



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4746

Introduced 01/13/06, by Rep. Kathleen A. Ryg - Julie Hamos

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 10/19	from Ch. 121, par. 100-19

Amends the Toll Highway Act. Provides that a vehicle owned or operated by the Suburban Bus Division of the Regional Transportation Authority is exempt from tolls for using the toll highways constructed under the Act if the vehicle is being used to transport passengers for hire. Effective immediately.

LRB094 15349 DRH 50540 b

FISCAL NOTE ACT
MAY APPLY

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 10, 11, and 19 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 as provided in Section 19 of this
11 Act, and to make, enact and enforce all needful rules and
12 regulations in connection with the construction, operation,
13 management, care, regulation or protection of its property or
14 any toll highways, constructed or reconstructed hereunder.

15 (a-5) To fix, assess, and collect civil fines for a
16 vehicle's operation on a toll highway without the required toll
17 having been paid. The Authority may establish by rule a system
18 of civil administrative adjudication to adjudicate only
19 alleged instances of a vehicle's operation on a toll highway
20 without the required toll having been paid, as detected by the
21 Authority's video or photo surveillance system. In cases in
22 which the operator of the vehicle is not the registered vehicle
23 owner, the establishment of ownership of the vehicle creates a
24 rebuttable presumption that the vehicle was being operated by
25 an agent of the registered vehicle owner. If the registered
26 vehicle owner liable for a violation under this Section was not
27 the operator of the vehicle at the time of the violation, the
28 owner may maintain an action for indemnification against the
29 operator in the circuit court. Rules establishing a system of
30 civil administrative adjudication must provide for written
31 notice, by first class mail or other means provided by law, to
32 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 decision was rendered in accordance with the Administrative
27 Review 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 Administrative Review Law are a debt due
33 and owing the Authority and may be collected in accordance with
34 applicable law. After expiration of the period in which
35 judicial review under the Administrative Review Law may be
36 sought, unless stayed by a court of competent jurisdiction, a

1 final order of the Authority under this subsection (a-5) may be
2 enforced in the same manner as a judgment entered by a court of
3 competent jurisdiction. Notwithstanding any other provision of
4 this Act, the Authority may, with the approval of the Attorney
5 General, retain a law firm or law firms with expertise in the
6 collection of government fines and debts for the purpose of
7 collecting fines, costs, and other moneys due under this
8 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 Administrative Review Law may be sought. The
16 registered vehicle owner of a vehicle immobilized, towed, or
17 impounded for nonpayment of a final order of the Authority
18 under this subsection (a-5) shall have the right to request a
19 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 a 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 pays to the Authority
17 the full percentage amounts listed in this paragraph remaining
18 due on the notice of violation or final order of the hearing
19 officer and the full fees and costs paid by the Authority to
20 the Secretary of State relating to suspension proceedings, if
21 applicable, on or before 5:00 p.m., Central Standard Time, of
22 the 60th day after the effective date of this amendatory Act of
23 the 94th General Assembly shall not be required to pay more
24 than the listed percentage of the original fine amount and
25 outstanding toll as listed on the notice of violation or final
26 order of the hearing officer and the full fees and costs paid
27 by the Authority to the Secretary of State relating to
28 suspension proceedings, if applicable. The payment percentage
29 scale shall be as follows: a person with 25 or fewer violations
30 shall be eligible for amnesty upon payment of 50% of the
31 original fine amount and the outstanding tolls; a person with
32 more than 25 but fewer than 51 violations shall be eligible for
33 amnesty 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 and the full fees and costs
11 paid by the Authority to the Secretary of State relating to
12 suspension proceedings, if applicable, must be paid in full by
13 5:00 p.m., Central Standard Time, of the 60th day after the
14 effective date of this amendatory Act of the 94th General
15 Assembly. This amendatory Act of the 94th General Assembly has
16 no retroactive effect with regard to payments already tendered
17 to the Authority that were full payments or payments in an
18 amount greater than the applicable percentage, and this Act
19 shall not be the basis for either a refund or a credit. This
20 amendatory Act of the 94th General Assembly does not apply to
21 toll evasion citations issued by the Illinois State Police or
22 other authorized law enforcement agencies and for which payment
23 may be due to or through the clerk of the circuit court. The
24 Authority shall adopt rules as necessary to implement the
25 provisions of this amendatory Act of the 94th General Assembly.
26 The Authority, by a resolution of the Board of Directors, shall
27 have the discretion to implement similar amnesty programs in
28 the future. The Authority, at its discretion and in
29 consultation with the Attorney General, is further authorized
30 to settle an administrative fine or penalty if it determines
31 that settling for less than the full amount is in the best
32 interests of the Authority after taking into account the
33 following factors: (1) the merits of the Authority's claim
34 against the respondent; (2) the amount that can be collected
35 relative to the administrative fine or penalty owed by the
36 respondent; (3) the cost of pursuing further enforcement or

