



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1173

Introduced 2/8/2007, by Sen. James A. DeLeo

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10	from Ch. 121, par. 100-10
625 ILCS 5/3-413	from Ch. 95 1/2, par. 3-413
625 ILCS 5/3-702	from Ch. 95 1/2, par. 3-702
625 ILCS 5/3-704.2	
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/6-306.7	
625 ILCS 5/12-503	from Ch. 95 1/2, par. 12-503
625 ILCS 5/12-610.5	
625 ILCS 5/12-610.6 new	

Amends the Toll Highway Act and the Illinois Vehicle Code. Provides that the Illinois State Toll Highway Authority may establish a system of administrative adjudication of alleged instances of failure to pay required toll, as detected through the alleged failure to remit payment within the allotted time period after being recorded as a non-paying vehicle by a duly authorized toll collector. Amends the Illinois Vehicle Code. Provides that it is a violation of laws and ordinances regulating the movement of traffic to operate a vehicle with a license plate treated with any material that obstructs the electronic image recording of the plate or to sell or advertise that material. Sets fines for these violations. Provides that a law enforcement officer may confiscate a license plate if the plate was treated with a substance to block electronic image recording. Provides for revoking the registration of a vehicle whose registration plate is found to have been physically altered to obstruct the visibility or electronic image recording of the plate. Provides for the impoundment of a vehicle driven by a person with a cancelled, suspended, or revoked license, if the person's license was suspended for unpaid toll violations. Provides that the Attorney General may file suit against any individual or entity offering or marketing the sale of any product advertised as having the capacity to obstruct the visibility or electronic image recording of a license plate. Makes other changes.

LRB095 03912 DRH 23945 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 Section 10 as follows:

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

7 Sec. 10. The Authority shall have power:

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

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 or through the
22 alleged failure to remit payment within the allotted time
23 period after being recorded as a non-paying vehicle by a duly

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

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

15 Any outstanding toll, fine, additional late payment fine,
16 other sanction, or costs imposed, or part of any fine, other
17 sanction, or costs imposed, remaining unpaid after the
18 exhaustion of, or the failure to exhaust, judicial review
19 procedures under the Administrative Review Law are a debt due
20 and owing the Authority and may be collected in accordance with
21 applicable law. After expiration of the period in which
22 judicial review under the Administrative Review Law may be
23 sought, unless stayed by a court of competent jurisdiction, a
24 final order of the Authority under this subsection (a-5) may be
25 enforced in the same manner as a judgment entered by a court of
26 competent jurisdiction. Notwithstanding any other provision of

1 this Act, the Authority may, with the approval of the Attorney
2 General, retain a law firm or law firms with expertise in the
3 collection of government fines and debts for the purpose of
4 collecting fines, costs, and other moneys due under this
5 subsection (a-5).

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

25 No commercial entity that is the lessor of a vehicle under
26 a written lease agreement shall be liable for an administrative

1 notice of violation for toll evasion issued under this
2 subsection (a-5) involving that vehicle during the period of
3 the lease if the lessor provides a copy of the leasing
4 agreement to the Authority within 21 days of the issue date on
5 the notice of violation. The leasing agreement also must
6 contain a provision or addendum informing the lessee that the
7 lessee is liable for payment of all tolls and any fines for
8 toll evasion. Each entity must also post a sign at the leasing
9 counter notifying the lessee of that liability. The copy of the
10 leasing agreement provided to the Authority must contain the
11 name, address, and driver's license number of the lessee, as
12 well as the check-out and return dates and times of the vehicle
13 and the vehicle license plate number and vehicle make and
14 model.

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

18 The Authority shall establish an amnesty program for
19 violations adjudicated under this subsection (a-5). Under the
20 program, any person who has an outstanding notice of violation
21 for toll evasion or a final order of a hearing officer for toll
22 evasion dated prior to the effective date of this amendatory
23 Act of the 94th General Assembly and who pays to the Authority
24 the full percentage amounts listed in this paragraph remaining
25 due on the notice of violation or final order of the hearing
26 officer and the full fees and costs paid by the Authority to

1 the Secretary of State relating to suspension proceedings, if
2 applicable, on or before 5:00 p.m., Central Standard Time, of
3 the 60th day after the effective date of this amendatory Act of
4 the 94th General Assembly shall not be required to pay more
5 than the listed percentage of the original fine amount and
6 outstanding toll as listed on the notice of violation or final
7 order of the hearing officer and the full fees and costs paid
8 by the Authority to the Secretary of State relating to
9 suspension proceedings, if applicable. The payment percentage
10 scale shall be as follows: a person with 25 or fewer violations
11 shall be eligible for amnesty upon payment of 50% of the
12 original fine amount and the outstanding tolls; a person with
13 more than 25 but fewer than 51 violations shall be eligible for
14 amnesty upon payment of 60% of the original fine amount and the
15 outstanding tolls; and a person with 51 or more violations
16 shall be eligible for amnesty upon payment of 75% of the
17 original fine amount and the outstanding tolls. In such a
18 situation, the Executive Director of the Authority or his or
19 her designee is authorized and directed to waive any late fine
20 amount above the applicable percentage of the original fine
21 amount. Partial payment of the amount due shall not be a basis
22 to extend the amnesty payment deadline nor shall it act to
23 relieve the person of liability for payment of the late fine
24 amount. In order to receive amnesty, the full amount of the
25 applicable percentage of the original fine amount and
26 outstanding toll remaining due on the notice of violation or

