

**93RD GENERAL ASSEMBLY****State of Illinois****2003 and 2004**

Introduced 2/6/2004, by Jeffrey M. Schoenberg

**SYNOPSIS AS INTRODUCED:**

605 ILCS 10/8.1 new	
605 ILCS 10/10	from Ch. 121, par. 100-10
605 ILCS 10/11	from Ch. 121, par. 100-11
605 ILCS 10/16.2 new	
605 ILCS 10/17	from Ch. 121, par. 100-17
605 ILCS 10/27.1	from Ch. 121, par. 100-27.1
605 ILCS 10/27.2 new	

Amends the Toll Highway Act. Provides that the Toll Highway Authority has the power to enter into an intergovernmental agreement or contract with a unit of local government or other public or private entity for the collection by electronic means of tolls, fees, or revenues. Requires the Governor to appoint, with the advice and consent of the Senate, an Inspector General for the Authority, setting forth his or her powers and duties. Places certain restrictions on directors of the Illinois State Toll Highway Authority and their employees and agents concerning receiving financial benefit from their positions or employment with the Authority. Makes changes concerning enforcement of tolls. Provides that the Office of the Inspector General shall be represented in all legal matters by the Attorney General. Requires General Assembly review of expenditures of excess Authority moneys. 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. Provides that it is a violation of the Act to operate on a toll highway a vehicle with a license plate covered with any material that obstructs the electronic image recording of the plate. Provides that a law enforcement officer may confiscate a license plate if the plate was treated with a substance to block electronic image recording. Makes other changes. Effective immediately.

LRB093 18774 DRH 44506 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Sections 10, 11, 17, and 27.1 and by adding Sections 8.1, 16.2,  
6 and 27.2 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Governor must, with the advice and consent of the  
10 Senate, appoint an Inspector General for the purpose of  
11 providing increased accountability and oversight, detection,  
12 deterrence, and prevention of fraud, corruption, waste,  
13 inefficiencies, and mismanagement in the Authority. The  
14 Inspector General shall serve a 2-year term. If no successor is  
15 appointed and qualified upon the expiration of the Inspector  
16 General's term, the Office of Inspector General is deemed  
17 vacant and the powers and duties under this Section may be  
18 exercised only by an appointed and qualified interim Inspector  
19 General until a successor Inspector General is appointed and  
20 qualified. If the General Assembly is not in session when a  
21 vacancy in the Office of Inspector General occurs, the Governor  
22 may appoint an interim Inspector General whose term shall  
23 expire 2 weeks after the next regularly scheduled session day  
24 of the Senate.

25 (b) The Inspector General shall have the following  
26 qualifications:

27 (1) has not been convicted of any felony under the laws  
28 of this State, another State, or the United States;

29 (2) has earned a baccalaureate degree from an  
30 institution of higher education; and

31 (3) has either (A) 5 or more years of service with a  
32 federal, State, or local law enforcement agency, at least 2

1 years of which have been in a progressive investigatory  
2 capacity; (B) 5 or more years of service as a federal,  
3 State, or local prosecutor; or (C) 5 or more years of  
4 service as a senior manager or executive of a federal,  
5 State, or local agency.

6 (c) The Inspector General may review, coordinate, and  
7 recommend methods and procedures to increase the integrity of  
8 the Authority. The Inspector General must report directly to  
9 the Governor through the Office of the Executive Inspector  
10 General for the Governor.

11 (d) In addition to the authority otherwise provided by this  
12 Section, but only when investigating the Authority, its  
13 employees, or their actions for fraud, corruption, or  
14 mismanagement, the Inspector General is authorized:

15 (1) To have access to all records, reports, audits,  
16 reviews, documents, papers, recommendations, or other  
17 materials available that relate to programs and operations  
18 with respect to which the Inspector General has  
19 responsibilities under this Section.

20 (2) To make any investigations and reports relating to  
21 the administration of the programs and operations of the  
22 Authority that are, in the judgment of the Inspector  
23 General, necessary or desirable.