1 collection action against the respondent; (4) the likelihood of
2 collecting the full amount owed; and (5) the burden on the
3 judiciary. The provisions in this Section may be extended to
4 other toll facilities in the State of Illinois through a duly
5 executed agreement between the Authority and the operator of
6 the toll facility.

7 (b) To prescribe rules and regulations applicable to
8 traffic on highways under the jurisdiction of the Authority,
9 concerning:

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

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

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

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

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

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

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

24 (8) Preparation, location and installation of all
25 traffic signs; and to prescribe further rules and
26 regulations applicable to such traffic, concerning matters
27 not provided for either in the foregoing enumeration or in
28 the Illinois Vehicle Code. Notice of such rules and
29 regulations shall be posted conspicuously and displayed at
30 appropriate points and at reasonable intervals along said
31 highways, by clearly legible markers or signs, to provide
32 notice of the existence of such rules and regulations to
33 persons traveling on said highways. At each toll station,
34 the Authority shall make available, free of charge,
35 pamphlets containing all of such rules and regulations.

36 (c) The Authority, in fixing the rate for tolls as provided

1 in Section 19 of this Act for the privilege of using the said
2 toll highways, is authorized and directed, in fixing such
3 rates, to base the same upon annual estimates to be made,
4 recorded and filed with the Authority. Said estimates shall
5 include the following: The estimated total amount of the use of
6 the toll highways; the estimated amount of the revenue to be
7 derived therefrom, which said revenue, when added to all other
8 receipts and income, will be sufficient to pay the expense of
9 maintaining and operating said toll highways, including the
10 administrative expenses of the Authority, and to discharge all
11 obligations of the Authority as 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,
27 relocated, operated, maintained or regulated hereunder by the
28 Authority. Where property owned by a municipality or political
29 subdivision is necessary to the construction of an approved
30 toll highway, if the Authority cannot reach an agreement with
31 such municipality or political subdivision and if the use to
32 which the property is being put in the hands of the
33 municipality or political subdivision is not essential to the
34 existence or the administration of such municipality or
35 political subdivision, the Authority may acquire the property
36 by condemnation.

1 (Source: P.A. 94-636, eff. 8-22-05.)

2 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

3 Sec. 11. The Authority shall have power:

4 (a) To enter upon lands, waters and premises in the State
5 for the purpose of making surveys, soundings, drillings and
6 examinations as may be necessary, expedient or convenient for
7 the purposes of this Act, and such entry shall not be deemed to
8 be a trespass, nor shall an entry for such purpose be deemed an
9 entry under any condemnation proceedings which may be then
10 pending; provided, however, that the Authority shall make
11 reimbursement for any actual damage resulting to such lands,
12 waters and premises as the result of such activities.

13 (b) To construct, maintain and operate stations for the
14 collection of tolls or charges upon and along any toll
15 highways.