1 final order of the hearing officer and the full fees and costs
2 paid by the Authority to the Secretary of State relating to
3 suspension proceedings, if applicable, must be paid in full by
4 5:00 p.m., Central Standard Time, of the 60th day after the
5 effective date of this amendatory Act of the 94th General
6 Assembly. This amendatory Act of the 94th General Assembly has
7 no retroactive effect with regard to payments already tendered
8 to the Authority that were full payments or payments in an
9 amount greater than the applicable percentage, and this Act
10 shall not be the basis for either a refund or a credit. This
11 amendatory Act of the 94th General Assembly does not apply to
12 toll evasion citations issued by the Illinois State Police or
13 other authorized law enforcement agencies and for which payment
14 may be due to or through the clerk of the circuit court. The
15 Authority shall adopt rules as necessary to implement the
16 provisions of this amendatory Act of the 94th General Assembly.
17 The Authority, by a resolution of the Board of Directors, shall
18 have the discretion to implement similar amnesty programs in
19 the future. The Authority, at its discretion and in
20 consultation with the Attorney General, is further authorized
21 to settle an administrative fine or penalty if it determines
22 that settling for less than the full amount is in the best
23 interests of the Authority after taking into account the
24 following factors: (1) the merits of the Authority's claim
25 against the respondent; (2) the amount that can be collected
26 relative to the administrative fine or penalty owed by the

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

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

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

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

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

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

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

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

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

25 (8) Preparation, location and installation of all
26 traffic signs; and to prescribe further rules and

1 regulations applicable to such traffic, concerning matters
2 not provided for either in the foregoing enumeration or in
3 the Illinois Vehicle Code. Notice of such rules and
4 regulations shall be posted conspicuously and displayed at
5 appropriate points and at reasonable intervals along said
6 highways, by clearly legible markers or signs, to provide
7 notice of the existence of such rules and regulations to
8 persons traveling on said highways. At each toll station,
9 the Authority shall make available, free of charge,
10 pamphlets containing all of such rules and regulations.

11 (c) The Authority, in fixing the rate for tolls for the
12 privilege of using the said toll highways, is authorized and
13 directed, in fixing such rates, to base the same upon annual
14 estimates to be made, recorded and filed with the Authority.
15 Said estimates shall include the following: The estimated total
16 amount of the use of the toll highways; the estimated amount of
17 the revenue to be derived therefrom, which said revenue, when
18 added to all other receipts and income, will be sufficient to
19 pay the expense of maintaining and operating said toll
20 highways, including the administrative expenses of the
21 Authority, and to discharge all obligations of the Authority as
22 they become due and payable.

23 (d) To accept from any municipality or political
24 subdivision any lands, easements or rights in land needed for
25 the operation, construction, relocation or maintenance of any
26 toll highways, with or without payment therefor, and in its

1 discretion to reimburse any such municipality or political
2 subdivision out of its funds for any cost or expense incurred
3 in the acquisition of land, easements or rights in land, in
4 connection with the construction and relocation of the said
5 toll highways, widening, extending roads, streets or avenues in
6 connection therewith, or for the construction of any roads or
7 streets forming extension to and connections with or between
8 any toll highways, or for the cost or expense of widening,
9 grading, surfacing or improving any existing streets or roads
10 or the construction of any streets and roads forming extensions
11 of or connections with any toll highways constructed,
12 relocated, operated, maintained or regulated hereunder by the
13 Authority. Where property owned by a municipality or political
14 subdivision is necessary to the construction of an approved
15 toll highway, if the Authority cannot reach an agreement with
16 such municipality or political subdivision and if the use to
17 which the property is being put in the hands of the
18 municipality or political subdivision is not essential to the
19 existence or the administration of such municipality or
20 political subdivision, the Authority may acquire the property
21 by condemnation.

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

23 Section 10. The Illinois Vehicle Code is amended by
24 changing Sections 3-413, 3-702, 3-704.2, 6-303, 6-306.7,
25 12-503, and 12-610.5 and adding Section 12-610.6 as follows:

1 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

2 Sec. 3-413. Display of registration plates, registration
3 stickers and drive-away permits.

4 (a) Registration plates issued for a motor vehicle other
5 than a motorcycle, trailer, semitrailer, truck-tractor,
6 apportioned bus, or apportioned truck shall be attached
7 thereto, one in the front and one in the rear. The registration
8 plate issued for a motorcycle, trailer or semitrailer required
9 to be registered hereunder and any apportionment plate issued
10 to a bus under the provisions of this Code shall be attached to
11 the rear thereof. The registration plate issued for a
12 truck-tractor or an apportioned truck required to be registered
13 hereunder shall be attached to the front thereof.

14 (b) Every registration plate shall at all times be securely
15 fastened in a horizontal position to the vehicle for which it
16 is issued so as to prevent the plate from swinging and at a
17 height of not less than 5 inches from the ground, measuring
18 from the bottom of such plate, in a place and position to be
19 clearly visible and shall be maintained in a condition to be
20 clearly legible, free from any materials that would obstruct
21 the visibility or electronic image recording of the plate,
22 including, but not limited to, glass covers and tinted plastic
23 covers and any covers, coating, wrappings, materials,
24 streaking, distorting, holographic, reflective or other
25 devices that obstructs the visibility or electronic image