24 (3) To request any information or assistance that may  
25 be necessary for carrying out the duties and  
26 responsibilities provided by this Section from any local,  
27 State, or federal governmental agency or unit thereof.

28 (4) To issue subpoenas and to compel the attendance of  
29 witnesses for purposes of testimony and the production of  
30 documents and other items for inspection and copying. If a  
31 person has petitioned a court of competent jurisdiction in  
32 Cook County, Sangamon County, or any county where the  
33 subpoena is sought to be enforced for a protective order or  
34 to quash or modify the subpoena, then this Section does not  
35 apply during the pendency of the court proceedings  
36 concerning the petition. A person duly subpoenaed for

1 testimony, documents, or other items who neglects or  
2 refuses to testify or produce documents or other items  
3 under the requirements of the subpoena shall be subject to  
4 punishment as may be determined by a court of competent  
5 jurisdiction, unless (i) the testimony, documents, or  
6 other items are covered by the attorney-client privilege or  
7 any other privilege recognized by law or (ii) the  
8 testimony, documents, or other items concern the  
9 representation of employees and the negotiation of  
10 collective bargaining agreements by a labor organization  
11 authorized and recognized under the Illinois Public Labor  
12 Relations Act to be the exclusive bargaining  
13 representatives of employees of the State agency. Nothing  
14 in this Section limits a person's right to protection  
15 against self-incrimination under the Fifth Amendment of  
16 the United States Constitution or Article I, Section 10, of  
17 the Constitution of the State of Illinois.

18 (5) To have direct and prompt access to the Board of  
19 Directors of the Authority for any purpose pertaining to  
20 the performance of functions and responsibilities under  
21 this Section.

22 (f) The Inspector General may receive and investigate  
23 complaints or information from an employee of the Authority  
24 concerning the possible existence of an activity constituting a  
25 violation of law, rules, or regulations; mismanagement; abuse  
26 of authority; or substantial and specific danger to the public  
27 health and safety. The Inspector General shall have the  
28 discretion to determine the appropriate means of investigation  
29 as permitted by law. Any employee who knowingly files a false  
30 complaint or files a complaint with reckless disregard for the  
31 truth or the falsity of the facts underlying the complaint may  
32 be subject to discipline.

33 The Inspector General may not, after receipt of a complaint  
34 or information from an employee, disclose the identity of the  
35 employee without the consent of the employee, unless the  
36 Inspector General determines that disclosure of the identity is

1 reasonable and necessary for the furtherance of the  
2 investigation.

3 Any employee who has the authority to recommend or approve  
4 any personnel action or to direct others to recommend or  
5 approve any personnel action may not, with respect to that  
6 authority, take or threaten to take any action against any  
7 employee as a reprisal for making a complaint or disclosing  
8 information to the Inspector General, unless the complaint was  
9 made or the information disclosed with the knowledge that it  
10 was false or with willful disregard for its truth or falsity.

11 (g) The Inspector General must adopt rules, in accordance  
12 with the provisions of the Illinois Administrative Procedure  
13 Act, establishing minimum requirements for initiating,  
14 conducting, and completing investigations. The rules must  
15 establish criteria for determining, based upon the nature of  
16 the allegation, the appropriate method of investigation, which  
17 may include, but is not limited to, site visits, telephone  
18 contacts, personal interviews, or requests for written  
19 responses. The rules must also clarify how the Office of the  
20 Inspector General shall interact with other local, State, and  
21 federal law enforcement investigations.

