



Sen. Jeffrey M. Schoenberg

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LRB094 11336 DRH 44482 a

1 AMENDMENT TO SENATE BILL 1964

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1964 by replacing  
3 everything after the enacting clause with the following:

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.

1       (b) The Inspector General shall have the following  
2 qualifications:

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

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

7           (3) has either (A) 5 or more years of service with a  
8 federal, State, or local law enforcement agency, at least 2  
9 years of which have been in a progressive investigatory  
10 capacity; (B) 5 or more years of service as a federal,  
11 State, or local prosecutor; or (C) 5 or more years of  
12 service as a senior manager or executive of a federal,  
13 State, or local agency.

14       (c) The Inspector General may review, coordinate, and  
15 recommend methods and procedures to increase the integrity of  
16 the Authority. The Inspector General must report directly to  
17 the Governor through the Office of the Executive Inspector  
18 General for the Governor.

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

23           (1) To have access to all records, reports, audits,  
24 reviews, documents, papers, recommendations, or other  
25 materials available that relate to programs and operations  
26 with respect to which the Inspector General has  
27 responsibilities under this Section.

28           (2) To make any investigations and reports relating to  
29 the administration of the programs and operations of the  
30 Authority that are, in the judgment of the Inspector  
31 General, necessary or desirable.

32           (3) To request any information or assistance that may  
33 be necessary for carrying out the duties and  
34 responsibilities provided by this Section from any local,

1 State, or federal governmental agency or unit thereof.

2 (4) To issue subpoenas and to compel the attendance of  
3 witnesses for purposes of testimony and the production of  
4 documents and other items for inspection and copying. If a  
5 person has petitioned a court of competent jurisdiction in  
6 Cook County, Sangamon County, or any county where the  
7 subpoena is sought to be enforced for a protective order or  
8 to quash or modify the subpoena, then this Section does not  
9 apply during the pendency of the court proceedings  
10 concerning the petition. A person duly subpoenaed for  
11 testimony, documents, or other items who neglects or  
12 refuses to testify or produce documents or other items  
13 under the requirements of the subpoena shall be subject to  
14 punishment as may be determined by a court of competent  
15 jurisdiction, unless the testimony, documents, or other  
16 items are covered by the attorney-client privilege or any  
17 other privilege recognized by State or federal law. Nothing  
18 in this Section limits a person's right to protection  
19 against self-incrimination under the Fifth Amendment of  
20 the United States Constitution or Article I, Section 10, of  
21 the Constitution of the State of Illinois.

22 (5) To have direct and prompt access to the Board of  
23 Directors of the Authority for any purpose pertaining to  
24 the performance of functions and responsibilities under  
25 this Section.

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

1 truth or the falsity of the facts underlying the complaint may  
2 be subject to discipline.

3 The Inspector General may not, after receipt of a complaint  
4 or information from an employee, disclose the identity of the  
5 employee without the consent of the employee, unless the  
6 Inspector General determines that disclosure of the identity is  
7 reasonable and necessary for the furtherance of the  
8 investigation.

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

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

28 Any employee of the Authority subject to investigation or  
29 inquiry by the Inspector General, or any agent or  
30 representative of the Inspector General, concerning misconduct  
31 that is criminal shall have the right to be notified of the  
32 right to remain silent during the investigation or inquiry and  
33 the right to be represented in the investigation or inquiry by  
34 a representative of a labor organization that is the exclusive

1 collective bargaining representative of employees of the  
2 Authority. Any such investigation or inquiry must be conducted  
3 in a manner consistent with the provisions of a collective  
4 bargaining agreement that applies to the employees of the  
5 Authority. Any recommendation for discipline or any action  
6 taken against any employee by the Inspector General, or any  
7 representative or agent of the Inspector General, must be  
8 undertaken in a manner consistent with the rights of the  
9 employees as set forth in State and federal law and applicable  
10 judicial decisions.

11 (h) The Inspector General shall provide to the Authority  
12 and the General Assembly a summary of reports and  
13 investigations made under this Section for the previous fiscal  
14 year no later than January 1 of each year. The summaries shall  
15 detail the final disposition of the Inspector General's  
16 recommendations. The summaries shall not contain any  
17 confidential or identifying information concerning the  
18 subjects of the reports and investigations. The summaries shall  
19 also include detailed, recommended administrative actions and  
20 matters for consideration by the General Assembly.