1 recording of the plate. This subsection (b) shall not apply to
2 automatic vehicle identification transponder devices, cards or
3 chips issued by a governmental body for the purpose of
4 electronic payment of tolls or other authorized payments, the
5 exemption of which shall preempt any local legislation to the
6 contrary. Clear plastic covers are permissible as long as they
7 remain clear and do not obstruct the visibility or electronic
8 image recording of the plates. If a Department of State Police
9 Officer or local law enforcement officer having jurisdiction
10 observes that a cover or other device or material or substance
11 is obstructing the visibility or electronic image recording of
12 the plate, the officer shall issue a Uniform Traffic Citation
13 and shall confiscate the cover or other device that obstructs
14 the visibility or electronic image recording of the plate. If
15 the Department of State Police Officer or local law enforcement
16 officer having jurisdiction observes that the plate itself has
17 been physically treated with a substance or material that is
18 obstructing the visibility or electronic image recording of the
19 plate, the officer shall issue a Uniform Traffic Citation and
20 shall confiscate the plate. A fine of \$750 shall be imposed in
21 any instance where a plate cover obstructs the visibility or
22 electronic image recording of the plate. A fine of \$1,000 shall
23 be imposed where a plate has been physically altered with any
24 chemical or reflective substance or coating that obstructs the
25 visibility or electronic image recording of the plate. The
26 Secretary of State shall revoke the registration of any plate

1 that has been found by a court or administrative tribunal to
2 have been physically altered with any chemical or reflective
3 substance or coating that obstructs the visibility or
4 electronic image recording of the plate. Registration stickers
5 issued as evidence of renewed annual registration shall be
6 attached to registration plates as required by the Secretary of
7 State, and be clearly visible at all times.

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

16 (c) Every drive-away permit issued pursuant to this Code
17 shall be firmly attached to the motor vehicle in the manner
18 prescribed by the Secretary of State. If a drive-away permit is
19 affixed to a motor vehicle in any other manner the permit shall
20 be void and of no effect.

21 (d) The Illinois prorated decal issued to a foreign
22 registered vehicle part of a fleet prorated or apportioned with
23 Illinois, shall be displayed on a registration plate and
24 displayed on the front of such vehicle in the same manner as an
25 Illinois registration plate.

26 (e) The registration plate issued for a camper body mounted

1 on a truck displaying registration plates shall be attached to
2 the rear of the camper body.

3 (f) No person shall operate a vehicle, nor permit the
4 operation of a vehicle, upon which is displayed an Illinois
5 registration plate, plates or registration stickers after the
6 termination of the registration period for which issued or
7 after the expiration date set pursuant to Sections 3-414 and
8 3-414.1 of this Code.

9 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;
10 revised 10-2-02.)

11 (625 ILCS 5/3-702) (from Ch. 95 1/2, par. 3-702)

12 Sec. 3-702. Operation of vehicle when registration
13 cancelled, suspended or revoked.

14 (a) No person shall operate, nor shall an owner knowingly
15 permit to be operated, upon any highway:

16 (1) A vehicle the registration of which has been
17 cancelled, suspended or revoked; or

18 (2) A vehicle properly registered in another
19 Reciprocal State, the foreign registration of which, or the
20 Illinois Reciprocity Permit or Decal of which, has been
21 cancelled, suspended or revoked.

22 (b) No person shall use, nor shall any owner use or
23 knowingly permit the use of any Illinois registration plate,
24 plates or registration sticker, or any Illinois Reciprocity
25 Permit or Prorate Decal which has been cancelled, suspended or

1 revoked.

2 (c) Any violation of this Section is a Class A misdemeanor
3 unless:

4 1. the registration of the motor vehicle has been
5 suspended for noninsurance, then the provisions of Section
6 3-708 of this Code apply in lieu of this Section.

7 2. the registration of the motor vehicle has been
8 suspended for failure to purchase a vehicle tax sticker
9 pursuant to Section 3-704.1 of this Code, then the
10 violation shall be considered a business offense and the
11 person shall be required to pay a fine in excess of \$500,
12 but not more than \$1,000.

13 (d) Any person whose suspension was based on Section
14 3-704.2 of this Code relating to unpaid toll violations, in
15 addition to other penalties imposed under this Section, shall
16 have his or her motor vehicle immediately impounded by the
17 arresting law enforcement officer. The motor vehicle may be
18 released to any licensed driver upon a showing of proof of
19 payment in full of all fines, penalties and fees related to the
20 unpaid toll violations and the notarized written consent for
21 the release by the vehicle owner.

22 (Source: P.A. 86-149; 87-1225.)

23 (625 ILCS 5/3-704.2)

24 Sec. 3-704.2. Failure to satisfy fines or penalties for
25 toll violations or evasions; suspension of vehicle

1 registration.

2 (a) Upon receipt of a certified report, as prescribed by
3 subsection (c) of this Section, from the Authority stating that
4 the owner of a registered vehicle has failed to satisfy any
5 fine or penalty resulting from a final order issued by the
6 Authority relating directly or indirectly to 5 or more toll
7 violations, toll evasions, or both, the Secretary of State
8 shall suspend the vehicle registration of the person in
9 accordance with the procedures set forth in this Section.

10 (b) Following receipt of the certified report of the
11 Authority as specified in the Section, the Secretary of State
12 shall notify the person whose name appears on the certified
13 report that the person's vehicle registration will be suspended
14 at the end of a specified period unless the Secretary of State
15 is presented with a notice from the Authority certifying that
16 the fines or penalties and other costs incurred by the
17 Authority due to the suspension proceedings, including but not
18 limited to the filing fees and hearing fees paid by the
19 Authority to the Secretary of State, owing the Authority have
20 been satisfied or that inclusion of that person's name on the
21 certified report was in error. The Secretary's notice shall
22 state in substance the information contained in the Authority's
23 certified report to the Secretary, and shall be effective as
24 specified by subsection (c) of Section 6-211 of this Code.