22 Any employee of the Authority subject to investigation or  
23 inquiry by the Inspector General, or any agent or  
24 representative of the Inspector General, concerning misconduct  
25 that is criminal in nature shall have the right to be notified  
26 of the right to remain silent during the investigation or  
27 inquiry and the right to be represented in the investigation or  
28 inquiry by a representative of a labor organization that is the  
29 exclusive collective bargaining representative of employees of  
30 the Authority. Any such investigation or inquiry must be  
31 conducted in a manner consistent with the provisions of a  
32 collective bargaining agreement that applies to the employees  
33 of the Authority. Any recommendation for discipline or any  
34 action taken against any employee by the Inspector General, or  
35 any representative or agent of the Inspector General, must be  
36 undertaken in a manner consistent with the rights of the

1 employees as set forth in State and federal law and applicable  
2 judicial decisions.

3 (h) The Inspector General shall provide to the Authority  
4 and the General Assembly a summary of reports and  
5 investigations made under this Section for the previous fiscal  
6 year no later than January 1 of each year. The summaries shall  
7 detail the final disposition of the Inspector General's  
8 recommendations. The summaries shall not contain any  
9 confidential or identifying information concerning the  
10 subjects of the reports and investigations. The summaries shall  
11 also include detailed, recommended administrative actions and  
12 matters for consideration by the General Assembly.

13 (i) The Office of the Inspector General shall be  
14 represented in all legal matters by the Attorney General.

15 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

16 Sec. 10. The Authority shall have power:

17 (a) To pass resolutions, make by-laws, rules and  
18 regulations for the management, regulation and control of its  
19 affairs, and to fix tolls, and to make, enact and enforce all  
20 needful rules and regulations in connection with the  
21 construction, operation, management, care, regulation or  
22 protection of its property or any toll highways, constructed or  
23 reconstructed hereunder.

24 (a-5) To fix, assess, and collect civil fines for a  
25 vehicle's operation on a toll highway without the required toll  
26 having been paid. The Authority may establish by rule a system  
27 of civil administrative adjudication to adjudicate only  
28 alleged instances of a vehicle's operation on a toll highway  
29 without the required toll having been paid, as detected by the  
30 Authority's video or photo surveillance system. In cases in  
31 which the operator of the vehicle is not the registered vehicle  
32 owner, the establishment of ownership of the vehicle creates a  
33 rebuttable presumption that the vehicle was being operated by  
34 an agent of the registered vehicle owner. If the registered  
35 vehicle owner liable for a violation under this Section was not

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

34 Any outstanding toll, fine, additional late payment fine,  
35 other sanction, or costs imposed, or part of any fine, other  
36 sanction, or costs imposed, remaining unpaid after the

1 exhaustion of, or the failure to exhaust, judicial review  
2 procedures under the Illinois Administrative Review Law are a  
3 debt due and owing the Authority and may be collected in  
4 accordance with applicable law. After expiration of the period  
5 in which judicial review under the Illinois Administrative  
6 Review Law may be sought, unless stayed by a court of competent  
7 jurisdiction, a final order of the Authority under this  
8 subsection (a-5) may be enforced in the same manner as a  
9 judgment entered by a court of competent jurisdiction.  
10 Notwithstanding any other provision of this Act, the Authority  
11 may retain a law firm or law firms with expertise in the  
12 collection of government fines and debts for the purpose of  
13 collecting fines, costs, and other moneys due under this  
14 subsection (a-5). Upon being recorded in the manner required by  
15 Article XII of the Code of Civil Procedure or by the Uniform  
16 Commercial Code, a lien shall be imposed on the real estate or  
17 personal estate, or both, of the party adjudicated liable in  
18 the amount of any debt due and owing the Authority under this  
19 subsection (a-5) if the debt is \$500 or more. The lien may be  
20 enforced in the same manner as a judgment lien pursuant to a  
21 judgment of a court of competent jurisdiction.

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



1 orders of the Authority under this subsection (a-5) shall be  
2 conducted in accordance with the 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.

