



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2590

Introduced 2/18/2005, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10	from Ch. 121, par. 100-10
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 10/27.1	from Ch. 121, par. 100-27.1
605 ILCS 10/27.2 new	

Amends the Toll Highway Act. Provides that the Toll Highway Authority has the power to enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection by electronic means of tolls, fees, or revenues. Requires the Authority to establish an amnesty program for toll violations. Establishes procedures for, and limitations on, the amnesty. Sets procedures for administrative adjudication of violations recorded by photo surveillance. Provides that toll evasion offenses adjudicated in the Authority's administration system are not subject to the fine range for petty offenses. Provides that it is a violation of the Act to operate on a toll highway a vehicle with a license plate covered with any material that obstructs the electronic image recording of the plate. Provides that a law enforcement officer may confiscate a license plate if the plate was treated with a substance to block electronic image recording. Makes other changes. Effective immediately.

LRB094 08403 DRH 38603 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Highway Act is amended by changing
5 Sections 10, 11, 17, and 27.1 and by adding Section 27.2 as
6 follows:

7 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

8 Sec. 10. The Authority shall have power:

9 (a) To pass resolutions, make by-laws, rules and
10 regulations for the management, regulation and control of its
11 affairs, and to fix tolls, and to make, enact and enforce all
12 needful rules and regulations in connection with the
13 construction, operation, management, care, regulation or
14 protection of its property or any toll highways, constructed or
15 reconstructed hereunder.

16 (a-5) To fix, assess, and collect civil fines for a
17 vehicle's operation on a toll highway without the required toll
18 having been paid. The Authority may establish by rule a system
19 of civil administrative adjudication to adjudicate only
20 alleged instances of a vehicle's operation on a toll highway
21 without the required toll having been paid, as detected by the
22 Authority's video or photo surveillance system. In cases in
23 which the operator of the vehicle is not the registered vehicle
24 owner, the establishment of ownership of the vehicle creates a
25 rebuttable presumption that the vehicle was being operated by
26 an agent of the registered vehicle owner. If the registered
27 vehicle owner liable for a violation under this Section was not
28 the operator of the vehicle at the time of the violation, the
29 owner may maintain an action for indemnification against the
30 operator in the circuit court. Rules establishing a system of
31 civil administrative adjudication must provide for written
32 notice, by first class mail or other means provided by law, to

1 the address of the registered owner of the cited vehicle as
2 recorded with the Secretary of State or to the lessee of the
3 cited vehicle at the last address known to the lessor of the
4 cited vehicle at the time of the lease, of the alleged
5 violation and an opportunity to be heard on the question of the
6 violation and must provide for the establishment of a toll-free
7 telephone number to receive inquiries concerning alleged
8 violations. The notice shall also inform the registered vehicle
9 owner that failure to contest in the manner and time provided
10 shall be deemed an admission of liability and that a final
11 order of liability may be entered on that admission. A duly
12 authorized agent of the Authority may perform or execute the
13 preparation, certification, affirmation, or mailing of the
14 notice. A notice of violation, sworn or affirmed to or
15 certified by a duly authorized agent of the Authority, or a
16 facsimile of the notice, based upon an inspection of
17 photographs, microphotographs, videotape, or other recorded
18 images produced by a video or photo surveillance system, shall
19 be admitted as prima facie evidence of the correctness of the
20 facts contained in the notice or facsimile. Only civil fines,
21 along with the corresponding outstanding toll, and costs may be
22 imposed by administrative adjudication. A fine may be imposed
23 under this paragraph only if a violation is established by a
24 preponderance of the evidence. Judicial review of all final
25 orders of the Authority under this paragraph shall be conducted
26 in the circuit court of the county in which the administrative
27 hearing was held in accordance with the Administrative Review
28 Law.

