

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, 23, and 27.1 and by adding Sections 8.1,
6 16.2, 16.3, 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 the testimony, documents, or other
6 items are covered by the attorney-client privilege or any
7 other privilege recognized by State or federal law. Nothing
8 in this Section limits a person's right to protection
9 against self-incrimination under the Fifth Amendment of
10 the United States Constitution or Article I, Section 10, of
11 the Constitution of the State of Illinois.

12 (5) To have direct and prompt access to the Board of
13 Directors of the Authority for any purpose pertaining to
14 the performance of functions and responsibilities under
15 this Section.

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

27 The Inspector General may not, after receipt of a complaint
28 or information from an employee, disclose the identity of the
29 employee without the consent of the employee, unless the
30 Inspector General determines that disclosure of the identity is
31 reasonable and necessary for the furtherance of the
32 investigation.

33 Any employee who has the authority to recommend or approve
34 any personnel action or to direct others to recommend or
35 approve any personnel action may not, with respect to that
36 authority, take or threaten to take any action against any

1 employee as a reprisal for making a complaint or disclosing
2 information to the Inspector General, unless the complaint was
3 made or the information disclosed with the knowledge that it
4 was false or with willful disregard for its truth or falsity.

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

16 Any employee of the Authority subject to investigation or
17 inquiry by the Inspector General, or any agent or
18 representative of the Inspector General, concerning misconduct
19 that is criminal shall have the right to be notified of the
20 right to remain silent during the investigation or inquiry and
21 the right to be represented in the investigation or inquiry by
22 a representative of a labor organization that is the exclusive
23 collective bargaining representative of employees of the
24 Authority. Any such investigation or inquiry must be conducted
25 in a manner consistent with the provisions of a collective
26 bargaining agreement that applies to the employees of the
27 Authority. Any recommendation for discipline or any action
28 taken against any employee by the Inspector General, or any
29 representative or agent of the Inspector General, must be
30 undertaken in a manner consistent with the rights of the
31 employees as set forth in State and federal law and applicable
32 judicial decisions.

33 (h) The Inspector General shall provide to the Authority
34 and the General Assembly a summary of reports and
35 investigations made under this Section for the previous fiscal
36 year no later than January 1 of each year. The summaries shall

1 detail the final disposition of the Inspector General's
2 recommendations. The summaries shall not contain any
3 confidential or identifying information concerning the
4 subjects of the reports and investigations. The summaries shall
5 also include detailed, recommended administrative actions and
6 matters for consideration by the General Assembly.

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

9 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

10 Sec. 10. The Authority shall have power:

11 (a) To pass resolutions, make by-laws, rules and
12 regulations for the management, regulation and control of its
13 affairs, and to fix tolls, and to make, enact and enforce all
14 needful rules and regulations in connection with the
15 construction, operation, management, care, regulation or
16 protection of its property or any toll highways, constructed or
17 reconstructed hereunder.

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
24 Authority's video or photo surveillance system. In cases in
25 which the operator of the vehicle is not the registered vehicle
26 owner, the establishment of ownership of the vehicle creates a
27 rebuttable presumption that the vehicle was being operated by
28 an agent of the registered vehicle owner. If the registered
29 vehicle owner liable for a violation under this Section was not
30 the operator of the vehicle at the time of the violation, the
31 owner may maintain an action for indemnification against the
32 operator in the circuit court. Rules establishing a system of
33 civil administrative adjudication must provide for written
34 notice, by first class mail or other means provided by law, to
35 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 decision was rendered in accordance with the Administrative
27 Review 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 Administrative Review Law are a debt due
33 and owing the Authority and may be collected in accordance with
34 applicable law. After expiration of the period in which
35 judicial review under the Administrative Review Law may be
36 sought, unless stayed by a court of competent jurisdiction, a

1 final order of the Authority under this subsection (a-5) may be
2 enforced in the same manner as a judgment entered by a court of
3 competent jurisdiction. Notwithstanding any other provision of
4 this Act, the Authority may, with the approval of the Attorney
5 General, 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).

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

28 No commercial entity that is the lessor of a vehicle under
29 a written lease agreement shall be liable for an administrative
30 notice of violation for toll evasion issued under this
31 subsection (a-5) involving that vehicle during the period of
32 the lease if the lessor provides a copy of the leasing
33 agreement to the Authority within 21 days of the issue date on
34 the notice of violation. The leasing agreement also must
35 contain a provision or addendum informing the lessee that the
36 lessee is liable for payment of all tolls and any fines for

1 toll evasion. Each entity must also post a sign at the leasing
2 counter notifying the lessee of that liability. The copy of the
3 leasing agreement provided to the Authority must contain the
4 name, address, and driver's license number of the lessee, as
5 well as the check-out and return dates and times of the vehicle
6 and the vehicle license plate number and vehicle make and
7 model.