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

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

1 be eligible for amnesty upon payment of 50% of the original  
2 fine amount and the outstanding tolls; a person with more than  
3 25 but fewer than 51 violations shall be eligible for amnesty  
4 upon payment of 60% of the original fine amount and the  
5 outstanding tolls; and a person with 51 or more violations  
6 shall be eligible for amnesty upon payment of 75% of the  
7 original fine amount and the outstanding tolls. In such a  
8 situation, the Executive Director of the Authority or his or  
9 her designee is authorized and directed to waive any late fine  
10 amount above the applicable percentage of the original fine  
11 amount. Partial payment of the amount due shall not be a basis  
12 to extend the amnesty payment deadline nor shall it act to  
13 relieve the person of liability for payment of the late fine  
14 amount. In order to receive amnesty, the full amount of the  
15 applicable percentage of the original fine amount and  
16 outstanding toll remaining due on the notice of violation or  
17 final order of the hearing officer must be paid in full by 5:00  
18 p.m., Central Standard Time, of the 60th day after the  
19 effective date of this amendatory Act of the 93rd General  
20 Assembly. This amendatory Act of the 93rd General Assembly has  
21 no retroactive effect with regard to payments already tendered  
22 to the Authority that were full payments or payments in an  
23 amount greater than the applicable percentage, and this Act  
24 shall not be the basis for either a refund or a credit. This  
25 Amendatory Act of the 93rd General Assembly does not apply to  
26 toll evasion citations issued by the Illinois State Police or  
27 other authorized law enforcement agencies and for which payment  
28 may be due to or through the clerk of the circuit court. The  
29 Authority shall adopt rules as necessary to implement the  
30 provisions of this amendatory Act of the 93rd General Assembly.  
31 The Authority, by a resolution of the Board of Directors, shall  
32 have the discretion to implement similar amnesty programs in  
33 the future.

34 (b) To prescribe rules and regulations applicable to  
35 traffic on highways under the jurisdiction of the Authority,  
36 concerning:

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

3 (2) Designation of the lanes of traffic to be used by  
4 the different types of vehicles permitted upon said  
5 highways;

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

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

9 (5) Control or prohibition of processions, convoys,  
10 and assemblages of vehicles and persons;

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

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

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

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

1 Authority, and to discharge all obligations of the Authority as  
2 they become due and payable.

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

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

29 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

30 Sec. 11. The Authority shall have power:

31 (a) To enter upon lands, waters and premises in the State  
32 for the purpose of making surveys, soundings, drillings and  
33 examinations as may be necessary, expedient or convenient for  
34 the purposes of this Act, and such entry shall not be deemed to  
35 be a trespass, nor shall an entry for such purpose be deemed an

1 entry under any condemnation proceedings which may be then  
2 pending; provided, however, that the Authority shall make  
3 reimbursement for any actual damage resulting to such lands,  
4 waters and premises as the result of such activities.

5 (b) To construct, maintain and operate stations for the  
6 collection of tolls or charges upon and along any toll  
7 highways.

8 (c) To provide for the collection of tolls and charges for  
9 the privilege of using the said toll highways. Before it adopts  
10 an increase in the rates for toll, the Authority shall hold a  
11 public hearing at which any person may appear, express  
12 opinions, suggestions, or objections, or direct inquiries  
13 relating to the proposed increase. Any person may submit a  
14 written statement to the Authority at the hearing, whether  
15 appearing in person or not. The hearing shall be held in the  
16 county in which the proposed increase of the rates is to take  
17 place. The Authority shall give notice of the hearing by  
18 advertisement on 3 successive days at least 15 days prior to  
19 the date of the hearing in a daily newspaper of general  
20 circulation within the county within which the hearing is held.  
21 The notice shall state the date, time, and place of the  
22 hearing, shall contain a description of the proposed increase,  
23 and shall specify how interested persons may obtain copies of  
24 any reports, resolutions, or certificates describing the basis  
25 on which the proposed change, alteration, or modification was  
26 calculated. After consideration of any statements filed or oral  
27 opinions, suggestions, objections, or inquiries made at the  
28 hearing, the Authority may proceed to adopt the proposed  
29 increase of the rates for toll. No change or alteration in or  
30 modification of the rates for toll shall be effective unless at  
31 least 30 days prior to the effective date of such rates notice  
32 thereof shall be given to the public by publication in a  
33 newspaper of general circulation, and such notice, or notices,  
34 thereof shall be posted and publicly displayed at each and  
35 every toll station upon or along said toll highways.