29 Any outstanding toll, fine, additional late payment fine,
30 other sanction, or costs imposed, or part of any fine, other
31 sanction, or costs imposed, remaining unpaid after the
32 exhaustion of, or the failure to exhaust, judicial review
33 procedures under the Administrative Review Law are a debt due
34 and owing the Authority and may be collected in accordance with
35 applicable law. After expiration of the period in which
36 judicial review under the Administrative Review Law may be

1 sought, unless stayed by a court of competent jurisdiction, a
2 final order of the Authority under this subsection (a-5) may be
3 enforced in the same manner as a judgment entered by a court of
4 competent jurisdiction. Notwithstanding any other provision of
5 this Act, the Authority may, with the approval of the Attorney
6 General, retain a law firm or law firms with expertise in the
7 collection of government fines and debts for the purpose of
8 collecting fines, costs, and other moneys due under this
9 subsection (a-5).

10 A system of civil administrative adjudication may also
11 provide for a program of vehicle immobilization, tow, or
12 impoundment for the purpose of facilitating enforcement of any
13 final order or orders of the Authority under this subsection
14 (a-5) that result in a finding or liability for 5 or more
15 violations after expiration of the period in which judicial
16 review under the Administrative Review Law may be sought. The
17 registered vehicle owner of a vehicle immobilized, towed, or
18 impounded for nonpayment of a final order of the Authority
19 under this subsection (a-5) shall have the right to request a
20 hearing before the Authority's civil administrative
21 adjudicatory system to challenge the validity of the
22 immobilization, tow, or impoundment. This hearing, however,
23 shall not constitute a readjudication of the merits of
24 previously adjudicated notices. Judicial review of all final
25 orders of the Authority under this subsection (a-5) shall be
26 conducted in the circuit court of the county in which the
27 administrative decision was rendered in accordance with the
28 Administrative Review Law.

29 No commercial entity that is the lessor of a vehicle under
30 a written lease agreement shall be liable for an administrative
31 notice of violation for toll evasion issued under this
32 subsection (a-5) involving that vehicle during the period of
33 the lease if the lessor provides a copy of the leasing
34 agreement to the Authority within 21 days of the issue date on
35 the notice of violation. The leasing agreement also must
36 contain a provision or addendum informing the lessee that the

1 lessee is liable for payment of all tolls and any fines for
2 toll evasion. Each entity must also post a sign at the leasing
3 counter notifying the lessee of that liability. The copy of the
4 leasing agreement provided to the Authority must contain the
5 name, address, and driver's license number of the lessee, as
6 well as the check-out and return dates and times of the vehicle
7 and the vehicle license plate number and vehicle make and
8 model.

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

12 The Authority shall establish an amnesty program for
13 violations adjudicated under this subsection (a-5). Under the
14 program, any person who has an outstanding notice of violation
15 for toll evasion or final order of a hearing officer for toll
16 evasion dated prior to the effective date of this amendatory
17 Act of the 94th General Assembly and who has not been mailed a
18 notice of impending vehicle plate registration or driver's
19 license suspension pursuant to Section 3-704.2 or Section
20 6-306.7 of the Illinois Vehicle Code and who pays to the
21 Authority the full percentage amounts listed in this paragraph
22 remaining due on the notice of violation or final order of the
23 hearing officer on or before 5:00 p.m., Central Standard Time,
24 of the 60th day after the effective date of this amendatory Act
25 the 94th General Assembly shall not be required to pay more
26 than the listed percentage of the original fine amount and
27 outstanding toll as listed on the notice of violation or final
28 order of the hearing officer. The payment percentage scale
29 shall be as follows: a person with 25 or fewer violations shall
30 be eligible for amnesty upon payment of 50% of the original
31 fine amount and the outstanding tolls; a person with more than
32 25 but fewer than 51 violations shall be eligible for amnesty
33 upon payment of 60% of the original fine amount and the
34 outstanding tolls; and a person with 51 or more violations
35 shall be eligible for amnesty upon payment of 75% of the
36 original fine amount and the outstanding tolls. In such a