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

11 The Authority shall establish an amnesty program for
12 violations adjudicated under this subsection (a-5). Under the
13 program, any person who has an outstanding notice of violation
14 for toll evasion or a final order of a hearing officer for toll
15 evasion dated prior to the effective date of this amendatory
16 Act of the 94th General Assembly and who pays to the Authority
17 the full percentage amounts listed in this paragraph remaining
18 due on the notice of violation or final order of the hearing
19 officer and the full fees and costs paid by the Authority to
20 the Secretary of State relating to suspension proceedings, if
21 applicable, on or before 5:00 p.m., Central Standard Time, of
22 the 60th day after the effective date of this amendatory Act of
23 the 94th General Assembly shall not be required to pay more
24 than the listed percentage of the original fine amount and
25 outstanding toll as listed on the notice of violation or final
26 order of the hearing officer and the full fees and costs paid
27 by the Authority to the Secretary of State relating to
28 suspension proceedings, if applicable. The payment percentage
29 scale shall be as follows: a person with 25 or fewer violations
30 shall be eligible for amnesty upon payment of 50% of the
31 original fine amount and the outstanding tolls; a person with
32 more than 25 but fewer than 51 violations shall be eligible for
33 amnesty upon payment of 60% of the original fine amount and the
34 outstanding tolls; and a person with 51 or more violations
35 shall be eligible for amnesty upon payment of 75% of the
36 original fine amount and the outstanding tolls. In such a

1 situation, the Executive Director of the Authority or his or
2 her designee is authorized and directed to waive any late fine
3 amount above the applicable percentage of the original fine
4 amount. Partial payment of the amount due shall not be a basis
5 to extend the amnesty payment deadline nor shall it act to
6 relieve the person of liability for payment of the late fine
7 amount. In order to receive amnesty, the full amount of the
8 applicable percentage of the original fine amount and
9 outstanding toll remaining due on the notice of violation or
10 final order of the hearing officer and the full fees and costs
11 paid by the Authority to the Secretary of State relating to
12 suspension proceedings, if applicable, must be paid in full by
13 5:00 p.m., Central Standard Time, of the 60th day after the
14 effective date of this amendatory Act of the 94th General
15 Assembly. This amendatory Act of the 94th General Assembly has
16 no retroactive effect with regard to payments already tendered
17 to the Authority that were full payments or payments in an
18 amount greater than the applicable percentage, and this Act
19 shall not be the basis for either a refund or a credit. This
20 amendatory Act of the 94th General Assembly does not apply to
21 toll evasion citations issued by the Illinois State Police or
22 other authorized law enforcement agencies and for which payment
23 may be due to or through the clerk of the circuit court. The
24 Authority shall adopt rules as necessary to implement the
25 provisions of this amendatory Act of the 94th General Assembly.
26 The Authority, by a resolution of the Board of Directors, shall
27 have the discretion to implement similar amnesty programs in
28 the future. The Authority, at its discretion and in
29 consultation with the Attorney General, is further authorized
30 to settle an administrative fine or penalty if it determines
31 that settling for less than the full amount is in the best
32 interests of the Authority after taking into account the
33 following factors: (1) the merits of the Authority's claim
34 against the respondent; (2) the amount that can be collected
35 relative to the administrative fine or penalty owed by the
36 respondent; (3) the cost of pursuing further enforcement or

1 collection action against the respondent; (4) the likelihood of
2 collecting the full amount owed; and (5) the burden on the
3 judiciary. The provisions in this Section may be extended to
4 other toll facilities in the State of Illinois through a duly
5 executed agreement between the Authority and the operator of
6 the toll facility.

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

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

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

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

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

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

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

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

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

36 (c) The Authority, in fixing the rate for tolls for the

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

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

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

2 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

3 Sec. 11. The Authority shall have power:

4 (a) To enter upon lands, waters and premises in the State
5 for the purpose of making surveys, soundings, drillings and
6 examinations as may be necessary, expedient or convenient for
7 the purposes of this Act, and such entry shall not be deemed to
8 be a trespass, nor shall an entry for such purpose be deemed an
9 entry under any condemnation proceedings which may be then
10 pending; provided, however, that the Authority shall make
11 reimbursement for any actual damage resulting to such lands,
12 waters and premises as the result of such activities.

