



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2258

Introduced 1/11/2006, by Sen. Wendell E. Jones

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Toll Highway Act. Provides that the Illinois State Toll Highway Authority shall provide that Pace buses operated by the Suburban Bus Division of the Regional Transportation Authority are exempt from paying tolls for operation on highways under the Authority's jurisdiction. Effective immediately.

LRB094 15057 DRH 50201 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Highway Act is amended by changing
5 Section 10 as follows:

6 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

7 Sec. 10. The Authority shall have power:

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

15 (a-5) To fix, assess, and collect civil fines for a
16 vehicle's operation on a toll highway without the required toll
17 having been paid. The Authority may establish by rule a system
18 of civil administrative adjudication to adjudicate only
19 alleged instances of a vehicle's operation on a toll highway
20 without the required toll having been paid, as detected by the
21 Authority's video or photo surveillance system. In cases in
22 which the operator of the vehicle is not the registered vehicle
23 owner, the establishment of ownership of the vehicle creates a
24 rebuttable presumption that the vehicle was being operated by
25 an agent of the registered vehicle owner. If the registered
26 vehicle owner liable for a violation under this Section was not
27 the operator of the vehicle at the time of the violation, the
28 owner may maintain an action for indemnification against the
29 operator in the circuit court. Rules establishing a system of
30 civil administrative adjudication must provide for written
31 notice, by first class mail or other means provided by law, to
32 the address of the registered owner of the cited vehicle as

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

28 The Authority shall provide that Pace buses, operated by
29 the Suburban Bus Division of the Regional Transportation
30 Authority under Article III-A of the Regional Transportation
31 Authority Act, are exempt from paying tolls for operation on
32 highways under the Authority's jurisdiction.

33 Any outstanding toll, fine, additional late payment fine,
34 other sanction, or costs imposed, or part of any fine, other
35 sanction, or costs imposed, remaining unpaid after the
36 exhaustion of, or the failure to exhaust, judicial review

1 procedures under the Administrative Review Law are a debt due
2 and owing the Authority and may be collected in accordance with
3 applicable law. After expiration of the period in which
4 judicial review under the Administrative Review Law may be
5 sought, unless stayed by a court of competent jurisdiction, a
6 final order of the Authority under this subsection (a-5) may be
7 enforced in the same manner as a judgment entered by a court of
8 competent jurisdiction. Notwithstanding any other provision of
9 this Act, the Authority may, with the approval of the Attorney
10 General, retain a law firm or law firms with expertise in the
11 collection of government fines and debts for the purpose of
12 collecting fines, costs, and other moneys due under this
13 subsection (a-5).

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

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

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

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

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

1 more than 25 but fewer than 51 violations shall be eligible for
2 amnesty upon payment of 60% of the original fine amount and the
3 outstanding tolls; and a person with 51 or more violations
4 shall be eligible for amnesty upon payment of 75% of the
5 original fine amount and the outstanding tolls. In such a
6 situation, the Executive Director of the Authority or his or
7 her designee is authorized and directed to waive any late fine
8 amount above the applicable percentage of the original fine
9 amount. Partial payment of the amount due shall not be a basis
10 to extend the amnesty payment deadline nor shall it act to
11 relieve the person of liability for payment of the late fine
12 amount. In order to receive amnesty, the full amount of the
13 applicable percentage of the original fine amount and
14 outstanding toll remaining due on the notice of violation or
15 final order of the hearing officer and the full fees and costs
16 paid by the Authority to the Secretary of State relating to
17 suspension proceedings, if applicable, must be paid in full by
18 5:00 p.m., Central Standard Time, of the 60th day after the
19 effective date of this amendatory Act of the 94th General
20 Assembly. This amendatory Act of the 94th 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 94th 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 94th 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. The Authority, at its discretion and in
34 consultation with the Attorney General, is further authorized
35 to settle an administrative fine or penalty if it determines
36 that settling for less than the full amount is in the best

1 interests of the Authority after taking into account the
2 following factors: (1) the merits of the Authority's claim
3 against the respondent; (2) the amount that can be collected
4 relative to the administrative fine or penalty owed by the
5 respondent; (3) the cost of pursuing further enforcement or
6 collection action against the respondent; (4) the likelihood of
7 collecting the full amount owed; and (5) the burden on the
8 judiciary. The provisions in this Section may be extended to
9 other toll facilities in the State of Illinois through a duly
10 executed agreement between the Authority and the operator of
11 the toll facility.

12 (b) To prescribe rules and regulations applicable to
13 traffic on highways under the jurisdiction of the Authority,
14 concerning:

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

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

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

21 (4) Control of traffic by means of police officers or
22 traffic control signals;

23 (5) Control or prohibition of processions, convoys,
24 and assemblages of vehicles and persons;

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

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

29 (8) Preparation, location and installation of all
30 traffic signs; and to prescribe further rules and
31 regulations applicable to such traffic, concerning matters
32 not provided for either in the foregoing enumeration or in
33 the Illinois Vehicle Code. Notice of such rules and
34 regulations shall be posted conspicuously and displayed at
35 appropriate points and at reasonable intervals along said
36 highways, by clearly legible markers or signs, to provide

1 notice of the existence of such rules and regulations to
2 persons traveling on said highways. At each toll station,
3 the Authority shall make available, free of charge,
4 pamphlets containing all of such rules and regulations.

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

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

1 which the property is being put in the hands of the
2 municipality or political subdivision is not essential to the
3 existence or the administration of such municipality or
4 political subdivision, the Authority may acquire the property
5 by condemnation.

6 (Source: P.A. 94-636, eff. 8-22-05.)

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