1 situation, the Executive Director of the Authority or his or
2 her designee is authorized and directed to waive any late fine
3 amount above the applicable percentage of the original fine
4 amount. Partial payment of the amount due shall not be a basis
5 to extend the amnesty payment deadline nor shall it act to
6 relieve the person of liability for payment of the late fine
7 amount. In order to receive amnesty, the full amount of the
8 applicable percentage of the original fine amount and
9 outstanding toll remaining due on the notice of violation or
10 final order of the hearing officer must be paid in full by 5:00
11 p.m., Central Standard Time, of the 60th day after the
12 effective date of this amendatory Act of the 94th General
13 Assembly. This amendatory Act of the 94th General Assembly has
14 no retroactive effect with regard to payments already tendered
15 to the Authority that were full payments or payments in an
16 amount greater than the applicable percentage, and this Act
17 shall not be the basis for either a refund or a credit. This
18 amendatory Act of the 94th General Assembly does not apply to
19 toll evasion citations issued by the Illinois State Police or
20 other authorized law enforcement agencies and for which payment
21 may be due to or through the clerk of the circuit court. The
22 Authority shall adopt rules as necessary to implement the
23 provisions of this amendatory Act of the 94th General Assembly.
24 The Authority, by a resolution of the Board of Directors, shall
25 have the discretion to implement similar amnesty programs in
26 the future.

27 The provisions in this Section may be extended to other
28 public toll facilities in this State through a duly executed
29 intergovernmental agreement between the Authority and another
30 public body.

31 (b) To prescribe rules and regulations applicable to
32 traffic on highways under the jurisdiction of the Authority,
33 concerning:

34 (1) Types of vehicles permitted to use such highways or
35 parts thereof, and classification of such vehicles;

36 (2) Designation of the lanes of traffic to be used by

1 the different types of vehicles permitted upon said
2 highways;

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

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

6 (5) Control or prohibition of processions, convoys,
7 and assemblages of vehicles and persons;

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

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

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

24 (c) The Authority, in fixing the rate for tolls for the
25 privilege of using the said toll highways, is authorized and
26 directed, in fixing such rates, to base the same upon annual
27 estimates to be made, recorded and filed with the Authority.
28 Said estimates shall include the following: The estimated total
29 amount of the use of the toll highways; the estimated amount of
30 the revenue to be derived therefrom, which said revenue, when
31 added to all other receipts and income, will be sufficient to
32 pay the expense of maintaining and operating said toll
33 highways, including the administrative expenses of the
34 Authority, and to discharge all obligations of the Authority as
35 they become due and payable.

36 (d) To accept from any municipality or political

1 subdivision any lands, easements or rights in land needed for
2 the operation, construction, relocation or maintenance of any
3 toll highways, with or without payment therefor, and in its
4 discretion to reimburse any such municipality or political
5 subdivision out of its funds for any cost or expense incurred
6 in the acquisition of land, easements or rights in land, in
7 connection with the construction and relocation of the said
8 toll highways, widening, extending roads, streets or avenues in
9 connection therewith, or for the construction of any roads or
10 streets forming extension to and connections with or between
11 any toll highways, or for the cost or expense of widening,
12 grading, surfacing or improving any existing streets or roads
13 or the construction of any streets and roads forming extensions
14 of or connections with any toll highways constructed,
15 relocated, operated, maintained or regulated hereunder by the
16 Authority. Where property owned by a municipality or political
17 subdivision is necessary to the construction of an approved
18 toll highway, if the Authority cannot reach an agreement with
19 such municipality or political subdivision and if the use to
20 which the property is being put in the hands of the
21 municipality or political subdivision is not essential to the
22 existence or the administration of such municipality or
23 political subdivision, the Authority may acquire the property
24 by condemnation.

25 (Source: P.A. 89-120, eff. 7-7-95.)

26 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

27 Sec. 11. The Authority shall have power:

28 (a) To enter upon lands, waters and premises in the State
29 for the purpose of making surveys, soundings, drillings and
30 examinations as may be necessary, expedient or convenient for
31 the purposes of this Act, and such entry shall not be deemed to
32 be a trespass, nor shall an entry for such purpose be deemed an
33 entry under any condemnation proceedings which may be then
34 pending; provided, however, that the Authority shall make
35 reimbursement for any actual damage resulting to such lands,

1 waters and premises as the result of such activities.