13 (b) To construct, maintain and operate stations for the
14 collection of tolls or charges upon and along any toll
15 highways.

16 (c) To provide for the collection of tolls and charges for
17 the privilege of using the said toll highways. Before it adopts
18 an increase in the rates for toll, the Authority shall hold a
19 public hearing at which any person may appear, express
20 opinions, suggestions, or objections, or direct inquiries
21 relating to the proposed increase. Any person may submit a
22 written statement to the Authority at the hearing, whether
23 appearing in person or not. The hearing shall be held in the
24 county in which the proposed increase of the rates is to take
25 place. The Authority shall give notice of the hearing by
26 advertisement on 3 successive days at least 15 days prior to
27 the date of the hearing in a daily newspaper of general
28 circulation within the county within which the hearing is held.
29 The notice shall state the date, time, and place of the
30 hearing, shall contain a description of the proposed increase,
31 and shall specify how interested persons may obtain copies of
32 any reports, resolutions, or certificates describing the basis
33 on which the proposed change, alteration, or modification was
34 calculated. After consideration of any statements filed or oral
35 opinions, suggestions, objections, or inquiries made at the

1 hearing, the Authority may proceed to adopt the proposed
2 increase of the rates for toll. No change or alteration in or
3 modification of the rates for toll shall be effective unless at
4 least 30 days prior to the effective date of such rates notice
5 thereof shall be given to the public by publication in a
6 newspaper of general circulation, and such notice, or notices,
7 thereof shall be posted and publicly displayed at each and
8 every toll station upon or along said toll highways.

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

26 (e) To contract with and grant concessions to or lease or
27 license to any person, partnership, firm, association or
28 corporation so desiring the use of any part of any toll
29 highways, excluding the paved portion thereof, but including
30 the right of way adjoining, under, or over said paved portion
31 for the placing of telephone, telegraph, electric, power lines
32 and other utilities, and for the placing of pipe lines, and to
33 enter into operating agreements with or to contract with and
34 grant concessions to or to lease to any person, partnership,
35 firm, association or corporation so desiring the use of any
36 part of the toll highways, excluding the paved portion thereof,

1 but including the right of way adjoining, or over said paved
2 portion for motor fuel service stations and facilities,
3 garages, stores and restaurants, or for any other lawful
4 purpose, and to fix the terms, conditions, rents, rates and
5 charges for such use.

6 The Authority shall also have power to establish reasonable
7 regulations for the installation, construction, maintenance,
8 repair, renewal, relocation and removal of pipes, mains,
9 conduits, cables, wires, towers, poles and other equipment and
10 appliances (herein called public utilities) of any public
11 utility as defined in the Public Utilities Act along, over or
12 under any toll road project. Whenever the Authority shall
13 determine that it is necessary that any such public utility
14 facilities which now are located in, on, along, over or under
15 any project or projects be relocated or removed entirely from
16 any such project or projects, the public utility owning or
17 operating such facilities shall relocate or remove the same in
18 accordance with the order of the Authority. All costs and
19 expenses of such relocation or removal, including the cost of
20 installing such facilities in a new location or locations, and
21 the cost of any land or lands, or interest in land, or any
22 other rights required to accomplish such relocation or removal
23 shall be ascertained and paid by the Authority as a part of the
24 cost of any such project or projects, and further, there shall
25 be no rent, fee or other charge of any kind imposed upon the
26 public utility owning or operating any facilities ordered
27 relocated on the properties of the said Authority and the said
28 Authority shall grant to the said public utility owning or
29 operating said facilities and its successors and assigns the
30 right to operate the same in the new location or locations for
31 as long a period and upon the same terms and conditions as it
32 had the right to maintain and operate such facilities in their
33 former location or locations.

34 (f) To enter into an intergovernmental agreement or
35 contract with a unit of local government or other public or
36 private entity for the collection, enforcement, and

1 administration of tolls, fees, revenue, and violations.

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

3 (605 ILCS 10/16.2 new)

4 Sec. 16.2. Financial benefit prohibited.

5 (a) A director, employee, or agent of the Authority may not
6 receive a financial benefit from a contract let by the
7 Authority during his or her term of service with the Authority
8 and for a period of one year following the termination of his
9 or her term of service as a director of the Authority or as an
10 employee or agent of the Authority.

11 (b) A member of the immediate family or household of a
12 director, employee, or agent of the Authority may not receive a
13 financial benefit from a contract let by the Authority during
14 the immediate family or household member's term of service with
15 the Authority and for a period of one year following the
16 termination of the immediate family or household member's term
17 of service as a director of the Authority or as an employee or
18 agent of the Authority.

