll evasion or a final order of a hearing officer for toll  
11 evasion dated prior to the effective date of this amendatory  
12 Act of the 94th General Assembly and who pays to the Authority  
13 the full percentage amounts listed in this paragraph remaining  
14 due on the notice of violation or final order of the hearing  
15 officer and the full fees and costs paid by the Authority to  
16 the Secretary of State relating to suspension proceedings, if  
17 applicable, on or before 5:00 p.m., Central Standard Time, of  
18 the 60th day after the effective date of this amendatory Act of  
19 the 94th General Assembly shall not be required to pay more  
20 than the listed percentage of the original fine amount and  
21 outstanding toll as listed on the notice of violation or final  
22 order of the hearing officer and the full fees and costs paid  
23 by the Authority to the Secretary of State relating to  
24 suspension proceedings, if applicable. The payment percentage  
25 scale shall be as follows: a person with 25 or fewer violations  
26 shall be eligible for amnesty upon payment of 50% of the

1 original fine amount and the outstanding tolls; a person with  
2 more than 25 but fewer than 51 violations shall be eligible for  
3 amnesty upon payment of 60% of the original fine amount and the  
4 outstanding tolls; and a person with 51 or more violations  
5 shall be eligible for amnesty upon payment of 75% of the  
6 original fine amount and the outstanding tolls. In such a  
7 situation, the Executive Director of the Authority or his or  
8 her designee is authorized and directed to waive any late fine  
9 amount above the applicable percentage of the original fine  
10 amount. Partial payment of the amount due shall not be a basis  
11 to extend the amnesty payment deadline nor shall it act to  
12 relieve the person of liability for payment of the late fine  
13 amount. In order to receive amnesty, the full amount of the  
14 applicable percentage of the original fine amount and  
15 outstanding toll remaining due on the notice of violation or  
16 final order of the hearing officer and the full fees and costs  
17 paid by the Authority to the Secretary of State relating to  
18 suspension proceedings, if applicable, must be paid in full by  
19 5:00 p.m., Central Standard Time, of the 60th day after the  
20 effective date of this amendatory Act of the 94th General  
21 Assembly. This amendatory Act of the 94th General Assembly has  
22 no retroactive effect with regard to payments already tendered  
23 to the Authority that were full payments or payments in an  
24 amount greater than the applicable percentage, and this Act  
25 shall not be the basis for either a refund or a credit. This  
26 amendatory Act of the 94th General Assembly does not apply to

1 toll evasion citations issued by the Illinois State Police or  
2 other authorized law enforcement agencies and for which payment  
3 may be due to or through the clerk of the circuit court. The  
4 Authority shall adopt rules as necessary to implement the  
5 provisions of this amendatory Act of the 94th General Assembly.  
6 The Authority, by a resolution of the Board of Directors, shall  
7 have the discretion to implement similar amnesty programs in  
8 the future. The Authority, at its discretion and in  
9 consultation with the Attorney General, is further authorized  
10 to settle an administrative fine or penalty if it determines  
11 that settling for less than the full amount is in the best  
12 interests of the Authority after taking into account the  
13 following factors: (1) the merits of the Authority's claim  
14 against the respondent; (2) the amount that can be collected  
15 relative to the administrative fine or penalty owed by the  
16 respondent; (3) the cost of pursuing further enforcement or  
17 collection action against the respondent; (4) the likelihood of  
18 collecting the full amount owed; and (5) the burden on the  
19 judiciary. The provisions in this Section may be extended to  
20 other toll facilities in the State of Illinois through a duly  
21 executed agreement between the Authority and the operator of  
22 the toll facility.

23 (b) To prescribe rules and regulations applicable to  
24 traffic on highways under the jurisdiction of the Authority,  
25 concerning:

26 (1) Types of vehicles permitted to use such highways or



1 parts thereof, and classification of such vehicles;

2 (2) Designation of the lanes of traffic to be used by  
3 the different types of vehicles permitted upon said  
4 highways;

5 (3) Stopping, standing, and parking of vehicles;

6 (4) Control of traffic by means of police officers or  
7 traffic control signals;

8 (5) Control or prohibition of processions, convoys,  
9 and assemblages of vehicles and persons;

10 (6) Movement of traffic in one direction only on  
11 designated portions of said highways;

12 (7) Control of the access, entrance, and exit of  
13 vehicles and persons to and from said highways; and

14 (8) Preparation, location and installation of all  
15 traffic signs; and to prescribe further rules and  
16 regulations applicable to such traffic, concerning matters  
17 not provided for either in the foregoing enumeration or in  
18 the Illinois Vehicle Code. Notice of such rules and  
19 regulations shall be posted conspicuously and displayed at  
20 appropriate points and at reasonable intervals along said  
21 highways, by clearly legible markers or signs, to provide  
22 notice of the existence of such rules and regulations to  
23 persons traveling on said highways. At each toll station,  
24 the Authority shall make available, free of charge,  
25 pamphlets containing all of such rules and regulations.

26 (c) The Authority, in fixing the rate for tolls for the

1 privilege of using the said toll highways, is authorized and  
2 directed, in fixing such rates, to base the same upon annual  
3 estimates to be made, recorded and filed with the Authority.  
4 Said estimates shall include the following: The estimated total  
5 amount of the use of the toll highways; the estimated amount of  
6 the revenue to be derived therefrom, which said revenue, when  
7 added to all other receipts and income, will be sufficient to  
8 pay the expense of maintaining and operating said toll  
9 highways, including the administrative expenses of the  
10 Authority, and to discharge all obligations of the Authority as  
11 they become due and payable.

12 (d) To accept from any municipality or political  
13 subdivision any lands, easements or rights in land needed for  
14 the operation, construction, relocation or maintenance of any  
15 toll highways, with or without payment therefor, and in its  
16 discretion to reimburse any such municipality or political  
17 subdivision out of its funds for any cost or expense incurred  
18 in the acquisition of land, easements or rights in land, in  
19 connection with the construction and relocation of the said  
20 toll highways, widening, extending roads, streets or avenues in  
21 connection therewith, or for the construction of any roads or  
22 streets forming extension to and connections with or between  
23 any toll highways, or for the cost or expense of widening,  
24 grading, surfacing or improving any existing streets or roads  
25 or the construction of any streets and roads forming extensions  
26 of or connections with any toll highways constructed,

1 relocated, operated, maintained or regulated hereunder by the  
2 Authority. Where property owned by a municipality or political  
3 subdivision is necessary to the construction of an approved  
4 toll highway, if the Authority cannot reach an agreement with  
5 such municipality or political subdivision and if the use to  
6 which the property is being put in the hands of the  
7 municipality or political subdivision is not essential to the  
8 existence or the administration of such municipality or  
9 political subdivision, the Authority may acquire the property  
10 by condemnation; however, property belonging to a municipality  
11 or political subdivision that is used for education or  
12 recreation is exempt from this provision.

13 (Source: P.A. 99-214, eff. 1-1-16; 100-1180, eff. 2-28-19.)".