2 (b) To construct, maintain and operate stations for the
3 collection of tolls or charges upon and along any toll
4 highways.

5 (c) To provide for the collection of tolls and charges for
6 the privilege of using the said toll highways. Before it adopts
7 an increase in the rates for toll, the Authority shall hold a
8 public hearing at which any person may appear, express
9 opinions, suggestions, or objections, or direct inquiries
10 relating to the proposed increase. Any person may submit a
11 written statement to the Authority at the hearing, whether
12 appearing in person or not. The hearing shall be held in the
13 county in which the proposed increase of the rates is to take
14 place. The Authority shall give notice of the hearing by
15 advertisement on 3 successive days at least 15 days prior to
16 the date of the hearing in a daily newspaper of general
17 circulation within the county within which the hearing is held.
18 The notice shall state the date, time, and place of the
19 hearing, shall contain a description of the proposed increase,
20 and shall specify how interested persons may obtain copies of
21 any reports, resolutions, or certificates describing the basis
22 on which the proposed change, alteration, or modification was
23 calculated. After consideration of any statements filed or oral
24 opinions, suggestions, objections, or inquiries made at the
25 hearing, the Authority may proceed to adopt the proposed
26 increase of the rates for toll. No change or alteration in or
27 modification of the rates for toll shall be effective unless at
28 least 30 days prior to the effective date of such rates notice
29 thereof shall be given to the public by publication in a
30 newspaper of general circulation, and such notice, or notices,
31 thereof shall be posted and publicly displayed at each and
32 every toll station upon or along said toll highways.

33 (d) To construct, at the Authority's discretion, grade
34 separations at intersections with any railroads, waterways,
35 street railways, streets, thoroughfares, public roads or
36 highways intersected by the said toll highways, and to change

1 and adjust the lines and grades thereof so as to accommodate
2 the same to the design of such grade separation and to
3 construct interchange improvements. The Authority is
4 authorized to provide such grade separations or interchange
5 improvements at its own cost or to enter into contracts or
6 agreements with reference to division of cost therefor with any
7 municipality or political subdivision of the State of Illinois,
8 or with the Federal Government, or any agency thereof, or with
9 any corporation, individual, firm, person or association.
10 Where such structures have been built by the Authority and a
11 local highway agency did not enter into an agreement to the
12 contrary, the Authority shall maintain the entire structure,
13 including the road surface, at the Authority's expense.

14 (e) To contract with and grant concessions to or lease or
15 license to any person, partnership, firm, association or
16 corporation so desiring the use of any part of any toll
17 highways, excluding the paved portion thereof, but including
18 the right of way adjoining, under, or over said paved portion
19 for the placing of telephone, telegraph, electric, power lines
20 and other utilities, and for the placing of pipe lines, and to
21 enter into operating agreements with or to contract with and
22 grant concessions to or to lease to any person, partnership,
23 firm, association or corporation so desiring the use of any
24 part of the toll highways, excluding the paved portion thereof,
25 but including the right of way adjoining, or over said paved
26 portion for motor fuel service stations and facilities,
27 garages, stores and restaurants, or for any other lawful
28 purpose, and to fix the terms, conditions, rents, rates and
29 charges for such use.