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

25 (d) A member of the immediate family or household of a
26 director, employee, or agent of the Authority may not use
27 material non-public information for personal financial gain
28 nor may he or she disclose that information to any other person
29 for that person's personal financial gain when that information
30 was obtained as a result of his or her immediate family or
31 household member's directorship, employment, or agency with
32 the Authority.

33 (e) For purposes of this Section, "immediate family or
34 household member" means the spouse, child, parent, brother,
35 sister, grandparent, or grandchild, whether of the whole blood

1 or half blood or by adoption, or a person who shares a common
2 dwelling with a director of the Authority or with an employee
3 or agent of the Authority.

4 (605 ILCS 10/16.3 new)

5 Sec. 16.3. Consistent with general law, the Authority
6 shall:

7 (a) set goals for the award of contracts to disadvantaged
8 businesses and attempt to meet the goals;

9 (b) attempt to identify disadvantaged businesses that
10 provide or have the potential to provide supplies, materials,
11 equipment, or services to the Authority;

12 (c) give disadvantaged businesses full access to the
13 Authority's contact bidding process, inform the businesses
14 about the process, offer the businesses assistance concerning
15 the process, and identify and take all reasonable steps to
16 remove barriers to the businesses' participation in the
17 process.

18 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

19 Sec. 23. Legislative declaration; Authority budget.

20 (a) It is hereby declared, as a matter of legislative
21 determination, that it is in the best interest of the State of
22 Illinois, the public, and the holders of Authority bonds that
23 Authority funds be expended only on goods and services that
24 protect and enhance the efficiency, safety, and environmental
25 quality of the toll highway system.

26 (b) The Authority shall spend moneys received from the
27 issuance of bonds and as tolls or otherwise in the operation of
28 the toll highway system only on the following:

29 (1) operations and maintenance expenditures that are
30 reasonable and necessary to keep the toll highway system in
31 a state of good repair in accordance with contemporary
32 highway safety and maintenance standards;

33 (2) principal and interest payments and payment of
34 other obligations the Authority has incurred in connection

1 with bonds issued under this Act;

2 (3) renewal and replacement expenditures necessary and
3 sufficient to protect and preserve the long-term
4 structural integrity of the toll highway system; and

5 (4) system improvement expenditures necessary and
6 sufficient to improve and expand the toll highway system,
7 subject to the requirements of this Act.

8 (c) Any moneys remaining after the expenditures listed in
9 subsection (b) may be spent only for reasonable and necessary
10 Authority purposes that will enhance the safety, efficiency,
11 and environmental quality of the toll highway system in a
12 cost-effective manner. Authority funds may not be spent for
13 purposes not reasonably related to toll highway operations and
14 improvements or in a manner that is not cost-effective.

15 (d) The Authority must at all times maintain a reserve for
16 maintenance and operating expenses that is no more than 130% of
17 the operating expenses it has budgeted for its current fiscal
18 year, unless the requirements of any bond resolution or trust
19 indenture then securing obligations of the Authority mandate a
20 greater amount.

21 (e) The Authority shall file with the Governor, the Clerk
22 of the House of Representatives, the Secretary of the Senate,
23 and the Commission on Government Forecasting and
24 Accountability, on or prior to March 15th of each year, a
25 written statement and report covering its activities for the
26 preceding calendar year. The Authority shall present, to the
27 committees of the House of Representatives designated by the
28 Speaker of the House and to the committees of the Senate
29 designated by the President of the Senate, an annual report
30 outlining its planned revenues and expenditures. The Authority
31 shall prepare an annual capital plan which identifies capital
32 projects by location and details the project costs in correct
33 dollar amounts. The Authority shall also prepare and file a
34 ten-year capital plan that includes a listing of all capital
35 improvement projects contemplated during the ensuing ten-year
36 period. The first ten-year capital plan shall be filed in 1991

1 and thereafter on the anniversary of each ten-year period.

2 (f) It shall ~~also~~ be the duty of the Auditor General of the
3 State of Illinois, annually to audit or cause to be audited the
4 books and records of the Authority and to file a certified copy
5 of the report of such audit with the Governor and with the
6 Legislative Audit Commission, which audit reports, when so
7 filed, shall be open to the public for inspection.

