



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5127

Introduced 2/18/2020, by Rep. Debbie Meyers-Martin

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Toll Highway Act. Provides that the written notice for an alleged instance of a vehicle's operation on a toll highway without the required toll having been paid must be provided by the Illinois State Toll Highway Authority within 7 days of the alleged violation. Provides that a fine for an alleged instance of a vehicle's operation on a toll highway without the required toll having been paid shall not be imposed until 14 days after the alleged violation and shall not exceed \$10 per violation. Provides that if the imposed fine is not paid within 30 days of receipt of the written notice, an additional \$25 shall be imposed per violation. Effective immediately.

LRB101 18107 LNS 67547 b

FISCAL NOTE ACT
MAY APPLY

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 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. Any by-laws adopted under this
15 Section shall include a requirement that directors disclose and
16 avoid potential conflicts of interest. The by-laws shall be
17 posted on the Authority's website.

18 (a-5) To fix, assess, and collect civil fines for a
19 vehicle's operation on a toll highway without the required toll
20 having been paid. The Authority may establish by rule a system
21 of civil administrative adjudication to adjudicate only
22 alleged instances of a vehicle's operation on a toll highway
23 without the required toll having been paid, as detected by the

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

1 authorized agent of the Authority, or a facsimile of the
2 notice, based upon an inspection of photographs,
3 microphotographs, videotape, or other recorded images produced
4 by a video or photo surveillance system, shall be admitted as
5 prima facie evidence of the correctness of the facts contained
6 in the notice or facsimile. Only civil fines, along with the
7 corresponding outstanding toll, and costs may be imposed by
8 administrative adjudication. A fine may be imposed under this
9 paragraph only if a violation is established by a preponderance
10 of the evidence. The fine shall not be imposed until 14 days
11 after the alleged violation occurs and shall not exceed \$10 per
12 violation. However, if the imposed fine is not satisfied within
13 30 days of receipt of the written notice of the alleged
14 violation, an additional \$25 shall be imposed per violation.
15 Judicial review of all final orders of the Authority under this
16 paragraph shall be conducted in the circuit court of the county
17 in which the administrative decision was rendered in accordance
18 with the Administrative Review Law.

19 The Authority may maintain a listing or searchable database
20 on its website of persons or entities that have been issued one
21 or more final orders of liability with a total amount due of
22 more than \$1,000 for tolls, fines, unpaid late fees, or
23 administrative costs that remain unpaid after the exhaustion
24 of, or the failure to exhaust, the judicial review procedures
25 under the Administrative Review Law. Each entry may include the
26 person's or entity's name as listed on the final order of

1 liability.

2 Any outstanding toll, fine, additional late payment fine,
3 other sanction, or costs imposed, or part of any fine, other
4 sanction, or costs imposed, remaining unpaid after the
5 exhaustion of, or the failure to exhaust, judicial review
6 procedures under the Administrative Review Law are a debt due
7 and owing the Authority and may be collected in accordance with
8 applicable law. After expiration of the period in which
9 judicial review under the Administrative Review Law may be
10 sought, unless stayed by a court of competent jurisdiction, a
11 final order of the Authority under this subsection (a-5) may be
12 enforced in the same manner as a judgment entered by a court of
13 competent jurisdiction. Notwithstanding any other provision of
14 this Act, the Authority may, with the approval of the Attorney
15 General, retain a law firm or law firms with expertise in the
16 collection of government fines and debts for the purpose of
17 collecting fines, costs, and other moneys due under this
18 subsection (a-5).

19 A system of civil administrative adjudication may also
20 provide for a program of vehicle immobilization, tow, or
21 impoundment for the purpose of facilitating enforcement of any
22 final order or orders of the Authority under this subsection
23 (a-5) that result in a finding or liability for 5 or more
24 violations after expiration of the period in which judicial
25 review under the Administrative Review Law may be sought. The
26 registered vehicle owner of a vehicle immobilized, towed, or

1 impounded for nonpayment of a final order of the Authority
2 under this subsection (a-5) shall have the right to request a
3 hearing before the Authority's civil administrative
4 adjudicatory system to challenge the validity of the
5 immobilization, tow, or impoundment. This hearing, however,
6 shall not constitute a readjudication of the merits of
7 previously adjudicated notices. Judicial review of all final
8 orders of the Authority under this subsection (a-5) shall be
9 conducted in the circuit court of the county in which the
10 administrative decision was rendered in accordance with the
11 Administrative Review Law.

12 No commercial entity that is the lessor of a vehicle under
13 a written lease agreement shall be liable for an administrative
14 notice of violation for toll evasion issued under this
15 subsection (a-5) involving that vehicle during the period of
16 the lease if the lessor provides a copy of the leasing
17 agreement to the Authority within 30 days of the issue date on
18 the notice of violation. The leasing agreement also must
19 contain a provision or addendum informing the lessee that the
20 lessee is liable for payment of all tolls and any fines for
21 toll evasion. Each entity must also post a sign at the leasing
22 counter notifying the lessee of that liability. The copy of the
23 leasing agreement provided to the Authority must contain the
24 name, address, and driver's license number of the lessee, as
25 well as the check-out and return dates and times of the vehicle
26 and the vehicle license plate number and vehicle make and

1 model.

