



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3828

Introduced 2/25/2005, by Rep. Elaine Nekritz

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/8.1 new	
605 ILCS 10/10	from Ch. 121, par. 100-10
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 10/16.2 new	
605 ILCS 10/16.3 new	
605 ILCS 10/23	from Ch. 121, par. 100-23
605 ILCS 10/27.1	from Ch. 121, par. 100-27.1
605 ILCS 10/27.2 new	
605 ILCS 10/31	from Ch. 121, par. 100-31

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 Governor to appoint, with the advice and consent of the Senate, an Inspector General for the Authority, setting forth his or her powers and duties. Places certain restrictions on directors of the Illinois State Toll Highway Authority and their employees and agents concerning receiving financial benefit from their positions or employment with the Authority. Makes changes concerning enforcement of tolls. Provides that the Office of the Inspector General shall be represented in all legal matters by the Attorney General. Requires General Assembly review of expenditures of excess Authority moneys. Provides that the Authority may spend toll highway funds only for specified purposes. Provides that the Authority must hold and publicize an annual public hearing on its annual budget. 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. Deletes language providing that any person may file an action against the Authority for civil damages for any personal injury or property damage caused by agents or employees of the Authority. Makes other changes. Effective immediately.

LRB094 11337 DRH 42184 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, 23, 27.1, and 31 and by adding Sections  
6 8.1, 16.2, 16.3, and 27.2 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Governor must, with the advice and consent of the  
10 Senate, appoint an Inspector General for the purpose of  
11 providing increased accountability and oversight, detection,  
12 deterrence, and prevention of fraud, corruption, waste,  
13 inefficiencies, and mismanagement in the Authority. The  
14 Inspector General shall serve a 2-year term. If no successor is  
15 appointed and qualified upon the expiration of the Inspector  
16 General's term, the Office of Inspector General is deemed  
17 vacant and the powers and duties under this Section may be  
18 exercised only by an appointed and qualified interim Inspector  
19 General until a successor Inspector General is appointed and  
20 qualified. If the General Assembly is not in session when a  
21 vacancy in the Office of Inspector General occurs, the Governor  
22 may appoint an interim Inspector General whose term shall  
23 expire 2 weeks after the next regularly scheduled session day  
24 of the Senate.

25 (b) The Inspector General shall have the following  
26 qualifications:

27 (1) has not been convicted of any felony under the laws  
28 of this State, another state, or the United States;

29 (2) has earned a baccalaureate degree from an  
30 institution of higher education; and

31 (3) has either (A) 5 or more years of service with a  
32 federal, State, or local law enforcement agency, at least 2

1 years of which have been in a progressive investigatory  
2 capacity; (B) 5 or more years of service as a federal,  
3 State, or local prosecutor; or (C) 5 or more years of  
4 service as a senior manager or executive of a federal,  
5 State, or local agency.

6 (c) The Inspector General may review, coordinate, and  
7 recommend methods and procedures to increase the integrity of  
8 the Authority. The Inspector General must report directly to  
9 the Governor through the Office of the Executive Inspector  
10 General for the Governor.

11 (d) In addition to the authority otherwise provided by this  
12 Section, but only when investigating the Authority, its  
13 employees, or their actions for fraud, corruption, or  
14 mismanagement, the Inspector General is authorized:

15 (1) To have access to all records, reports, audits,  
16 reviews, documents, papers, recommendations, or other  
17 materials available that relate to programs and operations  
18 with respect to which the Inspector General has  
19 responsibilities under this Section.

20 (2) To make any investigations and reports relating to  
21 the administration of the programs and operations of the  
22 Authority that are, in the judgment of the Inspector  
23 General, necessary or desirable.

24 (3) To request any information or assistance that may  
25 be necessary for carrying out the duties and  
26 responsibilities provided by this Section from any local,  
27 State, or federal governmental agency or unit thereof.

28 (4) To issue subpoenas and to compel the attendance of  
29 witnesses for purposes of testimony and the production of  
30 documents and other items for inspection and copying. If a  
31 person has petitioned a court of competent jurisdiction in  
32 Cook County, Sangamon County, or any county where the  
33 subpoena is sought to be enforced for a protective order or  
34 to quash or modify the subpoena, then this Section does not  
35 apply during the pendency of the court proceedings  
36 concerning the petition. A person duly subpoenaed for

1 testimony, documents, or other items who neglects or  
2 refuses to testify or produce documents or other items  
3 under the requirements of the subpoena shall be subject to  
4 punishment as may be determined by a court of competent  
5 jurisdiction, unless the testimony, documents, or other  
6 items are covered by the attorney-client privilege or any  
7 other privilege recognized by State or federal law. Nothing  
8 in this Section limits a person's right to protection  
9 against self-incrimination under the Fifth Amendment of  
10 the United States Constitution or Article I, Section 10, of  
11 the Constitution of the State of Illinois.