25 (c) The report from the Authority notifying the Secretary
26 of unsatisfied fines or penalties pursuant to this Section

1 shall be certified and shall contain the following:

2 (1) The name and~~7~~ last known address, as recorded in
3 the Secretary of State's vehicle registration records, and
4 ~~driver's license number~~ of the person who failed to satisfy
5 the fines or penalties and the registration number of any
6 vehicle known to be registered in this State to that
7 person.

8 (2) A statement that the Authority sent a notice of
9 impending suspension of the person's driver's license,
10 vehicle registration, or both, as prescribed by rules
11 enacted pursuant to subsection (a-5) of Section 10 of the
12 Toll Highway Act, to the person named in the report at the
13 address recorded with the Secretary of State's vehicle
14 registrator records ~~State~~; the date on which the notice was
15 sent; and the address to which the notice was sent.

16 (d) The Authority, after making a certified report to the
17 Secretary pursuant to this Section, shall notify the Secretary,
18 on a form prescribed by the Secretary, whenever a person named
19 in the certified report has satisfied the previously reported
20 fines or penalties and other costs incurred by the Authority
21 due to the suspension proceedings, including but not limited to
22 the filing fees and hearing fees paid by the Authority to the
23 Secretary of State, or whenever the Authority determines that
24 the original report was in error. A certified copy of the
25 notification shall also be given upon request and at no
26 additional charge to the person named therein. Upon receipt of

1 the Authority's notification or presentation of a certified
2 copy of the notification, the Secretary shall terminate the
3 suspension.

4 (e) The Authority shall, by rule, establish procedures for
5 persons to challenge the accuracy of the certified report made
6 pursuant to this Section. The rule shall also provide the
7 grounds for a challenge, which may be limited to:

8 (1) the person not having been the owner or lessee of
9 the vehicle or vehicles receiving 5 or more toll violations
10 ~~violation~~ or toll evasions ~~evasion notices~~ on the date of
11 the violations in the notice ~~or dates the notices were~~
12 ~~issued~~; or

13 (2) the person having already satisfied the fines or
14 penalties for the 5 or more toll violations or toll
15 evasions indicated on the certified report.

16 (f) All notices sent by the Authority to persons involved
17 in administrative adjudications, hearings, and final orders
18 issued pursuant to rules implementing subsection (a-5) of
19 Section 10 of the Toll Highway Act shall state that failure to
20 satisfy any fine or penalty imposed by the Authority shall
21 result in the Secretary of State suspending the driving
22 privileges, vehicle registration, or both, of the person
23 failing to satisfy the fines or penalties imposed by the
24 Authority.

25 (g) A person may request an administrative hearing to
26 contest an impending suspension or a suspension made pursuant

1 to this Section upon filing a written request with the
2 Secretary. The filing fee for this hearing is \$20, to be paid
3 at the time of the request. The Authority shall reimburse the
4 Secretary for all reasonable costs incurred by the Secretary as
5 a result of the filing of a certified report pursuant to this
6 Section, including, but not limited to, the costs of providing
7 notice required pursuant to subsection (b) and the costs
8 incurred by the Secretary in any hearing conducted with respect
9 to the report pursuant to this subsection and any appeal from
10 that hearing.

11 (h) The Secretary and the Authority may promulgate rules to
12 enable them to carry out their duties under this Section.

13 (i) The Authority shall cooperate with the Secretary in the
14 administration of this Section and shall provide the Secretary
15 with any information the Secretary may deem necessary for these
16 purposes, including regular and timely access to toll violation
17 enforcement records.

18 The Secretary shall cooperate with the Authority in the
19 administration of this Section and shall provide the Authority
20 with any information the Authority may deem necessary for the
21 purposes of this Section, including regular and timely access
22 to vehicle registration records. Section 2-123 of this Code
23 shall not apply to the provision of this information, but the
24 Secretary shall be reimbursed for the cost of providing this
25 information.

26 (j) For purposes of this Section, the term "Authority"

1 means the Illinois State Toll Highway Authority.

2 (k) This Section may be extended to other toll facilities
3 in the State of Illinois through a duly executed agreement
4 between the Authority and the operator of the toll facility.

5 (Source: P.A. 91-277, eff. 1-1-00.)

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Any person who drives or is in actual physical control
10 of a motor vehicle on any highway of this State at a time when
11 such person's driver's license, permit or privilege to do so or
12 the privilege to obtain a driver's license or permit is revoked
13 or suspended as provided by this Code or the law of another
14 state, except as may be specifically allowed by a judicial
15 driving permit, family financial responsibility driving
16 permit, probationary license to drive, or a restricted driving
17 permit issued pursuant to this Code or under the law of another
18 state, shall be guilty of a Class A misdemeanor.

19 (b) The Secretary of State upon receiving a report of the
20 conviction of any violation indicating a person was operating a
21 motor vehicle during the time when said person's driver's
22 license, permit or privilege was suspended by the Secretary, by
23 the appropriate authority of another state, or pursuant to
24 Section 11-501.1; except as may be specifically allowed by a
25 probationary license to drive, judicial driving permit or

1 restricted driving permit issued pursuant to this Code or the
2 law of another state; shall extend the suspension for the same
3 period of time as the originally imposed suspension; however,
4 if the period of suspension has then expired, the Secretary
5 shall be authorized to suspend said person's driving privileges
6 for the same period of time as the originally imposed
7 suspension; and if the conviction was upon a charge which
8 indicated that a vehicle was operated during the time when the
9 person's driver's license, permit or privilege was revoked;
10 except as may be allowed by a restricted driving permit issued
11 pursuant to this Code or the law of another state; the
12 Secretary shall not issue a driver's license for an additional
13 period of one year from the date of such conviction indicating
14 such person was operating a vehicle during such period of
15 revocation.