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

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

24 Sec. 10. The Authority shall have power:

25 (a) To pass resolutions, make by-laws, rules and  
26 regulations for the management, regulation and control of its  
27 affairs, and to fix tolls, and to make, enact and enforce all  
28 needful rules and regulations in connection with the  
29 construction, operation, management, care, regulation or  
30 protection of its property or any toll highways, constructed or  
31 reconstructed hereunder.

32 (a-5) To fix, assess, and collect civil fines for a  
33 vehicle's operation on a toll highway without the required toll

1 having been paid. The Authority may establish by rule a system  
2 of civil administrative adjudication to adjudicate only  
3 alleged instances of a vehicle's operation on a toll highway  
4 without the required toll having been paid, as detected by the  
5 Authority's video or photo surveillance system. In cases in  
6 which the operator of the vehicle is not the registered vehicle  
7 owner, the establishment of ownership of the vehicle creates a  
8 rebuttable presumption that the vehicle was being operated by  
9 an agent of the registered vehicle owner. If the registered  
10 vehicle owner liable for a violation under this Section was not  
11 the operator of the vehicle at the time of the violation, the  
12 owner may maintain an action for indemnification against the  
13 operator in the circuit court. Rules establishing a system of  
14 civil administrative adjudication must provide for written  
15 notice, by first class mail or other means provided by law, to  
16 the address of the registered owner of the cited vehicle as  
17 recorded with the Secretary of State or to the lessee of the  
18 cited vehicle at the last address known to the lessor of the  
19 cited vehicle at the time of the lease, of the alleged  
20 violation and an opportunity to be heard on the question of the  
21 violation and must provide for the establishment of a toll-free  
22 telephone number to receive inquiries concerning alleged  
23 violations. The notice shall also inform the registered vehicle  
24 owner that failure to contest in the manner and time provided  
25 shall be deemed an admission of liability and that a final  
26 order of liability may be entered on that admission. A duly  
27 authorized agent of the Authority may perform or execute the  
28 preparation, certification, affirmation, or mailing of the  
29 notice. A notice of violation, sworn or affirmed to or  
30 certified by a duly authorized agent of the Authority, or a  
31 facsimile of the notice, based upon an inspection of  
32 photographs, microphotographs, videotape, or other recorded  
33 images produced by a video or photo surveillance system, shall  
34 be admitted as prima facie evidence of the correctness of the

1 facts contained in the notice or facsimile. Only civil fines,  
2 along with the corresponding outstanding toll, and costs may be  
3 imposed by administrative adjudication. A fine may be imposed  
4 under this paragraph only if a violation is established by a  
5 preponderance of the evidence. Judicial review of all final  
6 orders of the Authority under this paragraph shall be conducted  
7 in the circuit court of the county in which the administrative  
8 decision was rendered in accordance with the Administrative  
9 Review Law.

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

27 A system of civil administrative adjudication may also  
28 provide for a program of vehicle immobilization, tow, or  
29 impoundment for the purpose of facilitating enforcement of any  
30 final order or orders of the Authority under this subsection  
31 (a-5) that result in a finding or liability for 5 or more  
32 violations after expiration of the period in which judicial  
33 review under the Administrative Review Law may be sought. The  
34 registered vehicle owner of a vehicle immobilized, towed, or

1 impounded for nonpayment of a final order of the Authority  
2 under this subsection (a-5) shall have the right to request a  
3 hearing before the Authority's civil administrative  
4 adjudicatory system to challenge the validity of the  
5 immobilization, tow, or impoundment. This hearing, however,  
6 shall not constitute a readjudication of the merits of  
7 previously adjudicated notices. Judicial review of all final  
8 orders of the Authority under this subsection (a-5) shall be  
9 conducted in the circuit court of the county in which the  
10 administrative decision was rendered in accordance with the  
11 Administrative Review Law.