36 (d) To construct, at the Authority's discretion, grade

1 separations at intersections with any railroads, waterways,  
2 street railways, streets, thoroughfares, public roads or  
3 highways intersected by the said toll highways, and to change  
4 and adjust the lines and grades thereof so as to accommodate  
5 the same to the design of such grade separation and to  
6 construct interchange improvements. The Authority is  
7 authorized to provide such grade separations or interchange  
8 improvements at its own cost or to enter into contracts or  
9 agreements with reference to division of cost therefor with any  
10 municipality or political subdivision of the State of Illinois,  
11 or with the Federal Government, or any agency thereof, or with  
12 any corporation, individual, firm, person or association.  
13 Where such structures have been built by the Authority and a  
14 local highway agency did not enter into an agreement to the  
15 contrary, the Authority shall maintain the entire structure,  
16 including the road surface, at the Authority's expense.

17 (e) To contract with and grant concessions to or lease or  
18 license to any person, partnership, firm, association or  
19 corporation so desiring the use of any part of any toll  
20 highways, excluding the paved portion thereof, but including  
21 the right of way adjoining, under, or over said paved portion  
22 for the placing of telephone, telegraph, electric, power lines  
23 and other utilities, and for the placing of pipe lines, and to  
24 enter into operating agreements with or to contract with and  
25 grant concessions to or to lease to any person, partnership,  
26 firm, association or corporation so desiring the use of any  
27 part of the toll highways, excluding the paved portion thereof,  
28 but including the right of way adjoining, or over said paved  
29 portion for motor fuel service stations and facilities,  
30 garages, stores and restaurants, or for any other lawful  
31 purpose, and to fix the terms, conditions, rents, rates and  
32 charges for such use.

33 The Authority shall also have power to establish reasonable  
34 regulations for the installation, construction, maintenance,  
35 repair, renewal, relocation and removal of pipes, mains,  
36 conduits, cables, wires, towers, poles and other equipment and

1 appliances (herein called public utilities) of any public  
2 utility as defined in the Public Utilities Act along, over or  
3 under any toll road project. Whenever the Authority shall  
4 determine that it is necessary that any such public utility  
5 facilities which now are located in, on, along, over or under  
6 any project or projects be relocated or removed entirely from  
7 any such project or projects, the public utility owning or  
8 operating such facilities shall relocate or remove the same in  
9 accordance with the order of the Authority. All costs and  
10 expenses of such relocation or removal, including the cost of  
11 installing such facilities in a new location or locations, and  
12 the cost of any land or lands, or interest in land, or any  
13 other rights required to accomplish such relocation or removal  
14 shall be ascertained and paid by the Authority as a part of the  
15 cost of any such project or projects, and further, there shall  
16 be no rent, fee or other charge of any kind imposed upon the  
17 public utility owning or operating any facilities ordered  
18 relocated on the properties of the said Authority and the said  
19 Authority shall grant to the said public utility owning or  
20 operating said facilities and its successors and assigns the  
21 right to operate the same in the new location or locations for  
22 as long a period and upon the same terms and conditions as it  
23 had the right to maintain and operate such facilities in their  
24 former location or locations.

25 (f) To enter into an intergovernmental agreement or  
26 contract with a unit of local government or other public or  
27 private entity for the collection by electronic means of tolls,  
28 fees, and revenue.

29 (Source: P.A. 90-681, eff. 7-31-98.)

30 (605 ILCS 10/16.2 new)

31 Sec. 16.2. Financial benefit prohibited.

32 (a) A director, employee, or agent of the Authority may not  
33 receive a financial benefit from a contract let by the  
34 Authority during his or her term of service with the Authority  
35 and for a period of one year following the termination of his

1 or her term of service as a director of the Authority or as an  
2 employee or agent of the Authority.