30 The Authority shall also have power to establish reasonable
31 regulations for the installation, construction, maintenance,
32 repair, renewal, relocation and removal of pipes, mains,
33 conduits, cables, wires, towers, poles and other equipment and
34 appliances (herein called public utilities) of any public
35 utility as defined in the Public Utilities Act along, over or
36 under any toll road project. Whenever the Authority shall

1 determine that it is necessary that any such public utility
2 facilities which now are located in, on, along, over or under
3 any project or projects be relocated or removed entirely from
4 any such project or projects, the public utility owning or
5 operating such facilities shall relocate or remove the same in
6 accordance with the order of the Authority. All costs and
7 expenses of such relocation or removal, including the cost of
8 installing such facilities in a new location or locations, and
9 the cost of any land or lands, or interest in land, or any
10 other rights required to accomplish such relocation or removal
11 shall be ascertained and paid by the Authority as a part of the
12 cost of any such project or projects, and further, there shall
13 be no rent, fee or other charge of any kind imposed upon the
14 public utility owning or operating any facilities ordered
15 relocated on the properties of the said Authority and the said
16 Authority shall grant to the said public utility owning or
17 operating said facilities and its successors and assigns the
18 right to operate the same in the new location or locations for
19 as long a period and upon the same terms and conditions as it
20 had the right to maintain and operate such facilities in their
21 former location or locations.

22 (f) To enter into an intergovernmental agreement or
23 contract with a unit of local government or other public or
24 private entity for the collection, enforcement, and
25 administration of tolls, fees, revenue, and violations.

26 (Source: P.A. 90-681, eff. 7-31-98.)

27 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

28 Sec. 27.1. Any person who shall use any spurious or
29 counterfeit tickets, coupons or tokens in payment of any toll
30 required to be paid by the Authority under the provisions of
31 this Act, or who shall attempt to use the highway without
32 payment of the tolls prescribed by the Authority, shall be
33 deemed guilty of a petty offense and shall be fined not less
34 than \$5 nor more than \$100 for each such offense. The fine
35 range set forth in this Section for prosecution of toll evasion

1 as a petty offense shall not apply to toll evasion offenses
2 that are adjudicated in the Authority's administration system.

3 The provisions in this Section may be extended to other
4 public toll facilities in this State through a duly executed
5 intergovernmental agreement between the Authority and another
6 public body. ~~Each day any toll highway is used by any person in~~
7 ~~violation of this Act shall constitute a separate offense.~~

8 (Source: P.A. 77-2239.)

9 (605 ILCS 10/27.2 new)

10 Sec. 27.2. Obstruction of registration plate visibility to
11 electronic image recording.

12 (a) A person may not operate on a toll highway any motor
13 vehicle that is equipped with tinted plastic or tinted glass
14 registration plate covers or any covers, coating, wrappings, or
15 materials or streaking, distorting, holographic, reflective,
16 or other devices that obstruct the visibility or electronic
17 image recording of the plate.

18 (b) If a State or local law enforcement officer having
19 jurisdiction observes that a cover or other device or material
20 or substance is obstructing the visibility or electronic image
21 recording of the plate, the officer shall issue a Uniform
22 Traffic Citation and shall confiscate the cover or other device
23 that obstructed the visibility or electronic image recording of
24 the plate. If the State or local law enforcement officer having
25 jurisdiction observes that the plate itself has been physically
26 treated with a substance or material that is obstructing the
27 visibility or electronic image recording of the plate, the
28 officer shall issue a Uniform Traffic Citation and shall
29 confiscate the plate. The Secretary of State shall revoke the
30 registration of any plate that has been found by a court or
31 administrative tribunal to have been physically altered with
32 any chemical or reflective substance or coating that obstructs
33 the visibility or electronic image recording of the plate.

34 (c) A violation of this Section is a petty offense. A fine
35 of \$750 shall be imposed if a plate cover obstructs the

1 visibility or electronic image recording of the plate. A fine
2 of \$1,000 shall be imposed if a plate has been physically
3 altered with any chemical or reflective substance or coating
4 that obstructs the visibility or electronic image recording of
5 the plate.

6 (d) The Attorney General may file suit against any
7 individual or entity offering or marketing the sale, including
8 via the Internet, of any product advertised as having the
9 capacity to obstruct the visibility or electronic image
10 recording of a license plate. In addition to injunctive and
11 monetary relief, punitive damages, and attorneys fees, the suit
12 shall also seek a full accounting of the records of all sales
13 to residents of or entities within the State of Illinois.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.