



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5525

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

605 ILCS 10/2
605 ILCS 10/10

from Ch. 121, par. 100-2
from Ch. 121, par. 100-10

Amends the Toll Highway Act. Provides that notices of toll violations based on recorded images must include a copy of any recorded images of the alleged violation or a website address, accessible through the Internet, where the recorded images may be viewed.

LRB098 17839 MLW 52963 b

1 AN ACT concerning 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 2 and 10 as follows:

6 (605 ILCS 10/2) (from Ch. 121, par. 100-2)

7 Sec. 2. The following words and terms as used in this Act
8 shall have the following meanings:

9 (a) The word "Authority" shall mean The Illinois State Toll
10 Highway Authority.

11 (b) The word "person," shall mean any individual, firm,
12 association, partnership, corporation, trustee or legal
13 representative.

14 (c) The word "owner," shall include all individuals,
15 copartnerships, firms, associations, corporations, trustees or
16 legal representatives, and others having any title or interest
17 in any property, rights or easements authorized to be acquired
18 by this Act.

19 (d) The words "toll highway" or "toll highways," shall mean
20 such highways as are so designed and constructed, in the best
21 professional judgment of the engineering staff responsible, as
22 to accomplish the purposes of this Act.

23 (e) The word "toll" or "tolls" shall mean the compensation

1 to be paid to The Illinois State Toll Highway Authority for the
2 privilege of using any toll highway, or portions or parts
3 thereof, by vehicular or other traffic.

4 (f) The word "cost" as applied to a toll highway shall
5 embrace the cost of construction, including bridges over or
6 under existing highways and railroads, the cost of acquisition
7 of all land, rights of way, property, rights, easements and
8 interests acquired by the Authority for such construction, the
9 cost of demolishing or removing any buildings or structures on
10 land so acquired, including the cost of acquiring any lands to
11 which such buildings or structures may be moved, the cost of
12 diverting highways, interchange of highways, access to roads to
13 private property, including the cost of lands or easements
14 therefor, the cost of all machinery and equipment, financing
15 charges, interest prior to and during construction, and for one
16 or more years after completion of construction, cost of traffic
17 estimates and of engineering and legal expenses, plans,
18 specifications, surveys, estimates of cost and revenues, other
19 expenses necessary or incident to determining the feasibility
20 or practicability of constructing any such toll highway,
21 administrative expenses and such other expense as may be
22 necessary or incident to the construction of the toll highway,
23 the financing of such construction and the placing of the
24 highway in operation.

25 (g) The words "recorded images" means an image showing the
26 motor vehicle and, on at least some portion of the recorded

1 image, the registration plate number of the motor vehicle
2 recorded on:

- 3 (1) photographs;
4 (2) microphotographs;
5 (3) video tapes;
6 (4) electronic images; or
7 (5) video recordings.

8 (Source: Laws 1967, p. 2748.)

9 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

10 Sec. 10. The Authority shall have power:

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

18 (a-5) To fix, assess, and collect civil fines for a
19 vehicle's operation on a toll highway without the required toll
20 having been paid. The Authority may establish by rule a system
21 of civil administrative adjudication to adjudicate only
22 alleged instances of a vehicle's operation on a toll highway
23 without the required toll having been paid, as detected by the
24 Authority's video or photo surveillance system. In cases in
25 which the operator of the vehicle is not the registered vehicle

1 owner, the establishment of ownership of the vehicle creates a
2 rebuttable presumption that the vehicle was being operated by
3 an agent of the registered vehicle owner. If the registered
4 vehicle owner liable for a violation under this Section was not
5 the operator of the vehicle at the time of the violation, the
6 owner may maintain an action for indemnification against the
7 operator in the circuit court. Rules establishing a system of
8 civil administrative adjudication must provide for written
9 notice, by first class mail or other means provided by law, to
10 the address of the registered owner of the cited vehicle as
11 recorded with the Secretary of State or to the lessee of the
12 cited vehicle at the last address known to the lessor of the
13 cited vehicle at the time of the lease, of the alleged
14 violation and an opportunity to be heard on the question of the
15 violation and must provide for the establishment of a toll-free
16 telephone number to receive inquiries concerning alleged
17 violations. This notice must make a copy of the recorded images
18 of a violation accessible to the owner or lessee, either by
19 providing the owner or lessee with a physical copy of the
20 recorded images or by providing a website address, accessible
21 through the Internet, where the owner or lessee may view the
22 recorded images. The notice shall also inform the registered
23 vehicle owner that failure to contest in the manner and time
24 provided shall be deemed an admission of liability and that a
25 final order of liability may be entered on that admission. A
26 duly authorized agent of the Authority may perform or execute

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

17 The Authority may maintain a listing or searchable database
18 on its website of persons or entities that have been issued one
19 or more final orders of liability with a total amount due of
20 more than \$1,000 for tolls, fines, unpaid late fees, or
21 administrative costs that remain unpaid after the exhaustion
22 of, or the failure to exhaust, the judicial review procedures
23 under the Administrative Review Law. Each entry may include the
24 person's or entity's name as listed on the final order of
25 liability.