16 (c) Any person convicted of violating this Section shall
17 serve a minimum term of imprisonment of 10 consecutive days or
18 30 days of community service when the person's driving
19 privilege was revoked or suspended as a result of:

20 (1) a violation of Section 11-501 of this Code or a
21 similar provision of a local ordinance relating to the
22 offense of operating or being in physical control of a
23 vehicle while under the influence of alcohol, any other
24 drug or any combination thereof; or

25 (2) a violation of paragraph (b) of Section 11-401 of
26 this Code or a similar provision of a local ordinance

1 relating to the offense of leaving the scene of a motor
2 vehicle accident involving personal injury or death; or

3 (3) a violation of Section 9-3 of the Criminal Code of
4 1961, as amended, relating to the offense of reckless
5 homicide; or

6 (4) a statutory summary suspension under Section
7 11-501.1 of this Code.

8 Such sentence of imprisonment or community service shall
9 not be subject to suspension in order to reduce such sentence.

10 (c-1) Except as provided in subsection (d), any person
11 convicted of a second violation of this Section shall be
12 ordered by the court to serve a minimum of 100 hours of
13 community service.

14 (c-2) In addition to other penalties imposed under this
15 Section, the court may impose on any person convicted a fourth
16 time of violating this Section any of the following:

17 (1) Seizure of the license plates of the person's
18 vehicle.

19 (2) Immobilization of the person's vehicle for a period
20 of time to be determined by the court.

21 (d) Any person convicted of a second violation of this
22 Section shall be guilty of a Class 4 felony and shall serve a
23 minimum term of imprisonment of 30 days or 300 hours of
24 community service, as determined by the court, if the
25 revocation or suspension was for a violation of Section 11-401
26 or 11-501 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, a violation of Section
2 9-3 of the Criminal Code of 1961, relating to the offense of
3 reckless homicide, or a similar out-of-state offense, or a
4 statutory summary suspension under Section 11-501.1 of this
5 Code.

6 (d-1) Except as provided in subsection (d-2) and subsection
7 (d-3), any person convicted of a third or subsequent violation
8 of this Section shall serve a minimum term of imprisonment of
9 30 days or 300 hours of community service, as determined by the
10 court.

11 (d-2) Any person convicted of a third violation of this
12 Section is guilty of a Class 4 felony and must serve a minimum
13 term of imprisonment of 30 days if the revocation or suspension
14 was for a violation of Section 11-401 or 11-501 of this Code,
15 or a similar out-of-state offense, or a similar provision of a
16 local ordinance, a violation of Section 9-3 of the Criminal
17 Code of 1961, relating to the offense of reckless homicide, or
18 a similar out-of-state offense, or a statutory summary
19 suspension under Section 11-501.1 of this Code.

20 (d-3) Any person convicted of a fourth, fifth, sixth,
21 seventh, eighth, or ninth violation of this Section is guilty
22 of a Class 4 felony and must serve a minimum term of
23 imprisonment of 180 days if the revocation or suspension was
24 for a violation of Section 11-401 or 11-501 of this Code, or a
25 similar out-of-state offense, or a similar provision of a local
26 ordinance, a violation of Section 9-3 of the Criminal Code of

1 1961, relating to the offense of reckless homicide, or a
2 similar out-of-state offense, or a statutory summary
3 suspension under Section 11-501.1 of this Code.

4 (d-4) Any person convicted of a tenth, eleventh, twelfth,
5 thirteenth, or fourteenth violation of this Section is guilty
6 of a Class 3 felony, and is not eligible for probation or
7 conditional discharge, if the revocation or suspension was for
8 a violation of Section 11-401 or 11-501 of this Code, or a
9 similar out-of-state offense, or a similar provision of a local
10 ordinance, a violation of Section 9-3 of the Criminal Code of
11 1961, relating to the offense of reckless homicide, or a
12 similar out-of-state offense, or a statutory summary
13 suspension under Section 11-501.1 of this Code.

14 (d-5) Any person convicted of a fifteenth or subsequent
15 violation of this Section is guilty of a Class 2 felony, and is
16 not eligible for probation or conditional discharge, if the
17 revocation or suspension was for a violation of Section 11-401
18 or 11-501 of this Code, or a similar out-of-state offense, or a
19 similar provision of a local ordinance, a violation of Section
20 9-3 of the Criminal Code of 1961, relating to the offense of
21 reckless homicide, or a similar out-of-state offense, or a
22 statutory summary suspension under Section 11-501.1 of this
23 Code.

24 (e) Any person in violation of this Section who is also in
25 violation of Section 7-601 of this Code relating to mandatory
26 insurance requirements, in addition to other penalties imposed

1 under this Section, shall have his or her motor vehicle
2 immediately impounded by the arresting law enforcement
3 officer. The motor vehicle may be released to any licensed
4 driver upon a showing of proof of insurance for the vehicle
5 that was impounded and the notarized written consent for the
6 release by the vehicle owner.

7 (f) For any prosecution under this Section, a certified
8 copy of the driving abstract of the defendant shall be admitted
9 as proof of any prior conviction.