12 (5) To have direct and prompt access to the Board of  
13 Directors of the Authority for any purpose pertaining to  
14 the performance of functions and responsibilities under  
15 this Section.

16 (f) The Inspector General may receive and investigate  
17 complaints or information from an employee of the Authority  
18 concerning the possible existence of an activity constituting a  
19 violation of law, rules, or regulations; mismanagement; abuse  
20 of authority; or substantial and specific danger to the public  
21 health and safety. The Inspector General shall have the  
22 discretion to determine the appropriate means of investigation  
23 as permitted by law. Any employee who knowingly files a false  
24 complaint or files a complaint with reckless disregard for the  
25 truth or the falsity of the facts underlying the complaint may  
26 be subject to discipline.

27 The Inspector General may not, after receipt of a complaint  
28 or information from an employee, disclose the identity of the  
29 employee without the consent of the employee, unless the  
30 Inspector General determines that disclosure of the identity is  
31 reasonable and necessary for the furtherance of the  
32 investigation.

33 Any employee who has the authority to recommend or approve  
34 any personnel action or to direct others to recommend or  
35 approve any personnel action may not, with respect to that  
36 authority, take or threaten to take any action against any

1 employee as a reprisal for making a complaint or disclosing  
2 information to the Inspector General, unless the complaint was  
3 made or the information disclosed with the knowledge that it  
4 was false or with willful disregard for its truth or falsity.

5 (g) The Inspector General must adopt rules, in accordance  
6 with the provisions of the Illinois Administrative Procedure  
7 Act, establishing minimum requirements for initiating,  
8 conducting, and completing investigations. The rules must  
9 establish criteria for determining, based upon the nature of  
10 the allegation, the appropriate method of investigation, which  
11 may include, but is not limited to, site visits, telephone  
12 contacts, personal interviews, or requests for written  
13 responses. The rules must also clarify how the Office of the  
14 Inspector General shall interact with other local, State, and  
15 federal law enforcement investigations.

16 Any employee of the Authority subject to investigation or  
17 inquiry by the Inspector General, or any agent or  
18 representative of the Inspector General, concerning misconduct  
19 that is criminal shall have the right to be notified of the  
20 right to remain silent during the investigation or inquiry and  
21 the right to be represented in the investigation or inquiry by  
22 a representative of a labor organization that is the exclusive  
23 collective bargaining representative of employees of the  
24 Authority. Any such investigation or inquiry must be conducted  
25 in a manner consistent with the provisions of a collective  
26 bargaining agreement that applies to the employees of the  
27 Authority. Any recommendation for discipline or any action  
28 taken against any employee by the Inspector General, or any  
29 representative or agent of the Inspector General, must be  
30 undertaken in a manner consistent with the rights of the  
31 employees as set forth in State and federal law and applicable  
32 judicial decisions.

33 (h) The Inspector General shall provide to the Authority  
34 and the General Assembly a summary of reports and  
35 investigations made under this Section for the previous fiscal  
36 year no later than January 1 of each year. The summaries shall

1 detail the final disposition of the Inspector General's  
2 recommendations. The summaries shall not contain any  
3 confidential or identifying information concerning the  
4 subjects of the reports and investigations. The summaries shall  
5 also include detailed, recommended administrative actions and  
6 matters for consideration by the General Assembly.

7 (i) The Office of the Inspector General shall be  
8 represented in all legal matters by the Attorney General.

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  
26 owner, the establishment of ownership of the vehicle creates a  
27 rebuttable presumption that the vehicle was being operated by  
28 an agent of the registered vehicle owner. If the registered  
29 vehicle owner liable for a violation under this Section was not  
30 the operator of the vehicle at the time of the violation, the  
31 owner may maintain an action for indemnification against the  
32 operator in the circuit court. Rules establishing a system of  
33 civil administrative adjudication must provide for written  
34 notice, by first class mail or other means provided by law, to  
35 the address of the registered owner of the cited vehicle as

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

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

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

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

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



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

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

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

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

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

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

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

35 (2) Designation of the lanes of traffic to be used by  
36 the different types of vehicles permitted upon said

1 highways;

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

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

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

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

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

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

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

35 (d) To accept from any municipality or political  
36 subdivision any lands, easements or rights in land needed for

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

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

25 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

26 Sec. 11. The Authority shall have power:

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

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

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

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

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

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

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

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

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

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

26 (605 ILCS 10/16.2 new)

27 Sec. 16.2. Financial benefit prohibited.

28 (a) A director, employee, or agent of the Authority may not  
29 receive a financial benefit from a contract let by the  
30 Authority during his or her term of service with the Authority  
31 and for a period of one year following the termination of his  
32 or her term of service as a director of the Authority or as an  
33 employee or agent of the Authority.

