



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4487

Introduced 02/03/04, by Carole Pankau

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

735 ILCS 5/12-101.5 new

Amends the Toll Highway Act and the Code of Civil Procedure. Provides that no lien may be imposed on the real estate or personal estate, or both, of the party adjudicated liable in the amount of any debt due and owing to the Illinois State Toll Highway Authority for any toll or for any fine for failure to pay any toll.

LRB093 18403 MKM 44111 b

A BILL FOR

1 AN ACT concerning toll highways.

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 surveillance system. Rules establishing a
22 system of civil administrative adjudication must provide for
23 written notice of the alleged violation and an opportunity to
24 be heard on the question of the violation and must provide for
25 the establishment of a toll-free telephone number to receive
26 inquiries concerning alleged violations. Only civil fines may
27 be imposed by administrative adjudication. A fine may be
28 imposed under this paragraph only if a violation is established
29 by a preponderance of the evidence. Judicial review of all
30 final orders of the Authority under this paragraph shall be
31 conducted in accordance with the Administrative Review Law. No
32 lien may be imposed on the real estate or personal estate, or

1 both, of the party adjudicated liable in the amount of any debt
2 due and owing the Authority for any toll or for any fine for
3 failure to pay any toll.

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

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

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

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

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

15 (5) Control or prohibition of processions, convoys,
16 and assemblages of vehicles and persons;

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

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

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

33 (c) The Authority, in fixing the rate for tolls for the
34 privilege of using the said toll highways, is authorized and
35 directed, in fixing such rates, to base the same upon annual
36 estimates to be made, recorded and filed with the Authority.

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

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

34 (Source: P.A. 89-120, eff. 7-7-95.)

35 Section 10. The Code of Civil Procedure is amended by

1 adding Section 12-101.5 as follows:

2 (735 ILCS 5/12-101.5 new)

3 Sec. 12-101.5. Liens for amounts due and owing to Illinois
4 State Toll Highway Authority prohibited. No lien of judgment
5 shall be imposed on the real estate or personal estate, or
6 both, of any party adjudicated liable in the amount of any debt
7 due and owing to the Illinois State Toll Highway Authority for
8 any toll or fine or for failure to pay any toll.