



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3109

by Rep. Joe Sosnowski

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Illinois Toll Highway Act. Provides a fee schedule for failure to pay tolls. Provides a single fine total for multiple violations. One to 3 violations in the same day is a \$20 fine, 4 to 6 violations in the same day is a \$75 fine, 7 to 10 violations in the same day is a \$125 fine, with an additional \$20 fine per violation beyond the 10th in a single day.

LRB098 06978 MLW 37035 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. However, the Authority may not assess
18 separate fines for multiple violations committed on a single
19 day, but may assess the following fine inclusive of any
20 administrative costs and fees:

21 (1) \$20 for 1 to 3 violations;

22 (2) \$75 for 4 to 6 violations;

23 (3) \$125 for 7 to 10 violations; plus

1 (4) \$20 for each violation over 10 occurring that day.

2 The Authority may establish by rule a system of civil
3 administrative adjudication to adjudicate only alleged
4 instances of a vehicle's operation on a toll highway without
5 the required toll having been paid, as detected by the
6 Authority's video or photo surveillance system. In cases in
7 which the operator of the vehicle is not the registered vehicle
8 owner, the establishment of ownership of the vehicle creates a
9 rebuttable presumption that the vehicle was being operated by
10 an agent of the registered vehicle owner. If the registered
11 vehicle owner liable for a violation under this Section was not
12 the operator of the vehicle at the time of the violation, the
13 owner may maintain an action for indemnification against the
14 operator in the circuit court. Rules establishing a system of
15 civil administrative adjudication must provide for written
16 notice, by first class mail or other means provided by law, to
17 the address of the registered owner of the cited vehicle as
18 recorded with the Secretary of State or to the lessee of the
19 cited vehicle at the last address known to the lessor of the
20 cited vehicle at the time of the lease, of the alleged
21 violation and an opportunity to be heard on the question of the
22 violation and must provide for the establishment of a toll-free
23 telephone number to receive inquiries concerning alleged
24 violations. The notice shall also inform the registered vehicle
25 owner that failure to contest in the manner and time provided
26 shall be deemed an admission of liability and that a final

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

19 Any outstanding toll, fine, additional late payment fine,
20 other sanction, or costs imposed, or part of any fine, other
21 sanction, or costs imposed, remaining unpaid after the
22 exhaustion of, or the failure to exhaust, judicial review
23 procedures under the Administrative Review Law are a debt due
24 and owing the Authority and may be collected in accordance with
25 applicable law. After expiration of the period in which
26 judicial review under the Administrative Review Law may be

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

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

1 administrative decision was rendered in accordance with the
2 Administrative Review Law.

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

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

22 The Authority shall establish an amnesty program for
23 violations adjudicated under this subsection (a-5). Under the
24 program, any person who has an outstanding notice of violation
25 for toll evasion or a final order of a hearing officer for toll
26 evasion dated prior to the effective date of this amendatory

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

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

1 interests of the Authority after taking into account the
2 following factors: (1) the merits of the Authority's claim
3 against the respondent; (2) the amount that can be collected
4 relative to the administrative fine or penalty owed by the
5 respondent; (3) the cost of pursuing further enforcement or
6 collection action against the respondent; (4) the likelihood of
7 collecting the full amount owed; and (5) the burden on the
8 judiciary. The provisions in this Section may be extended to
9 other toll facilities in the State of Illinois through a duly
10 executed agreement between the Authority and the operator of
11 the toll facility.

12 (b) To prescribe rules and regulations applicable to
13 traffic on highways under the jurisdiction of the Authority,
14 concerning:

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

17 (2) Designation of the lanes of traffic to be used by
18 the different types of vehicles permitted upon said
19 highways;

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

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

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

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

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

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

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

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

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