34 (b) A member of the immediate family or household of a  
35 director, employee, or agent of the Authority may not receive a

1 financial benefit from a contract let by the Authority during  
2 the immediate family or household member's term of service with  
3 the Authority and for a period of one year following the  
4 termination of the immediate family or household member's term  
5 of service as a director of the Authority or as an employee or  
6 agent of the Authority.

7 (c) A director, employee, or agent of the Authority may not  
8 use material non-public information for personal financial  
9 gain nor may he or she disclose that information to any other  
10 person for that person's personal financial gain when that  
11 information was obtained as a result of his or her  
12 directorship, employment, or agency with the Authority.

13 (d) A member of the immediate family or household of a  
14 director, employee, or agent of the Authority may not use  
15 material non-public information for personal financial gain  
16 nor may he or she disclose that information to any other person  
17 for that person's personal financial gain when that information  
18 was obtained as a result of his or her immediate family or  
19 household member's directorship, employment, or agency with  
20 the Authority.

21 (e) For purposes of this Section, "immediate family or  
22 household member" means the spouse, child, parent, brother,  
23 sister, grandparent, or grandchild, whether of the whole blood  
24 or half blood or by adoption, or a person who shares a common  
25 dwelling with a director of the Authority or with an employee  
26 or agent of the Authority.

27 (605 ILCS 10/16.3 new)

28 Sec. 16.3. Consistent with general law, the Authority  
29 shall:

30 (a) set goals for the award of contracts to disadvantaged  
31 businesses and attempt to meet the goals;

32 (b) attempt to identify disadvantaged businesses that  
33 provide or have the potential to provide supplies, materials,  
34 equipment, or services to the Authority;

35 (c) give disadvantaged businesses full access to the



1 Authority's contact bidding process, inform the businesses  
2 about the process, offer the businesses assistance concerning  
3 the process, and identify and take all reasonable steps to  
4 remove barriers to the businesses' participation in the  
5 process.

6 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

7 Sec. 23. Legislative declaration; Authority budget.

8 (a) It is hereby declared, as a matter of legislative  
9 determination, that it is in the best interest of the State of  
10 Illinois, the public, and the holders of Authority bonds that  
11 Authority funds be expended only on goods and services that  
12 protect and enhance the efficiency, safety, and environmental  
13 quality of the toll highway system.

14 (b) The Authority shall spend moneys received from the  
15 issuance of bonds and as tolls or otherwise in the operation of  
16 the toll highway system only on the following:

17 (1) operations and maintenance expenditures that are  
18 reasonable and necessary to keep the toll highway system in  
19 a state of good repair in accordance with contemporary  
20 highway safety and maintenance standards;

21 (2) principal and interest payments and payment of  
22 other obligations the Authority has incurred in connection  
23 with bonds issued under this Act;

24 (3) renewal and replacement expenditures necessary and  
25 sufficient to protect and preserve the long-term  
26 structural integrity of the toll highway system; and

27 (4) system improvement expenditures necessary and  
28 sufficient to improve and expand the toll highway system,  
29 subject to the requirements of this Act.

30 (c) Any moneys remaining after the expenditures listed in  
31 subsection (b) may be spent only for reasonable and necessary  
32 Authority purposes that will enhance the safety, efficiency,  
33 and environmental quality of the toll highway system in a  
34 cost-effective manner. Authority funds may not be spent for  
35 purposes not reasonably related to toll highway operations and

1 improvements or in a manner that is not cost-effective.

2 (d) The Authority must at all times maintain a reserve for  
3 maintenance and operating expenses that is no more than 130% of  
4 the operating expenses it has budgeted for its current fiscal  
5 year, unless the requirements of any bond resolution or trust  
6 indenture then securing obligations of the Authority mandate a  
7 greater amount.