12 No commercial entity that is the lessor of a vehicle under  
13 a written lease agreement shall be liable for an administrative  
14 notice of violation for toll evasion issued under this  
15 subsection (a-5) involving that vehicle during the period of  
16 the lease if the lessor provides a copy of the leasing  
17 agreement to the Authority within 21 days of the issue date on  
18 the notice of violation. The leasing agreement also must  
19 contain a provision or addendum informing the lessee that the  
20 lessee is liable for payment of all tolls and any fines for  
21 toll evasion. Each entity must also post a sign at the leasing  
22 counter notifying the lessee of that liability. The copy of the  
23 leasing agreement provided to the Authority must contain the  
24 name, address, and driver's license number of the lessee, as  
25 well as the check-out and return dates and times of the vehicle  
26 and the vehicle license plate number and vehicle make and  
27 model.

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

31 The Authority shall establish an amnesty program for  
32 violations adjudicated under this subsection (a-5). Under the  
33 program, any person who has an outstanding notice of violation  
34 for toll evasion or a final order of a hearing officer for toll



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

1 5:00 p.m., Central Standard Time, of the 60th day after the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly. This amendatory Act of the 94th General Assembly has  
4 no retroactive effect with regard to payments already tendered  
5 to the Authority that were full payments or payments in an  
6 amount greater than the applicable percentage, and this Act  
7 shall not be the basis for either a refund or a credit. This  
8 amendatory Act of the 94th General Assembly does not apply to  
9 toll evasion citations issued by the Illinois State Police or  
10 other authorized law enforcement agencies and for which payment  
11 may be due to or through the clerk of the circuit court. The  
12 Authority shall adopt rules as necessary to implement the  
13 provisions of this amendatory Act of the 94th General Assembly.  
14 The Authority, by a resolution of the Board of Directors, shall  
15 have the discretion to implement similar amnesty programs in  
16 the future. The Authority, at its discretion and in  
17 consultation with the Attorney General, is further authorized  
18 to settle an administrative fine or penalty if it determines  
19 that settling for less than the full amount is in the best  
20 interests of the Authority after taking into account the  
21 following factors: (1) the merits of the Authority's claim  
22 against the respondent; (2) the amount that can be collected  
23 relative to the administrative fine or penalty owed by the  
24 respondent; (3) the cost of pursuing further enforcement or  
25 collection action against the respondent; (4) the likelihood of  
26 collecting the full amount owed; and (5) the burden on the  
27 judiciary. The provisions in this Section may be extended to  
28 other toll facilities in the State of Illinois through a duly  
29 executed agreement between the Authority and the operator of  
30 the toll facility.

31 (b) To prescribe rules and regulations applicable to  
32 traffic on highways under the jurisdiction of the Authority,  
33 concerning:

34 (1) Types of vehicles permitted to use such highways or

1 parts thereof, and classification of such vehicles;

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

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

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

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

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

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

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

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

1 highways, including the administrative expenses of the  
2 Authority, and to discharge all obligations of the Authority as  
3 they become due and payable.

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

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

30 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

31 Sec. 11. The Authority shall have power:

32 (a) To enter upon lands, waters and premises in the State  
33 for the purpose of making surveys, soundings, drillings and

1 examinations as may be necessary, expedient or convenient for  
2 the purposes of this Act, and such entry shall not be deemed to  
3 be a trespass, nor shall an entry for such purpose be deemed an  
4 entry under any condemnation proceedings which may be then  
5 pending; provided, however, that the Authority shall make  
6 reimbursement for any actual damage resulting to such lands,  
7 waters and premises as the result of such activities.

8 (b) To construct, maintain and operate stations for the  
9 collection of tolls or charges upon and along any toll  
10 highways.

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

1       thereof shall be given to the public by publication in a  
2       newspaper of general circulation, and such notice, or notices,  
3       thereof shall be posted and publicly displayed at each and  
4       every toll station upon or along said toll highways.

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

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

1 garages, stores and restaurants, or for any other lawful  
2 purpose, and to fix the terms, conditions, rents, rates and  
3 charges for such use.