10 (g) The motor vehicle used in a violation of this Section
11 is subject to seizure and forfeiture as provided in Sections
12 36-1 and 36-2 of the Criminal Code of 1961 if the person's
13 driving privilege was revoked or suspended as a result of a
14 violation listed in paragraph (1), (2), or (3) of subsection
15 (c) of this Section or as a result of a summary suspension as
16 provided in paragraph (4) of subsection (c) of this Section.

17 (h) Any person whose suspension was based on Section
18 6-306.7 of this Code relating to unpaid toll violations, in
19 addition to other penalties imposed under this Section, shall
20 have his or her motor vehicle immediately impounded by the
21 arresting law enforcement officer. The motor vehicle may be
22 released to any licensed driver upon a showing of proof of
23 payment in full of all fines, penalties, and fees related to
24 the unpaid toll violations and the notarized written consent
25 for the release by the vehicle owner.

26 (Source: P.A. 94-112, eff. 1-1-06.)

1 (625 ILCS 5/6-306.7)

2 Sec. 6-306.7. Failure to satisfy fines or penalties for
3 toll violations or evasions; suspension of driving privileges.

4 (a) Upon receipt of a certified report, as prescribed by
5 subsection (c) of this Section, from the Authority stating that
6 the owner of a registered vehicle has failed to satisfy any
7 fine or penalty resulting from a final order issued by the
8 Authority relating directly or indirectly to 5 or more toll
9 violations, toll evasions, or both, the Secretary of State
10 shall suspend the driving privileges of the person in
11 accordance with the procedures set forth in this Section.

12 (b) Following receipt of the certified report of the
13 Authority as specified in the Section, the Secretary of State
14 shall notify the person whose name appears on the certified
15 report that the person's driver's license will be suspended at
16 the end of a specified period unless the Secretary of State is
17 presented with a notice from the Authority certifying that the
18 fines or penalties and other costs incurred by the Authority
19 due to the suspension proceedings, including but not limited to
20 the filing fees and hearing fees paid by the Authority to the
21 Secretary of State, owing the Authority have been satisfied or
22 that inclusion of that person's name on the certified report
23 was in error. The Secretary's notice shall state in substance
24 the information contained in the Authority's certified report
25 to the Secretary, and shall be effective as specified by

1 subsection (c) of Section 6-211 of this Code, except as to
2 those drivers who also have been issued a CDL. If a person also
3 has been issued a CDL, notice of suspension of that person's
4 driver's license must be given in writing by certified mail and
5 is effective on the date listed in the notice of suspension,
6 except that the notice is not effective until 4 days after the
7 date on which the notice was deposited into the United States
8 mail. The notice becomes effective 4 days after its deposit
9 into the United States mail regardless of whether the Secretary
10 of State receives the return receipt and regardless of whether
11 the written notification is returned for any reason to the
12 Secretary of State as undeliverable.

13 (c) The report from the Authority notifying the Secretary
14 of unsatisfied fines or penalties pursuant to this Section
15 shall be certified and shall contain the following:

16 (1) The name and ~~7~~ last known address, as recorded in
17 the Secretary of State's vehicle registration records, ~~and~~
18 ~~driver's license number~~ of the person who failed to satisfy
19 the fines or penalties and the registration number of any
20 vehicle known to be registered in this State to that
21 person.

22 (2) A statement that the Authority sent a notice of
23 impending suspension of the person's driver's license,
24 vehicle registration, or both, as prescribed by rules
25 enacted pursuant to subsection (a-5) of Section 10 of the
26 Toll Highway Act, to the person named in the report at the

1 address recorded with the Secretary of State's vehicle
2 registration records ~~State~~; the date on which the notice
3 was sent; and the address to which the notice was sent.

4 (d) The Authority, after making a certified report to the
5 Secretary pursuant to this Section, shall notify the Secretary,
6 on a form prescribed by the Secretary, whenever a person named
7 in the certified report has satisfied the previously reported
8 fines or penalties and other costs incurred by the Authority
9 due to the suspension proceedings, including but not limited to
10 the filing fees and hearing fees paid by the Authority to the
11 Secretary of State, or whenever the Authority determines that
12 the original report was in error. A certified copy of the
13 notification shall also be given upon request and at no
14 additional charge to the person named therein. Upon receipt of
15 the Authority's notification or presentation of a certified
16 copy of the notification, the Secretary shall terminate the
17 suspension.

18 (e) The Authority shall, by rule, establish procedures for
19 persons to challenge the accuracy of the certified report made
20 pursuant to this Section. The rule shall also provide the
21 grounds for a challenge, which may be limited to:

22 (1) the person not having been the owner or lessee of
23 the vehicle or vehicles receiving 5 or more toll violations
24 or toll evasions ~~evasion notices~~ on the date of the
25 violations in the notices ~~or dates the notices were issued;~~
26 or

1 (2) the person having already satisfied the fines or
2 penalties for the 5 or more toll violations or toll
3 evasions indicated on the certified report.

4 (f) All notices sent by the Authority to persons involved
5 in administrative adjudications, hearings, and final orders
6 issued pursuant to rules implementing subsection (a-5) of
7 Section 10 of the Toll Highway Act shall state that failure to
8 satisfy any fine or penalty imposed by the Authority shall
9 result in the Secretary of State suspending the driving
10 privileges, vehicle registration, or both, of the person
11 failing to satisfy the fines or penalties imposed by the
12 Authority.