8 (g) The Authority shall hold a public hearing on its
9 proposed annual budget, not less than 15 days before its
10 directors meet to consider adoption of the annual budget, at
11 which any person may appear, express opinions, suggestions, or
12 objections, or direct inquiries relating to the proposed
13 budget. The Authority must give notice of the hearing at least
14 15 days prior to the hearing stating the time, place, and
15 purpose of the hearing in a daily newspaper of general
16 circulation throughout the Authority's service area and by
17 posting the meeting notice and a copy of the proposed budget on
18 the Authority's website. The proceedings at the hearing shall
19 be transcribed. The transcript shall be made available at
20 reasonable hours for public inspection, and a copy of the
21 transcript, together with a copy of all written statements
22 submitted at the hearing, shall be submitted to the directors
23 before the vote on adoption of the proposed annual budget.

24 (h) The Authority shall post on its website copies of its
25 annual report and its budget for the current year, along with
26 any other financial information necessary to adequately inform
27 the public of the Authority's financial condition and capital
28 plan.

29 (i) The requirements set forth in subsections (b) through
30 (g) may not be construed or applied in a manner that impairs
31 the rights of bondholders under any bond resolution or trust
32 indenture entered into in accordance with a bond resolution
33 authorized by the Authority's directors, nor may those
34 requirements be construed as a limitation on the Authority's
35 powers as set forth elsewhere in this Act.

36 (Source: P.A. 93-1067, eff. 1-15-05.)

1 (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

2 Sec. 27.1. Any person who shall use any spurious or
3 counterfeit tickets, coupons or tokens in payment of any toll
4 required to be paid by the Authority under the provisions of
5 this Act, or who shall attempt to use the highway without
6 payment of the tolls prescribed by the Authority, shall be
7 deemed guilty of a petty offense and shall be fined not less
8 than \$5 nor more than \$100 for each such offense. The fine
9 range set forth in this Section for prosecution of toll evasion
10 as a petty offense shall not apply to toll evasion offenses
11 that are adjudicated in the Authority's administration system.

12 The provisions in this Section may be extended to other
13 public toll facilities in this State through a duly executed
14 intergovernmental agreement between the Authority and another
15 public body ~~Each day any toll highway is used by any person in~~
16 ~~violation of this Act shall constitute a separate offense.~~

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

18 (605 ILCS 10/27.2 new)

19 Sec. 27.2. Obstruction of registration plate visibility to
20 electronic image recording.

21 (a) A person may not operate on a toll highway any motor
22 vehicle that is equipped with tinted plastic or tinted glass
23 registration plate covers or any covers, coating, wrappings,
24 materials, streaking, distorting, holographic, reflective, or
25 other devices that obstruct the visibility or electronic image
26 recording of the plate. This subsection (a) shall not apply to
27 automatic vehicle identification transponder devices, cards or
28 chips issued by a governmental body or authorized by a
29 governmental body for the purpose of electronic payment of
30 tolls or other authorized payments, the exemption of which
31 shall preempt any local legislation to the contrary.

32 (b) If a State or local law enforcement officer having
33 jurisdiction observes that a cover or other device or material
34 or substance is obstructing the visibility or electronic image

1 recording of the plate, the officer shall issue a Uniform
2 Traffic Citation and shall confiscate the cover or other device
3 that obstructs the visibility or electronic image recording of
4 the plate. If the State or local law enforcement officer having
5 jurisdiction observes that the plate itself has been physically
6 treated with a substance or material that is obstructing the
7 visibility or electronic image recording of the plate, the
8 officer shall issue a Uniform Traffic Citation and shall
9 confiscate the plate. The Secretary of State shall revoke the
10 registration of any plate that has been found by a court or
11 administrative tribunal to have been physically altered with
12 any chemical or reflective substance or coating that obstructs
13 the visibility or electronic image recording of the plate. A
14 fine of \$750 shall be imposed in any instance where a plate
15 cover obstructs the visibility or electronic image recording of
16 the plate. A fine of \$1,000 shall be imposed where a plate has
17 been physically altered with any chemical or reflective
18 substance or coating that obstructs the visibility or
19 electronic image recording of the plate.

20 (c) The Illinois Attorney General may file suit against any
21 individual or entity offering or marketing the sale, including
22 via the Internet, of any product advertised as having the
23 capacity to obstruct the visibility or electronic image
24 recording of a license plate. In addition to injunctive and
25 monetary relief, punitive damages, and attorneys fees, the suit
26 shall also seek a full accounting of the records of all sales
27 to residents of or entities within the State of Illinois.

28 (d) The provisions in this Section may be extended to other
29 public toll facilities in the State of Illinois through a duly
30 executed intergovernmental agreement between the Authority and
31 another public body.

32 Section 99. Effective date. This Act takes effect upon
33 becoming law.