



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Terry Link

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Toll Highway Act. Requires the Authority to establish an amnesty program for toll violations. Establishes procedures for, and limitations on, the amnesty. Sets procedures for administrative adjudication of violations recorded by photo surveillance. Provides that toll evasion offenses adjudicated in the Authority's administration system are not subject to the fine range for petty offenses. Effective immediately.

LRB093 18777 DRH 44509 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to 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. 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 or photo surveillance system. In cases in
22 which the operator of the vehicle is not the registered vehicle
23 owner, the establishment of ownership of the vehicle creates a
24 rebuttable presumption that the vehicle was being operated by
25 an agent of the registered vehicle owner. If the registered
26 vehicle owner liable for a violation under this Section was not
27 the operator of the vehicle at the time of the violation, the
28 owner may maintain an action for indemnification against the
29 operator in the circuit court. Rules establishing a system of
30 civil administrative adjudication must provide for written
31 notice, by first class mail or other means provided by law, to
32 the address of the registered owner of the cited vehicle as

1 recorded with the Secretary of State or to the lessee of the
2 cited vehicle at the last address known to the lessor of the
3 cited vehicle at the time of the lease, of the alleged
4 violation and an opportunity to be heard on the question of the
5 violation and must provide for the establishment of a toll-free
6 telephone number to receive inquiries concerning alleged
7 violations. The notice shall also inform the registered vehicle
8 owner that failure to contest in the manner and time provided
9 shall be deemed an admission of liability and that a final
10 order of liability may be entered on that admission. A duly
11 authorized agent of the Authority may perform or execute the
12 preparation, certification, affirmation, or mailing of the
13 notice. A notice of violation, sworn or affirmed to or
14 certified by a duly authorized agent of the Authority, or a
15 facsimile of the notice, based upon an inspection of
16 photographs, microphotographs, videotape, or other recorded
17 images produced by a video or photo surveillance system, shall
18 be admitted as prima facie evidence of the correctness of the
19 facts contained in the notice or facsimile. Only civil fines,
20 along with the corresponding outstanding toll, and costs may be
21 imposed by administrative adjudication. A fine may be imposed
22 under this paragraph only if a violation is established by a
23 preponderance of the evidence. Judicial review of all final
24 orders of the Authority under this paragraph shall be conducted
25 in the circuit court of the county in which the administrative
26 hearing was held in accordance with the Administrative Review
27 Law.

28 Any outstanding toll, fine, additional late payment fine,
29 other sanction, or costs imposed, or part of any fine, other
30 sanction, or costs imposed, remaining unpaid after the
31 exhaustion of, or the failure to exhaust, judicial review
32 procedures under the Illinois Administrative Review Law are a
33 debt due and owing the Authority and may be collected in
34 accordance with applicable law. After expiration of the period
35 in which judicial review under the Illinois Administrative
36 Review Law may be sought, unless stayed by a court of competent

1 jurisdiction, a final order of the Authority under this
2 subsection (a-5) may be enforced in the same manner as a
3 judgment entered by a court of competent jurisdiction.
4 Notwithstanding any other provision of this Act, the Authority
5 may retain a law firm or law firms with expertise in the
6 collection of government fines and debts for the purpose of
7 collecting fines, costs, and other moneys due under this
8 subsection (a-5). Upon being recorded in the manner required by
9 Article XII of the Code of Civil Procedure or by the Uniform
10 Commercial Code, a lien shall be imposed on the real estate or
11 personal estate, or both, of the party adjudicated liable in
12 the amount of any debt due and owing the Authority under this
13 subsection (a-5) if the debt is \$500 or more. The lien may be
14 enforced in the same manner as a judgment lien pursuant to a
15 judgment of a court of competent jurisdiction.

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

33 No commercial entity that is the lessor of a vehicle under
34 a written lease agreement shall be liable for an administrative
35 notice of violation for toll evasion issued under this
36 subsection (a-5) involving that vehicle during the period of

1 the lease if the lessor provides a copy of the leasing
2 agreement to the Authority within 21 days of the issue date on
3 the notice of violation. The leasing agreement also must
4 contain a provision or addendum informing the lessee that the
5 lessee is liable for payment of all tolls and any fines for
6 toll evasion. Each entity must also post a sign at the leasing
7 counter notifying the lessee of that liability. The copy of the
8 leasing agreement provided to the Authority must contain the
9 name, address, and driver's license number of the lessee.

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 final order of a hearing officer for toll
17 evasion dated prior to the effective date of this amendatory
18 Act of the 93rd General Assembly and who has not been mailed a
19 notice of impending vehicle plate registration or driver's
20 license suspension pursuant to Section 3-704.2 or Section
21 6-306.7 of the Illinois Vehicle Code and who pays to the
22 Authority the full percentage amounts listed in this paragraph
23 remaining due on the notice of violation or final order of the
24 hearing officer on or before 5:00 p.m., Central Standard Time,
25 of the 60th day after the effective date of this amendatory Act
26 the 93rd General Assembly shall not be required to pay more
27 than the listed percentage of the original fine amount and
28 outstanding toll as listed on the notice of violation or final
29 order of the hearing officer. The payment percentage scale
30 shall be as follows: a person with 25 or fewer violations shall
31 be eligible for amnesty upon payment of 50% of the original
32 fine amount and the outstanding tolls; a person with more than
33 25 but fewer than 51 violations shall be eligible for amnesty
34 upon payment of 60% of the original fine amount and the
35 outstanding tolls; and a person with 51 or more violations
36 shall be eligible for amnesty upon payment of 75% of the

1 original fine amount and the outstanding tolls. In such a
2 situation, the Executive Director of the Authority or his or
3 her designee is authorized and directed to waive any late fine
4 amount above the applicable percentage of the original fine
5 amount. Partial payment of the amount due shall not be a basis
6 to extend the amnesty payment deadline nor shall it act to
7 relieve the person of liability for payment of the late fine
8 amount. In order to receive amnesty, the full amount of the
9 applicable percentage of the original fine amount and
10 outstanding toll remaining due on the notice of violation or
11 final order of the hearing officer must be paid in full by 5:00
12 p.m., Central Standard Time, of the 60th day after the
13 effective date of this amendatory Act of the 93rd General
14 Assembly. This amendatory Act of the 93rd General Assembly has
15 no retroactive effect with regard to payments already tendered
16 to the Authority that were full payments or payments in an
17 amount greater than the applicable percentage, and this Act
18 shall not be the basis for either a refund or a credit. This
19 Amendatory Act of the 93rd General Assembly does not apply to
20 toll evasion citations issued by the Illinois State Police or
21 other authorized law enforcement agencies and for which payment
22 may be due to or through the clerk of the circuit court. The
23 Authority shall adopt rules as necessary to implement the
24 provisions of this amendatory Act of the 93rd General Assembly.
25 The Authority, by a resolution of the Board of Directors, shall
26 have the discretion to implement similar amnesty programs in
27 the future.

28 (b) To prescribe rules and regulations applicable to
29 traffic on highways under the jurisdiction of the Authority,
30 concerning:

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

33 (2) Designation of the lanes of traffic to be used by
34 the different types of vehicles permitted upon said
35 highways;

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

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

3 (5) Control or prohibition of processions, convoys,
4 and assemblages of vehicles and persons;

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

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

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

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

33 (d) To accept from any municipality or political
34 subdivision any lands, easements or rights in land needed for
35 the operation, construction, relocation or maintenance of any
36 toll highways, with or without payment therefor, and in its

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.