3 (b) A member of the immediate family or household of a  
4 director, employee, or agent of the Authority may not receive a  
5 financial benefit from a contract let by the Authority during  
6 the immediate family or household member's term of service with  
7 the Authority and for a period of one year following the  
8 termination of the immediate family or household member's term  
9 of service as a director of the Authority or as an employee or  
10 agent of the Authority.

11 (c) A director, employee, or agent of the Authority may not  
12 use material non-public information for personal financial  
13 gain nor may he or she disclose that information to any other  
14 person for that person's personal financial gain when that  
15 information was obtained as a result of his or her  
16 directorship, employment, or agency with the Authority.

17 (d) A member of the immediate family or household of a  
18 director, employee, or agent of the Authority may not use  
19 material non-public information for personal financial gain  
20 nor may he or she disclose that information to any other person  
21 for that person's personal financial gain when that information  
22 was obtained as a result of his or her immediate family or  
23 household member's directorship, employment, or agency with  
24 the Authority.

25 (e) For purposes of this Section, "immediate family or  
26 household member" means the spouse, child, parent, brother,  
27 sister, grandparent, or grandchild, whether of the whole blood  
28 or half blood or by adoption, or a person who shares a common  
29 dwelling with a director of the Authority or with an employee  
30 or agent of the Authority.

31 (605 ILCS 10/17) (from Ch. 121, par. 100-17)

32 Sec. 17. (a) The Authority may from time to time issue  
33 bonds for any lawful purpose including, without limitation, the  
34 costs of issuance thereof and all such bonds or other  
35 obligations of the Authority issued pursuant to this Act shall



1 be and are hereby declared to be negotiable for all purposes  
2 notwithstanding their payment from a limited source and without  
3 regard to any other law or laws.

4 (b) The bonds of every issue shall be payable solely out of  
5 revenues of the Authority, accumulated reserves or sinking  
6 funds, bond proceeds, proceeds of refunding bonds, or  
7 investment earnings as the Authority shall specify in a bond  
8 resolution.

9 (c) The bonds may be issued as serial bonds or as term  
10 bonds, or the Authority, in its discretion, may issue bonds of  
11 both types. The bonds shall be authorized by a bond resolution  
12 of the Authority, may be issued in one or more series and shall  
13 bear such date or dates, mature at such time or times not  
14 exceeding 25 years from their respective date or dates of  
15 issue, bear interest at such rate or rates, fixed or variable,  
16 without regard to any limit contained in any other statute or  
17 law of the State of Illinois, be payable as to principal and  
18 interest at such time or times, be in such denominations, be in  
19 such form, either coupon or fully registered, carry such  
20 registration and conversion privileges, be payable in lawful  
21 money of the United States of America at such places, be  
22 subject to such terms of redemption and may contain such other  
23 terms and provisions, as such bond resolution or resolutions  
24 may provide. The bonds shall be executed by the manual or  
25 facsimile signatures of the Chairman and the Secretary. In case  
26 any of the officers whose signature appears on the bonds or  
27 coupons, if any, shall cease to be an officer before the  
28 delivery of such bonds, such signature shall nevertheless be  
29 valid and sufficient for all purposes, as if he had remained in  
30 office until such delivery. The bonds shall be sold in such  
31 manner as the Authority shall determine. The proceeds from the  
32 sale of such bonds shall be paid to the Treasurer of the State  
33 of Illinois as ex officio custodian. Pending preparation of the  
34 definitive bonds, the Authority may issue interim receipts or  
35 certificates which shall be exchanged for such definitive  
36 bonds.