16 (c) To provide for the collection of tolls and charges for
17 the privilege of using the said toll highways as provided in
18 Section 19 of this Act. Before it adopts an increase in the
19 rates for toll, the Authority shall hold a public hearing at
20 which any person may appear, express opinions, suggestions, or
21 objections, or direct inquiries relating to the proposed
22 increase. Any person may submit a written statement to the
23 Authority at the hearing, whether appearing in person or not.
24 The hearing shall be held in the county in which the proposed
25 increase of the rates is to take place. The Authority shall
26 give notice of the hearing by advertisement on 3 successive
27 days at least 15 days prior to the date of the hearing in a
28 daily newspaper of general circulation within the county within
29 which the hearing is held. The notice shall state the date,
30 time, and place of the hearing, shall contain a description of
31 the proposed increase, and shall specify how interested persons
32 may obtain copies of any reports, resolutions, or certificates
33 describing the basis on which the proposed change, alteration,
34 or modification was calculated. After consideration of any
35 statements filed or oral opinions, suggestions, objections, or

1 inquiries made at the hearing, the Authority may proceed to
2 adopt the proposed increase of the rates for toll. No change or
3 alteration in or modification of the rates for toll shall be
4 effective unless at least 30 days prior to the effective date
5 of such rates notice thereof shall be given to the public by
6 publication in a newspaper of general circulation, and such
7 notice, or notices, thereof shall be posted and publicly
8 displayed at each and every toll station upon or along said
9 toll highways.

10 (d) To construct, at the Authority's discretion, grade
11 separations at intersections with any railroads, waterways,
12 street railways, streets, thoroughfares, public roads or
13 highways intersected by the said toll highways, and to change
14 and adjust the lines and grades thereof so as to accommodate
15 the same to the design of such grade separation and to
16 construct interchange improvements. The Authority is
17 authorized to provide such grade separations or interchange
18 improvements at its own cost or to enter into contracts or
19 agreements with reference to division of cost therefor with any
20 municipality or political subdivision of the State of Illinois,
21 or with the Federal Government, or any agency thereof, or with
22 any corporation, individual, firm, person or association.
23 Where such structures have been built by the Authority and a
24 local highway agency did not enter into an agreement to the
25 contrary, the Authority shall maintain the entire structure,
26 including the road surface, at the Authority's expense.

27 (e) To contract with and grant concessions to or lease or
28 license to any person, partnership, firm, association or
29 corporation so desiring the use of any part of any toll
30 highways, excluding the paved portion thereof, but including
31 the right of way adjoining, under, or over said paved portion
32 for the placing of telephone, telegraph, electric, power lines
33 and other utilities, and for the placing of pipe lines, and to
34 enter into operating agreements with or to contract with and
35 grant concessions to or to lease to any person, partnership,
36 firm, association or corporation so desiring the use of any

1 part of the toll highways, excluding the paved portion thereof,
2 but including the right of way adjoining, or over said paved
3 portion for motor fuel service stations and facilities,
4 garages, stores and restaurants, or for any other lawful
5 purpose, and to fix the terms, conditions, rents, rates and
6 charges for such use.

7 The Authority shall also have power to establish reasonable
8 regulations for the installation, construction, maintenance,
9 repair, renewal, relocation and removal of pipes, mains,
10 conduits, cables, wires, towers, poles and other equipment and
11 appliances (herein called public utilities) of any public
12 utility as defined in the Public Utilities Act along, over or
13 under any toll road project. Whenever the Authority shall
14 determine that it is necessary that any such public utility
15 facilities which now are located in, on, along, over or under
16 any project or projects be relocated or removed entirely from
17 any such project or projects, the public utility owning or
18 operating such facilities shall relocate or remove the same in
19 accordance with the order of the Authority. All costs and
20 expenses of such relocation or removal, including the cost of
21 installing such facilities in a new location or locations, and
22 the cost of any land or lands, or interest in land, or any
23 other rights required to accomplish such relocation or removal
24 shall be ascertained and paid by the Authority as a part of the
25 cost of any such project or projects, and further, there shall
26 be no rent, fee or other charge of any kind imposed upon the
27 public utility owning or operating any facilities ordered
28 relocated on the properties of the said Authority and the said
29 Authority shall grant to the said public utility owning or
30 operating said facilities and its successors and assigns the
31 right to operate the same in the new location or locations for
32 as long a period and upon the same terms and conditions as it
33 had the right to maintain and operate such facilities in their
34 former location or locations.