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

5 The Authority shall establish an amnesty program for
6 violations adjudicated under this subsection (a-5). Under the
7 program, any person who has an outstanding notice of violation
8 for toll evasion or a final order of a hearing officer for toll
9 evasion dated prior to the effective date of this amendatory
10 Act of the 94th General Assembly and who pays to the Authority
11 the full percentage amounts listed in this paragraph remaining
12 due on the notice of violation or final order of the hearing
13 officer and the full fees and costs paid by the Authority to
14 the Secretary of State relating to suspension proceedings, if
15 applicable, on or before 5:00 p.m., Central Standard Time, of
16 the 60th day after the effective date of this amendatory Act of
17 the 94th General Assembly shall not be required to pay more
18 than the listed percentage of the original fine amount and
19 outstanding toll as listed on the notice of violation or final
20 order of the hearing officer and the full fees and costs paid
21 by the Authority to the Secretary of State relating to
22 suspension proceedings, if applicable. The payment percentage
23 scale shall be as follows: a person with 25 or fewer violations
24 shall be eligible for amnesty upon payment of 50% of the
25 original fine amount and the outstanding tolls; a person with
26 more than 25 but fewer than 51 violations shall be eligible for

1 amnesty upon payment of 60% of the original fine amount and the
2 outstanding tolls; and a person with 51 or more violations
3 shall be eligible for amnesty upon payment of 75% of the
4 original fine amount and the outstanding tolls. In such a
5 situation, the Executive Director of the Authority or his or
6 her designee is authorized and directed to waive any late fine
7 amount above the applicable percentage of the original fine
8 amount. Partial payment of the amount due shall not be a basis
9 to extend the amnesty payment deadline nor shall it act to
10 relieve the person of liability for payment of the late fine
11 amount. In order to receive amnesty, the full amount of the
12 applicable percentage of the original fine amount and
13 outstanding toll remaining due on the notice of violation or
14 final order of the hearing officer and the full fees and costs
15 paid by the Authority to the Secretary of State relating to
16 suspension proceedings, if applicable, must be paid in full by
17 5:00 p.m., Central Standard Time, of the 60th day after the
18 effective date of this amendatory Act of the 94th General
19 Assembly. This amendatory Act of the 94th General Assembly has
20 no retroactive effect with regard to payments already tendered
21 to the Authority that were full payments or payments in an
22 amount greater than the applicable percentage, and this Act
23 shall not be the basis for either a refund or a credit. This
24 amendatory Act of the 94th General Assembly does not apply to
25 toll evasion citations issued by the Illinois State Police or
26 other authorized law enforcement agencies and for which payment

1 may be due to or through the clerk of the circuit court. The
2 Authority shall adopt rules as necessary to implement the
3 provisions of this amendatory Act of the 94th General Assembly.
4 The Authority, by a resolution of the Board of Directors, shall
5 have the discretion to implement similar amnesty programs in
6 the future. The Authority, at its discretion and in
7 consultation with the Attorney General, is further authorized
8 to settle an administrative fine or penalty if it determines
9 that settling for less than the full amount is in the best
10 interests of the Authority after taking into account the
11 following factors: (1) the merits of the Authority's claim
12 against the respondent; (2) the amount that can be collected
13 relative to the administrative fine or penalty owed by the
14 respondent; (3) the cost of pursuing further enforcement or
15 collection action against the respondent; (4) the likelihood of
16 collecting the full amount owed; and (5) the burden on the
17 judiciary. The provisions in this Section may be extended to
18 other toll facilities in the State of Illinois through a duly
19 executed agreement between the Authority and the operator of
20 the toll facility.

21 (b) To prescribe rules and regulations applicable to
22 traffic on highways under the jurisdiction of the Authority,
23 concerning:

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

26 (2) Designation of the lanes of traffic to be used by

1 the different types of vehicles permitted upon said
2 highways;

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

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

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

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

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

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

24 (c) The Authority, in fixing the rate for tolls for the
25 privilege of using the said toll highways, is authorized and
26 directed, in fixing such rates, to base the same upon annual

1 estimates to be made, recorded and filed with the Authority.
2 Said estimates shall include the following: The estimated total
3 amount of the use of the toll highways; the estimated amount of
4 the revenue to be derived therefrom, which said revenue, when
5 added to all other receipts and income, will be sufficient to
6 pay the expense of maintaining and operating said toll
7 highways, including the administrative expenses of the
8 Authority, and to discharge all obligations of the Authority as
9 they become due and payable.

10 (d) To accept from any municipality or political
11 subdivision any lands, easements or rights in land needed for
12 the operation, construction, relocation or maintenance of any
13 toll highways, with or without payment therefor, and in its
14 discretion to reimburse any such municipality or political
15 subdivision out of its funds for any cost or expense incurred
16 in the acquisition of land, easements or rights in land, in
17 connection with the construction and relocation of the said
18 toll highways, widening, extending roads, streets or avenues in
19 connection therewith, or for the construction of any roads or
20 streets forming extension to and connections with or between
21 any toll highways, or for the cost or expense of widening,
22 grading, surfacing or improving any existing streets or roads
23 or the construction of any streets and roads forming extensions
24 of or connections with any toll highways constructed,
25 relocated, operated, maintained or regulated hereunder by the
26 Authority. Where property owned by a municipality or political

1 subdivision is necessary to the construction of an approved
2 toll highway, if the Authority cannot reach an agreement with
3 such municipality or political subdivision and if the use to
4 which the property is being put in the hands of the
5 municipality or political subdivision is not essential to the
6 existence or the administration of such municipality or
7 political subdivision, the Authority may acquire the property
8 by condemnation.

9 (Source: P.A. 99-214, eff. 1-1-16; 100-1180, eff. 2-28-19.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.