1 (d) Any bond resolution, or trust indenture entered into  
2 pursuant to a bond resolution, may contain provisions, which  
3 shall be a part of the contract with the holders of the bonds  
4 to be authorized, as to: (i) pledging or creating a lien upon  
5 all or part of the revenues of the Authority or any reserves,  
6 sinking funds, bond proceeds or investment earnings; (ii) the  
7 setting aside of reserves or sinking funds, and the regulation,  
8 investment and disposition thereof; (iii) the use and  
9 maintenance requirements for the toll highways; (iv) the  
10 purposes to which or the investments in which the proceeds of  
11 sale of any series or issue of bonds then or thereafter to be  
12 issued may be applied; (v) the issuance of additional bonds,  
13 the terms upon which additional bonds may be issued and  
14 secured, the purposes for such additional bonds, and the terms  
15 upon which additional bonds may rank on a parity with, or be  
16 subordinate or superior to other bonds; (vi) the refunding of  
17 outstanding bonds; (vii) the procedure, if any, by which the  
18 terms of any contract with bondholders may be amended or  
19 abrogated, the amount of bonds the holders of which must  
20 consent thereto, and the manner in which such consent may be  
21 given; (viii) defining the acts or omissions to act which shall  
22 constitute a default in the duties of the Authority to holders  
23 of its obligations and providing the rights and remedies of  
24 such holders in the event of a default; (ix) any other matters  
25 relating to the bonds which the Authority deems desirable.

26 (e) Neither the directors of the Authority nor any person  
27 executing the bonds shall be liable personally on the bonds or  
28 be subject to any personal liability or accountability by  
29 reason of the issuance thereof.

30 (f) The Authority shall have power out of any funds  
31 available therefor to purchase its bonds. The Authority may  
32 hold, pledge, cancel or resell such bonds subject to and in  
33 accordance with agreements with bondholders.

34 (g) In the discretion of the Authority any bonds issued  
35 under the provisions of this Act may be secured by a trust  
36 indenture by and between the Authority and a trustee or

1 trustees, which may be any trust company or bank in the State  
2 of Illinois having the powers of a trust company and possessing  
3 capital and surplus of not less than \$50,000,000. The bond  
4 resolution or trust indenture providing for the issuance of  
5 bonds so secured shall pledge such revenues of the Authority,  
6 sinking funds, bond proceeds, or investment earnings as may be  
7 specified therein, may contain such provisions for protecting  
8 and enforcing the rights and remedies of the bondholders as may  
9 be reasonable and proper and not in violation of law, including  
10 particularly such provisions as have hereinabove been  
11 specifically authorized to be included in any bond resolution  
12 or trust indenture of the Authority, and may restrict the  
13 individual right of action by bondholders. In addition to the  
14 foregoing, any bond resolution or trust indenture may contain  
15 such other provisions as the Authority may deem reasonable and  
16 proper for the security of the bondholders, including, but not  
17 limited to, the purchase of bond insurance and the arrangement  
18 of letters of credit, lines of credit or other credit or  
19 liquidity enhancement facilities; provided there shall be no  
20 pledge of the toll highway or any part thereof. All expenses  
21 incurred in carrying out the provisions of any bond resolution  
22 or trust indenture may be treated as a part of the cost of the  
23 operation of the toll highways.

24 (h) Bonds issued under the authority of this Act do not,  
25 and shall state upon the face of each bond that they do not,  
26 represent or constitute a debt of the Authority or of the State  
27 of Illinois within the meaning of any constitutional or  
28 statutory limitation or a pledge of the faith and credit of the  
29 Authority or the State of Illinois, or grant to the owners or  
30 holders thereof any right to have the Authority or the General  
31 Assembly levy any taxes or appropriate any funds for the  
32 payment of the principal thereof or interest thereon. Such  
33 bonds shall be payable and shall state that they are payable  
34 solely from the revenues and the sources authorized under this  
35 Act and pledged for their payment in accordance with the bond  
36 resolution or trust indenture.

1 Nothing in this Act shall be construed to authorize the  
2 Authority or any department, board, commission or other agency  
3 to create an obligation of the State of Illinois within the  
4 meaning of the Constitution or Statutes of Illinois.

