

SB0938



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0938

Introduced 2/6/2009, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-704.2

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning failure to satisfy fines for toll violations.

LRB096 07047 AJT 17133 b

A BILL FOR

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 Illinois Vehicle Code is amended by changing
5 Section 3-704.2 as follows:

6 (625 ILCS 5/3-704.2)

7 Sec. 3-704.2. Failure to satisfy fines or penalties for
8 toll violations or evasions; suspension of vehicle
9 registration.

10 (a) Upon receipt of a certified report, as prescribed by
11 subsection (c) of this Section, from the ~~the~~ Authority stating
12 that the owner of a registered vehicle has failed to satisfy
13 any fine or penalty resulting from a final order issued by the
14 Authority relating directly or indirectly to 5 or more toll
15 violations, toll evasions, or both, the Secretary of State
16 shall suspend the vehicle registration of the person in
17 accordance with the procedures set forth in this Section.

18 (b) Following receipt of the certified report of the
19 Authority as specified in the Section, the Secretary of State
20 shall notify the person whose name appears on the certified
21 report that the person's vehicle registration will be suspended
22 at the end of a specified period unless the Secretary of State
23 is presented with a notice from the Authority certifying that

1 the fines or penalties owing the Authority have been satisfied
2 or that inclusion of that person's name on the certified report
3 was in error. The Secretary's notice shall state in substance
4 the information contained in the Authority's certified report
5 to the Secretary, and shall be effective as specified by
6 subsection (c) of Section 6-211 of this Code.

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

10 (1) The name, last known address, and driver's license
11 number of the person who failed to satisfy the fines or
12 penalties and the registration number of any vehicle known
13 to be registered in this State to that person.

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

22 (d) The Authority, after making a certified report to the
23 Secretary pursuant to this Section, shall notify the Secretary,
24 on a form prescribed by the Secretary, whenever a person named
25 in the certified report has satisfied the previously reported
26 fines or penalties or whenever the Authority determines that

1 the original report was in error. A certified copy of the
2 notification shall also be given upon request and at no
3 additional charge to the person named therein. Upon receipt of
4 the Authority's notification or presentation of a certified
5 copy of the notification, the Secretary shall terminate the
6 suspension.

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

11 (1) the person not having been the owner or lessee of
12 the vehicle or vehicles receiving 5 or more toll violation
13 or toll evasion notices on the date or dates the notices
14 were issued; or

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

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

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

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

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

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

1 information.

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

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