13 (g) A person may request an administrative hearing to
14 contest an impending suspension or a suspension made pursuant
15 to this Section upon filing a written request with the
16 Secretary. The filing fee for this hearing is \$20, to be paid
17 at the time of the request. The Authority shall reimburse the
18 Secretary for all reasonable costs incurred by the Secretary as
19 a result of the filing of a certified report pursuant to this
20 Section, including, but not limited to, the costs of providing
21 notice required pursuant to subsection (b) and the costs
22 incurred by the Secretary in any hearing conducted with respect
23 to the report pursuant to this subsection and any appeal from
24 that hearing.

25 (h) The Secretary and the Authority may promulgate rules to
26 enable them to carry out their duties under this Section.

1 (i) The Authority shall cooperate with the Secretary in the
2 administration of this Section and shall provide the Secretary
3 with any information the Secretary may deem necessary for these
4 purposes, including regular and timely access to toll violation
5 enforcement records.

6 The Secretary shall cooperate with the Authority in the
7 administration of this Section and shall provide the Authority
8 with any information the Authority may deem necessary for the
9 purposes of this Section, including regular and timely access
10 to vehicle registration records. Section 2-123 of this Code
11 shall not apply to the provision of this information, but the
12 Secretary shall be reimbursed for the cost of providing this
13 information.

14 (j) For purposes of this Section, the term "Authority"
15 means the Illinois State Toll Highway Authority.

16 (k) This Section may be extended to other toll facilities
17 in the State of Illinois through a duly executed agreement
18 between the Authority and the operator of the toll facility.

19 (Source: P.A. 94-218, eff. 7-1-06.)

20 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

21 Sec. 12-503. Windshields must be unobstructed and equipped
22 with wipers.

23 (a) No person shall drive a motor vehicle with any sign,
24 poster, window application, reflective material, nonreflective
25 material or tinted film upon the front windshield, sidewings or

1 side windows immediately adjacent to each side of the driver. A
2 nonreflective tinted film may be used along the uppermost
3 portion of the windshield if such material does not extend more
4 than 6 inches down from the top of the windshield. Nothing in
5 this Section shall create a cause of action on behalf of a
6 buyer against a dealer or manufacturer who sells a motor
7 vehicle with a window which is in violation of this Section.

8 (b) Nothing contained in this Section shall prohibit the
9 use of nonreflective, smoked or tinted glass, nonreflective
10 film, perforated window screen or other decorative window
11 application on windows to the rear of the driver's seat, except
12 that any motor vehicle with a window to the rear of the
13 driver's seat treated in this manner shall be equipped with a
14 side mirror on each side of the motor vehicle which are in
15 conformance with Section 12-502.

16 (c) No person shall drive a motor vehicle with any objects
17 placed or suspended between the driver and the front
18 windshield, rear window, side wings or side windows immediately
19 adjacent to each side of the driver which materially obstructs
20 the driver's view. This subsection (c) does not apply to
21 automatic vehicle identification transponder devices, cards,
22 or chips, issued by a governmental body for the purpose of
23 electronic payment of tolls or other authorized payments, the
24 exemption of which preempts any local legislation to the
25 contrary.

26 (d) Every motor vehicle, except motorcycles, shall be

1 equipped with a device, controlled by the driver, for cleaning
2 rain, snow, moisture or other obstructions from the windshield;
3 and no person shall drive a motor vehicle with snow, ice,
4 moisture or other material on any of the windows or mirrors,
5 which materially obstructs the driver's clear view of the
6 highway.

7 (e) No person shall drive a motor vehicle when the
8 windshield, side or rear windows are in such defective
9 condition or repair as to materially impair the driver's view
10 to the front, side or rear. A vehicle equipped with a side
11 mirror on each side of the vehicle which are in conformance
12 with Section 12-502 will be deemed to be in compliance in the
13 event the rear window of the vehicle is materially obscured.

14 (f) Paragraphs (a) and (b) of this Section shall not apply
15 to:

16 (1) motor vehicles manufactured prior to January 1,
17 1982; or

18 (2) to those motor vehicles properly registered in
19 another jurisdiction.

20 (g) Paragraph (a) of this Section shall not apply to any
21 motor vehicle with a window treatment, including but not
22 limited to a window application, reflective material,
23 nonreflective material, or tinted film, applied or affixed to
24 the motor vehicle for the purposes set forth in item (1) or (2)
25 before the effective date of this amendatory Act of 1997 and:

26 (1) that is owned and operated by a person afflicted

1 with or suffering from a medical illness, ailment, or
2 disease which would require that person to be shielded from
3 the direct rays of the sun; or

4 (2) that is used in transporting a person when the
5 person resides at the same address as the registered owner
6 of the vehicle and the person is afflicted with or
7 suffering from a medical illness, ailment or disease which
8 would require the person to be shielded from the direct
9 rays of the sun;

10 It must be certified by a physician licensed to
11 practice medicine in Illinois that such person owning and
12 operating or being transported in a motor vehicle is
13 afflicted with or suffers from such illness, ailment, or
14 disease and such certification must be carried in the motor
15 vehicle at all times. The certification shall be legible
16 and shall contain the date of issuance, the name, address
17 and signature of the attending physician, and the name,
18 address, and medical condition of the person requiring
19 exemption. The information on the certificate for a window
20 treatment applied or affixed before the effective date of
21 this amendatory Act of 1997 must remain current and shall
22 be renewed annually by the attending physician, but in no
23 event shall a certificate issued for purposes of this
24 subsection be valid on or after January 1, 2008. The person
25 shall also submit a copy of the certification to the
26 Secretary of State. The Secretary of State may forward

1 notice of certification to law enforcement agencies.