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

32 (f) To enter into an intergovernmental agreement or  
33 contract with a unit of local government or other public or  
34 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



1 household member" means the spouse, child, parent, brother,  
2 sister, grandparent, or grandchild, whether of the whole blood  
3 or half blood or by adoption, or a person who shares a common  
4 dwelling with a director of the Authority or with an employee  
5 or agent of the Authority.

6 (605 ILCS 10/16.3 new)

7 Sec. 16.3. Consistent with general law, the Authority  
8 shall:

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

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

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

20 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

21 Sec. 23. Legislative declaration; Authority budget.

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

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

31 (1) operations and maintenance expenditures that are  
32 reasonable and necessary to keep the toll highway system in

1 a state of good repair in accordance with contemporary  
2 highway safety and maintenance standards;

3 (2) principal and interest payments and payment of  
4 other obligations the Authority has incurred in connection  
5 with bonds issued under this Act;

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

9 (4) system improvement expenditures necessary and  
10 sufficient to improve and expand the toll highway system,  
11 subject to the requirements of this Act.

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

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

25 (e) The Authority shall file with the Governor, the Clerk  
26 of the House of Representatives, the Secretary of the Senate,  
27 and the Commission on Government Forecasting and  
28 Accountability, on or prior to March 15th of each year, a  
29 written statement and report covering its activities for the  
30 preceding calendar year. The Authority shall present, to the  
31 committees of the House of Representatives designated by the  
32 Speaker of the House and to the committees of the Senate  
33 designated by the President of the Senate, an annual report  
34 outlining its planned revenues and expenditures. The Authority

1 shall prepare an annual capital plan which identifies capital  
2 projects by location and details the project costs in correct  
3 dollar amounts. The Authority shall also prepare and file a  
4 ten-year capital plan that includes a listing of all capital  
5 improvement projects contemplated during the ensuing ten-year  
6 period. The first ten-year capital plan shall be filed in 1991  
7 and thereafter on the anniversary of each ten-year period.

8 (f) It shall ~~also~~ be the duty of the Auditor General of the  
9 State of Illinois, annually to audit or cause to be audited the  
10 books and records of the Authority and to file a certified copy  
11 of the report of such audit with the Governor and with the  
12 Legislative Audit Commission, which audit reports, when so  
13 filed, shall be open to the public for inspection.

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

30 (h) The Authority shall post on its website copies of its  
31 annual report and its budget for the current year, along with  
32 any other financial information necessary to adequately inform  
33 the public of the Authority's financial condition and capital  
34 plan.

1       (i) The requirements set forth in subsections (b) through  
2       (g) may not be construed or applied in a manner that impairs  
3       the rights of bondholders under any bond resolution or trust  
4       indenture entered into in accordance with a bond resolution  
5       authorized by the Authority's directors, nor may those  
6       requirements be construed as a limitation on the Authority's  
7       powers as set forth elsewhere in this Act.

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

9       (605 ILCS 10/27.1) (from Ch. 121, par. 100-27.1)

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

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

25       (Source: P.A. 77-2239.)

26       (605 ILCS 10/27.2 new)

27       Sec. 27.2. Obstruction of registration plate visibility to  
28       electronic image recording.

29       (a) A person may not operate on a toll highway any motor  
30       vehicle that is equipped with tinted plastic or tinted glass  
31       registration plate covers or any covers, coating, wrappings,  
32       materials, streaking, distorting, holographic, reflective, or

1 other devices that obstruct the visibility or electronic image  
2 recording of the plate. This subsection (a) shall not apply to  
3 automatic vehicle identification transponder devices, cards or  
4 chips issued by a governmental body or authorized by a  
5 governmental body for the purpose of electronic payment of  
6 tolls or other authorized payments, the exemption of which  
7 shall preempt any local legislation to the contrary.

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

30 (c) The Illinois Attorney General may file suit against any  
31 individual or entity offering or marketing the sale, including  
32 via the Internet, of any product advertised as having the  
33 capacity to obstruct the visibility or electronic image  
34 recording of a license plate. In addition to injunctive and

1 monetary relief, punitive damages, and attorneys fees, the suit  
2 shall also seek a full accounting of the records of all sales  
3 to residents of or entities within the State of Illinois.

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

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