



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3705

Introduced 2/22/2021, by Rep. Jennifer Gong-Gershowitz

#### SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Illinois Toll Highway Act. Provides that the Illinois State Toll Highway Authority shall not impose additional fines or fees for an unpaid toll paid within 14 days of its accrual. Provides that a vehicle owner's failure to pay a toll within 14 days of its accrual shall result in a fine not to exceed the amount of the original toll. Provides that the Illinois Highway Authority shall issue a notification to the vehicle owner of the fine and provide an additional 14-day payment period in which to pay without additional penalty. Provides that an additional fine, not to exceed the amount of the original toll, shall be imposed on any vehicle owner who fails to pay the unpaid toll and the first accrued fine within 14 days of notification. Provides that no more than 2 fees shall be imposed upon a vehicle owner for one unpaid toll violation. Provides that the Illinois State Toll Highway Authority shall have the power to waive fines and fees charged to a registered vehicle owner, at its discretion.

LRB102 15133 RAM 20488 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  
14 or reconstructed hereunder. Any by-laws adopted under this  
15 Section shall include a requirement that directors disclose  
16 and avoid potential conflicts of interest. The by-laws shall  
17 be 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  
20 toll having been paid. The Authority may establish by rule a  
21 system 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  
3 vehicle owner, the establishment of ownership of the vehicle  
4 creates a rebuttable presumption that the vehicle was being  
5 operated by an agent of the registered vehicle owner. If the  
6 registered vehicle owner liable for a violation under this  
7 Section was not the operator of the vehicle at the time of the  
8 violation, the owner may maintain an action for  
9 indemnification against the operator in the circuit court.  
10 Rules establishing a system of civil administrative  
11 adjudication must provide for written notice, 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  
10 preponderance of the evidence. Judicial review of all final  
11 orders of the Authority under this paragraph shall be  
12 conducted in the circuit court of the county in which the  
13 administrative decision was rendered in accordance with the  
14 Administrative Review Law.

15 The Authority shall not impose additional fines or fees  
16 for an unpaid toll paid within 14 days of its accrual. A  
17 vehicle owner's failure to pay a toll within 14 days of its  
18 accrual shall result in a fine not to exceed the amount of the  
19 original toll. The Authority shall issue a notification to the  
20 vehicle owner of the fine and provide an additional 14 day  
21 payment period in which to pay without additional penalty. An  
22 additional fine, not to exceed the amount of the original  
23 toll, shall be imposed on any vehicle owner who fails to pay  
24 the unpaid toll and the first accrued fine within 14 days of  
25 notification. No more than 2 fees shall be imposed upon a  
26 vehicle owner for one unpaid toll violation.

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

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

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

20           No commercial entity that is the lessor of a vehicle under  
21 a written lease agreement shall be liable for an  
22 administrative notice of violation for toll evasion issued  
23 under this subsection (a-5) involving that vehicle during the  
24 period of the lease if the lessor provides a copy of the  
25 leasing agreement to the Authority within 30 days of the issue  
26 date on the notice of violation. The leasing agreement also

1 must contain a provision or addendum informing the lessee that  
2 the lessee is liable for payment of all tolls and any fines for  
3 toll evasion. Each entity must also post a sign at the leasing  
4 counter notifying the lessee of that liability. The copy of  
5 the leasing agreement provided to the Authority must contain  
6 the name, address, and driver's license number of the lessee,  
7 as well as the check-out and return dates and times of the  
8 vehicle and the vehicle license plate number and vehicle make  
9 and model.

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

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

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



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

1 State of Illinois through a duly executed agreement between  
2 the Authority and the operator of the toll facility.

3 (a-7) In the discretion of the Authority, to waive the  
4 finances and fees charged to a registered vehicle owner for an  
5 unpaid toll violation.

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

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

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

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

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

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

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

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

23 (8) Preparation, location and installation of all  
24 traffic signs; and to prescribe further rules and  
25 regulations applicable to such traffic, concerning matters  
26 not provided for either in the foregoing enumeration or in

1 the Illinois Vehicle Code. Notice of such rules and  
2 regulations shall be posted conspicuously and displayed at  
3 appropriate points and at reasonable intervals along said  
4 highways, by clearly legible markers or signs, to provide  
5 notice of the existence of such rules and regulations to  
6 persons traveling on said highways. At each toll station,  
7 the Authority shall make available, free of charge,  
8 pamphlets containing all of such rules and regulations.

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

21 (d) To accept from any municipality or political  
22 subdivision any lands, easements or rights in land needed for  
23 the operation, construction, relocation or maintenance of any  
24 toll highways, with or without payment therefor, and in its  
25 discretion to reimburse any such municipality or political  
26 subdivision out of its funds for any cost or expense incurred

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

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