35 (f) To enter into an intergovernmental agreement or
36 contract with a unit of local government or other public or

1 private entity for the collection, enforcement, and
2 administration of tolls, fees, revenue, and violations.

3 (Source: P.A. 94-636, eff. 8-22-05.)

4 (605 ILCS 10/19) (from Ch. 121, par. 100-19)

5 Sec. 19. The Authority shall fix and revise from time to
6 time, tolls or charges or rates for the privilege of using each
7 of the toll highways constructed pursuant to this Act. The
8 Authority shall provide that a vehicle owned or operated by the
9 Suburban Bus Division of the Regional Transportation Authority
10 is exempt from tolls if the vehicle is being used to transport
11 passengers for hire. Such tolls shall be so fixed and adjusted
12 at rates calculated to provide the lowest reasonable toll rates
13 that will provide funds sufficient with other revenues of the
14 Authority to pay, (a) the cost of the construction of a toll
15 highway authorized by joint resolution of the General Assembly
16 pursuant to Section 14.1 and the reconstruction, major repairs
17 or improvements of toll highways, (b) the cost of maintaining,
18 repairing, regulating and operating the toll highways
19 including only the necessary expenses of the Authority, and (c)
20 the principal of all bonds, interest thereon and all sinking
21 fund requirements and other requirements provided by
22 resolutions authorizing the issuance of the bonds as they shall
23 become due. The use and disposition of any sinking or reserve
24 fund shall be subject to such regulation as may be provided in
25 the resolution or trust indenture authorizing the issuance of
26 the bonds. Subject to the provisions of any resolution or trust
27 indenture authorizing the issuance of bonds any moneys in any
28 such sinking fund in excess of an amount equal to one year's
29 interest on the bonds then outstanding secured by such sinking
30 fund may be applied to the purchase or redemption of bonds. All
31 such bonds so redeemed or purchased shall forthwith be
32 cancelled and shall not again be issued. No person shall be
33 permitted to use any toll highway without paying the toll
34 established under this Section except when on official Toll
35 Highway Authority business which includes police and other

1 emergency vehicles. However, any law enforcement agency
2 vehicle, fire department vehicle, or other emergency vehicle
3 that is plainly marked shall not be required to pay a toll to
4 use a toll highway. A law enforcement, fire protection, or
5 emergency services officer driving a law enforcement, fire
6 protection, or emergency services agency vehicle that is not
7 plainly marked must present an Official Permit Card which the
8 law enforcement, fire protection, or emergency services
9 officer receives from his or her law enforcement, fire
10 protection, or emergency services agency in order to use a toll
11 highway without paying the toll. A law enforcement, fire
12 protection, or emergency services agency must apply to the
13 Authority to receive a permit, and the Authority shall adopt
14 rules for the issuance of a permit, that allows all law
15 enforcement, fire protection, or emergency services agency
16 vehicles of the law enforcement, fire protection, or emergency
17 services agency that are not plainly marked to use any toll
18 highway without paying the toll established under this Section.
19 The Authority shall maintain in its office a list of all
20 persons that are authorized to use any toll highway without
21 charge when on official business of the Authority and such list
22 shall be open to the public for inspection.

23 Among other matters, this amendatory Act of 1990 is
24 intended to clarify and confirm the prior intent of the General
25 Assembly to allow toll revenues from the toll highway system to
26 be used to pay a portion of the cost of the construction of the
27 North-South Toll Highway authorized by Senate Joint Resolution
28 122 of the 83rd General Assembly in 1984.
29 (Source: P.A. 90-152, eff. 7-23-97.)

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