5 (i) Any resolution or trust indenture authorizing the  
6 issuance of the bonds may include provision for the issuance of  
7 additional bonds. All resolutions of the Authority to carry  
8 such adopted bond resolutions into effect, to provide for the  
9 sale and delivery of the bonds, for letting of contracts for  
10 the construction of toll highways and the acquisition of real  
11 and personal property deemed by the Authority necessary or  
12 convenient for the construction thereof, shall not require the  
13 approval of the Governor or of any other department, division,  
14 commission, bureau, board or other agency of the State.

15 (j) Prior to expending or obligating any amounts on deposit  
16 in any fund or account established in any bond resolution or  
17 trust indenture entered into pursuant to a bond resolution, in  
18 excess of the amount required to be held by the Authority in  
19 order to satisfy covenants established in any such bond  
20 resolution or trust indenture entered into pursuant to a bond  
21 resolution, the Authority shall submit to the General Assembly  
22 the proposed expenditure or obligation. If the General Assembly  
23 fails to adopt a joint resolution disapproving of such  
24 expenditure or obligation within the current legislative  
25 session, or, if the General Assembly is not in session at the  
26 time of submission, during the next legislative session  
27 thereafter, the Authority may proceed to expend or obligate  
28 such funds substantially in accordance with such proposal.

29 (Source: P.A. 83-1258.)

30 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

31 Sec. 27.1. Any person who shall use any spurious or  
32 counterfeit tickets, coupons or tokens in payment of any toll  
33 required to be paid by the Authority under the provisions of  
34 this Act, or who shall attempt to use the highway without  
35 payment of the tolls prescribed by the Authority, shall be

1 deemed guilty of a petty offense and shall be fined not less  
2 than \$5 nor more than \$100 for each such offense. The fine  
3 range set forth in this Section for prosecution of toll evasion  
4 as a petty offense shall not apply to toll evasion offenses  
5 that are adjudicated in the Authority's administration system  
6 ~~Each day any toll highway is used by any person in violation of~~  
7 ~~this Act shall constitute a separate offense.~~

8 (Source: P.A. 77-2239.)

9 (605 ILCS 10/27.2 new)

10 Sec. 27.2. Obstruction of registration plate visibility to  
11 electronic image recording.

12 (a) A person may not operate on a toll highway any motor  
13 vehicle that is equipped with tinted plastic or tinted glass  
14 registration plate covers or any covers, coating, wrappings,  
15 materials, streaking, distorting, holographic, reflective, or  
16 other devices that obstruct the visibility or electronic image  
17 recording of the plate.

18 (b) If a State or local law enforcement officer having  
19 jurisdiction observes that a cover or other device or material  
20 or substance is obstructing the visibility or electronic image  
21 recording of the plate, the officer shall issue a Uniform  
22 Traffic Citation and shall confiscate the cover or other device  
23 that obstructed the visibility or electronic image recording of  
24 the plate. If the State or local law enforcement officer having  
25 jurisdiction observes that the plate itself has been physically  
26 treated with a substance or material that is obstructing the  
27 visibility or electronic image recording of the plate, the  
28 officer shall issue a Uniform Traffic Citation and shall  
29 confiscate the plate. The Secretary of State shall revoke the  
30 registration of any plate that has been found by a court or  
31 administrative tribunal to have been physically altered with  
32 any chemical or reflective substance or coating that obstructs  
33 the visibility or electronic image recording of the plate.

34 (c) The Attorney General may file suit against any  
35 individual or entity offering or marketing the sale, including

1 via the Internet, of any product advertised as having the  
2 capacity to obstruct the visibility or electronic image  
3 recording of a license plate. In addition to injunctive and  
4 monetary relief, punitive damages, and attorneys fees, the suit  
5 shall also seek a full accounting of the records of all sales  
6 to residents of or entities within the State of Illinois.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.