26 Any outstanding toll, fine, additional late payment fine,

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

17 A system of civil administrative adjudication may also
18 provide for a program of vehicle immobilization, tow, or
19 impoundment for the purpose of facilitating enforcement of any
20 final order or orders of the Authority under this subsection
21 (a-5) that result in a finding or liability for 5 or more
22 violations after expiration of the period in which judicial
23 review under the Administrative Review Law may be sought. The
24 registered vehicle owner of a vehicle immobilized, towed, or
25 impounded for nonpayment of a final order of the Authority
26 under this subsection (a-5) shall have the right to request a

1 hearing before the Authority's civil administrative
2 adjudicatory system to challenge the validity of the
3 immobilization, tow, or impoundment. This hearing, however,
4 shall not constitute a readjudication of the merits of
5 previously adjudicated notices. Judicial review of all final
6 orders of the Authority under this subsection (a-5) shall be
7 conducted in the circuit court of the county in which the
8 administrative decision was rendered in accordance with the
9 Administrative Review Law.

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

26 As used in this subsection (a-5), "lessor" includes

1 commercial leasing and rental entities but does not include
2 public passenger vehicle entities.

3 The Authority shall establish an amnesty program for
4 violations adjudicated under this subsection (a-5). Under the
5 program, any person who has an outstanding notice of violation
6 for toll evasion or a final order of a hearing officer for toll
7 evasion dated prior to the effective date of this amendatory
8 Act of the 94th General Assembly and who pays to the Authority
9 the full percentage amounts listed in this paragraph remaining
10 due on the notice of violation or final order of the hearing
11 officer and the full fees and costs paid by the Authority to
12 the Secretary of State relating to suspension proceedings, if
13 applicable, on or before 5:00 p.m., Central Standard Time, of
14 the 60th day after the effective date of this amendatory Act of
15 the 94th General Assembly shall not be required to pay more
16 than the listed percentage of the original fine amount and
17 outstanding toll as listed on the notice of violation or final
18 order of the hearing officer and the full fees and costs paid
19 by the Authority to the Secretary of State relating to
20 suspension proceedings, if applicable. The payment percentage
21 scale shall be as follows: a person with 25 or fewer violations
22 shall be eligible for amnesty upon payment of 50% of the
23 original fine amount and the outstanding tolls; a person with
24 more than 25 but fewer than 51 violations shall be eligible for
25 amnesty upon payment of 60% of the original fine amount and the
26 outstanding tolls; and a person with 51 or more violations

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

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

19 (b) To prescribe rules and regulations applicable to
20 traffic on highways under the jurisdiction of the Authority,
21 concerning:

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

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

- 1 (3) Stopping, standing, and parking of vehicles;
- 2 (4) Control of traffic by means of police officers or
3 traffic control signals;
- 4 (5) Control or prohibition of processions, convoys,
5 and assemblages of vehicles and persons;
- 6 (6) Movement of traffic in one direction only on
7 designated portions of said highways;
- 8 (7) Control of the access, entrance, and exit of
9 vehicles and persons to and from said highways; and
- 10 (8) Preparation, location and installation of all
11 traffic signs; and to prescribe further rules and
12 regulations applicable to such traffic, concerning matters
13 not provided for either in the foregoing enumeration or in
14 the Illinois Vehicle Code. Notice of such rules and
15 regulations shall be posted conspicuously and displayed at
16 appropriate points and at reasonable intervals along said
17 highways, by clearly legible markers or signs, to provide
18 notice of the existence of such rules and regulations to
19 persons traveling on said highways. At each toll station,
20 the Authority shall make available, free of charge,
21 pamphlets containing all of such rules and regulations.

22 (c) The Authority, in fixing the rate for tolls for the
23 privilege of using the said toll highways, is authorized and
24 directed, in fixing such rates, to base the same upon annual
25 estimates to be made, recorded and filed with the Authority.
26 Said estimates shall include the following: The estimated total

1 amount of the use of the toll highways; the estimated amount of
2 the revenue to be derived therefrom, which said revenue, when
3 added to all other receipts and income, will be sufficient to
4 pay the expense of maintaining and operating said toll
5 highways, including the administrative expenses of the
6 Authority, and to discharge all obligations of the Authority as
7 they become due and payable.

8 (d) To accept from any municipality or political
9 subdivision any lands, easements or rights in land needed for
10 the operation, construction, relocation or maintenance of any
11 toll highways, with or without payment therefor, and in its
12 discretion to reimburse any such municipality or political
13 subdivision out of its funds for any cost or expense incurred
14 in the acquisition of land, easements or rights in land, in
15 connection with the construction and relocation of the said
16 toll highways, widening, extending roads, streets or avenues in
17 connection therewith, or for the construction of any roads or
18 streets forming extension to and connections with or between
19 any toll highways, or for the cost or expense of widening,
20 grading, surfacing or improving any existing streets or roads
21 or the construction of any streets and roads forming extensions
22 of or connections with any toll highways constructed,
23 relocated, operated, maintained or regulated hereunder by the
24 Authority. Where property owned by a municipality or political
25 subdivision is necessary to the construction of an approved
26 toll highway, if the Authority cannot reach an agreement with

1 such municipality or political subdivision and if the use to
2 which the property is being put in the hands of the
3 municipality or political subdivision is not essential to the
4 existence or the administration of such municipality or
5 political subdivision, the Authority may acquire the property
6 by condemnation.

7 (Source: P.A. 98-559, eff. 1-1-14.)