2 This subsection shall not be construed to authorize window
3 treatments applied or affixed on or after the effective date of
4 this amendatory Act of 1997.

5 The exemption provided by this subsection (g) shall not
6 apply to any motor vehicle on and after January 1, 2008.

7 This subsection (g) does not apply to the exemption set
8 forth in subsection (g-5).

9 (g-5) Paragraph (a) of this Section does not apply to any
10 motor vehicle with a window treatment, including but not
11 limited to a window application, reflective material,
12 nonreflective material, or tinted film, applied or affixed to a
13 motor vehicle that:

14 (i) is owned and operated by a person afflicted with or
15 suffering from systemic or discoid lupus erythematosus or
16 albinism; or

17 (ii) is used in transporting a person who resides at
18 the same address as the registered owner and is afflicted
19 with or suffers from systemic or discoid lupus
20 erythematosus or albinism.

21 It must be certified by a physician licensed to practice
22 medicine in Illinois that the person owning and operating or
23 being transported in a motor vehicle is afflicted with or
24 suffers from systemic or discoid lupus erythematosus or
25 albinism and the certification must be carried in the motor
26 vehicle at all times. The certification shall be legible and

1 shall contain the date of issuance, the name, address, and
2 signature of the attending physician, and the name, address,
3 and medical condition of the person requiring exemption. The
4 information on the certificate for a window treatment must
5 remain current and shall be renewed annually by the attending
6 physician. The owner of the vehicle shall also submit a copy of
7 the certification to the Secretary of State. The Secretary of
8 State may forward notice of certification to law enforcement
9 agencies.

10 (h) Paragraph (a) of this Section shall not apply to motor
11 vehicle stickers or other certificates issued by State or local
12 authorities which are required to be displayed upon motor
13 vehicle windows to evidence compliance with requirements
14 concerning motor vehicles.

15 (i) Those motor vehicles exempted under paragraph (f) (1) of
16 this Section shall not cause their windows to be treated as
17 described in paragraph (a) after January 1, 1993.

18 (j) A person found guilty of violating paragraphs (a), (b),
19 or (i) of this Section shall be guilty of a petty offense and
20 fined no less than \$50 nor more than \$500. A second or
21 subsequent violation of paragraphs (a), (b), or (i) of this
22 Section shall be treated as a Class C misdemeanor and the
23 violator fined no less than \$100 nor more than \$500. Any person
24 convicted under paragraphs (a), (b), or (i) of this Section
25 shall be ordered to alter any nonconforming windows into
26 compliance with this Section.

1 (Source: P.A. 94-564, eff. 8-12-05.)

2 (625 ILCS 5/12-610.5)

3 Sec. 12-610.5. Registration plate covers.

4 (a) In this Section, "registration plate cover" means any
5 tinted, colored, painted, marked, clear, reflective,
6 holographic, beveled, streaked, layered, or illuminated object
7 that is designed to:

8 (1) cover any of the characters of a motor vehicle's
9 registration plate; or

10 (2) distort a recorded image of any of the characters
11 of a motor vehicle's registration plate recorded by an
12 automated red light enforcement system as defined in
13 Section 1-105.5 of this Code, ~~or~~ recorded by an automated
14 traffic control system as defined in Section 15 of the
15 Automated Traffic Control Systems in Highway Construction
16 or Maintenance Zones Act, or recorded by a video or photo
17 surveillance system as provided in subsection (a-5) of
18 Section 10 of the Toll Highway Act.

19 (b) It shall be unlawful to operate any motor vehicle that
20 is equipped with registration plate covers.

21 (c) A person may not sell or offer for sale a registration
22 plate cover.

23 (d) A person may not advertise for the purpose of promoting
24 the sale of registration plate covers.

25 (e) A violation of this Section or a similar provision of a

1 local ordinance shall be an offense against laws and ordinances
2 regulating the movement of traffic.

3 (Source: P.A. 94-304, eff. 1-1-06.)

4 (625 ILCS 5/12-610.6 new)

5 Sec. 12-610.6. Registration plate spray and other recorded
6 image distorting material.

7 (a) In this Section, "registration plate spray or other
8 recorded image distorting material" means any spray, chemical,
9 substance, or other material that is designed to:

10 (1) cover any of the characters of a motor vehicle's
11 registration plate; or

12 (2) distort a recorded image of any of the characters
13 of a motor vehicle's registration plate recorded by (i) an
14 automated red light enforcement system as defined in
15 Section 1-105.5 of this Code, (ii) an automated traffic
16 control system as defined in Section 15 of the Automated
17 Traffic Control Systems in Highway Construction or
18 Maintenance Zone Act, or (iii) a video or photo
19 surveillance system as provided in subsection (a-5) of
20 Section 10 of the Toll Highway Act.

21 (b) It shall be unlawful to operate any motor vehicle that
22 is equipped with registration plate that has been treated with
23 a spray or other image recording distorting material.

24 (c) A person may not sell or offer for sale a registration
25 plate spray or other image recording distorting material.

1 (d) A person may not advertise for the purpose of promoting
2 the sale of registration plate spray or other image recording
3 distorting material.

4 (e) A violation of this Section or a similar provision of a
5 local ordinance is an offense against laws and ordinances
6 regulating the movement of traffic.

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

15 (g) The Secretary of State shall revoke the registration of
16 any plate that has been found to be in violation of subsection
17 (b) of this Section.