8 (e) The Authority shall file with the Governor, the Clerk  
9 of the House of Representatives, the Secretary of the Senate,  
10 and the Commission on Government Forecasting and  
11 Accountability, on or prior to March 15th of each year, a  
12 written statement and report covering its activities for the  
13 preceding calendar year. The Authority shall present, to the  
14 committees of the House of Representatives designated by the  
15 Speaker of the House and to the committees of the Senate  
16 designated by the President of the Senate, an annual report  
17 outlining its planned revenues and expenditures. The Authority  
18 shall prepare an annual capital plan which identifies capital  
19 projects by location and details the project costs in correct  
20 dollar amounts. The Authority shall also prepare and file a  
21 ten-year capital plan that includes a listing of all capital  
22 improvement projects contemplated during the ensuing ten-year  
23 period. The first ten-year capital plan shall be filed in 1991  
24 and thereafter on the anniversary of each ten-year period.

25 (f) It shall ~~also~~ be the duty of the Auditor General of the  
26 State of Illinois, annually to audit or cause to be audited the  
27 books and records of the Authority and to file a certified copy  
28 of the report of such audit with the Governor and with the  
29 Legislative Audit Commission, which audit reports, when so  
30 filed, shall be open to the public for inspection.

31 (g) The Authority shall hold a public hearing on its  
32 proposed annual budget, not less than 15 days before its  
33 directors meet to consider adoption of the annual budget, at  
34 which any person may appear, express opinions, suggestions, or  
35 objections, or direct inquiries relating to the proposed  
36 budget. The Authority must give notice of the hearing at least

1 15 days prior to the hearing stating the time, place, and  
2 purpose of the hearing in a daily newspaper of general  
3 circulation throughout the Authority's service area and by  
4 posting the meeting notice and a copy of the proposed budget on  
5 the Authority's website. The proceedings at the hearing shall  
6 be transcribed. The transcript shall be made available at  
7 reasonable hours for public inspection, and a copy of the  
8 transcript, together with a copy of all written statements  
9 submitted at the hearing, shall be submitted to the directors  
10 before the vote on adoption of the proposed annual budget.

11 (h) The Authority shall post on its website copies of its  
12 annual report and its budget for the current year, along with  
13 any other financial information necessary to adequately inform  
14 the public of the Authority's financial condition and capital  
15 plan.

16 (i) The requirements set forth in subsections (b) through  
17 (g) may not be construed or applied in a manner that impairs  
18 the rights of bondholders under any bond resolution or trust  
19 indenture entered into in accordance with a bond resolution  
20 authorized by the Authority's directors, nor may those  
21 requirements be construed as a limitation on the Authority's  
22 powers as set forth elsewhere in this Act.

23 (Source: P.A. 93-1067, eff. 1-15-05.)

24 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

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

35 The provisions in this Section may be extended to other

1 public toll facilities in this State through a duly executed  
2 intergovernmental agreement between the Authority and another  
3 public body. Each day any toll highway is used by any person in  
4 violation of this Act shall constitute a separate offense.

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

6 (605 ILCS 10/27.2 new)

7 Sec. 27.2. Obstruction of registration plate visibility to  
8 electronic image recording.

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

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

31 (c) A violation of this Section is a petty offense. A fine  
32 of \$750 shall be imposed if a plate cover obstructs the  
33 visibility or electronic image recording of the plate. A fine  
34 of \$1,000 shall be imposed if a plate has been physically  
35 altered with any chemical or reflective substance or coating

1 that obstructs the visibility or electronic image recording of  
2 the plate.

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

11 (605 ILCS 10/31) (from Ch. 121, par. 100-31)

12 Sec. 31. The State of Illinois hereby consents to suits  
13 against the Authority solely as in this section provided:

14 (a) The holder or holders of any bonds or coupons issued by  
15 the Authority may bring civil actions to compel the observance  
16 by the Authority or by any of its officers, agents, or  
17 employees of any contract or covenant made by the Authority  
18 with the holders of such bonds or coupons, and to compel the  
19 Authority and any of its officers, agents or employees, to  
20 perform any duties required to be performed for the benefit of  
21 the holders of said bonds or coupons by the provisions of the  
22 resolution authorizing their issuance, or by this Act, or to  
23 enjoin the Authority and any of its officers, agents or  
24 employees from taking any action in conflict with such contract  
25 or covenant.

26 (b) ~~(Blank). Any person or persons may bring a civil action~~  
27 ~~to recover damages for injury to his person or property caused~~  
28 ~~by any act of the Authority or by any act of any of its~~  
29 ~~officers, agents or employees done under its direction.~~

30 (Source: P.A. 79-1366.)

31 Section 99. Effective date. This Act takes effect upon  
32 becoming law.