



Rep. Robert Rita

Filed: 4/30/2008

09500HB5784ham004

LRB095 17218 WGH 49971 a

1 AMENDMENT TO HOUSE BILL 5784

2 AMENDMENT NO. _____. Amend House Bill 5784, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

7 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

8 Sec. 10. The Authority shall have power:

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

16 (a-5) To fix, assess, and collect civil fines for a

1 vehicle's operation on a toll highway without the required toll
2 having been paid. The Authority may establish by rule a system
3 of civil administrative adjudication to adjudicate only
4 alleged instances of a vehicle's operation on a toll highway
5 without the required toll having been paid, as detected by the
6 Authority's video or photo surveillance system or through the
7 alleged failure to remit payment within the allotted time
8 period after being recorded as a non-paying vehicle by a duly
9 authorized toll collector. In cases in which the operator of
10 the vehicle is not the registered vehicle owner, the
11 establishment of ownership of the vehicle creates a rebuttable
12 presumption that the vehicle was being operated by an agent of
13 the registered vehicle owner. If the registered vehicle owner
14 liable for a violation under this Section was not the operator
15 of the vehicle at the time of the violation, the owner may
16 maintain an action for indemnification against the operator in
17 the circuit court. Rules establishing a system of civil
18 administrative adjudication must provide for written notice,
19 by first class mail or other means provided by law, to the
20 address of the registered owner of the cited vehicle as
21 recorded with the Secretary of State's vehicle registration
22 records or out of state governmental entity ~~State~~ or to the
23 lessee of the cited vehicle at the last address known to the
24 lessor of the cited vehicle at the time of the lease, of the
25 alleged violation and an opportunity to be heard on the
26 question of the violation and must provide for the

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

23 Any outstanding toll, fine, additional late payment fine,
24 other sanction, or costs imposed, or part of any fine, other
25 sanction, or costs imposed, remaining unpaid after the
26 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 Authority may contract with another public or private entity to
22 provide immobilization, tow, or impoundment services. The
23 registered vehicle owner of a vehicle immobilized, towed, or
24 impounded for nonpayment of a final order of the Authority
25 under this subsection (a-5) shall have the right to request a
26 hearing before the Authority's civil administrative

1 adjudicatory system to challenge the validity of the
2 immobilization, tow, or impoundment. This hearing, however,
3 shall not constitute a readjudication of the merits of
4 previously adjudicated notices. Judicial review of all final
5 orders of the Authority under this subsection (a-5) shall be
6 conducted in the circuit court of the county in which the
7 administrative decision was rendered in accordance with the
8 Administrative Review Law. As used in this subsection (a-5),
9 "vehicle" includes any vehicle as defined in Section 1-217 of
10 the Illinois Vehicle Code.

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

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

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

1 outstanding tolls; and a person with 51 or more violations
2 shall be eligible for amnesty upon payment of 75% of the
3 original fine amount and the outstanding tolls. In such a
4 situation, the Executive Director of the Authority or his or
5 her designee is authorized and directed to waive any late fine
6 amount above the applicable percentage of the original fine
7 amount. Partial payment of the amount due shall not be a basis
8 to extend the amnesty payment deadline nor shall it act to
9 relieve the person of liability for payment of the late fine
10 amount. In order to receive amnesty, the full amount of the
11 applicable percentage of the original fine amount and
12 outstanding toll remaining due on the notice of violation or
13 final order of the hearing officer and the full fees and costs
14 paid by the Authority to the Secretary of State relating to
15 suspension proceedings, if applicable, must be paid in full by
16 5:00 p.m., Central Standard Time, of the 60th day after the
17 effective date of this amendatory Act of the 94th General
18 Assembly. This amendatory Act of the 94th General Assembly has
19 no retroactive effect with regard to payments already tendered
20 to the Authority that were full payments or payments in an
21 amount greater than the applicable percentage, and this Act
22 shall not be the basis for either a refund or a credit. This
23 amendatory Act of the 94th General Assembly does not apply to
24 toll evasion citations issued by the Illinois State Police or
25 other authorized law enforcement agencies and for which payment
26 may be due to or through the clerk of the circuit court. The

1 Authority shall adopt rules as necessary to implement the
2 provisions of this amendatory Act of the 94th General Assembly.
3 The Authority, by a resolution of the Board of Directors, shall
4 have the discretion to implement similar amnesty programs in
5 the future. The Authority, at its discretion and in
6 consultation with the Attorney General, is further authorized
7 to settle an administrative fine or penalty if it determines
8 that settling for less than the full amount is in the best
9 interests of the Authority after taking into account the
10 following factors: (1) the merits of the Authority's claim
11 against the respondent; (2) the amount that can be collected
12 relative to the administrative fine or penalty owed by the
13 respondent; (3) the cost of pursuing further enforcement or
14 collection action against the respondent; (4) the likelihood of
15 collecting the full amount owed; and (5) the burden on the
16 judiciary. The provisions in this Section may be extended to
17 other toll facilities in the State of Illinois through a duly
18 executed agreement between the Authority and the operator of
19 the toll facility.

20 Notwithstanding any other rulemaking authority that may
21 exist, neither the Governor nor any agency or agency head under
22 the jurisdiction of the Governor has any authority to make or
23 promulgate rules to implement or enforce the provisions of this
24 amendatory Act of the 95th General Assembly. If, however, the
25 Governor believes that rules are necessary to implement or
26 enforce the provisions of this amendatory Act of the 95th

1 General Assembly, the Governor may suggest rules to the General
2 Assembly by filing them with the Clerk of the House and
3 Secretary of the Senate and by requesting that the General
4 Assembly authorize such rulemaking by law, enact those
5 suggested rules into law, or take any other appropriate action
6 in the General Assembly's discretion. Nothing contained in this
7 amendatory Act of the 95th General Assembly shall be
8 interpreted to grant rulemaking authority under any other
9 Illinois statute where such authority is not otherwise
10 explicitly given. For the purposes of this amendatory Act of
11 the 95th General Assembly, "rules" is given the meaning
12 contained in Section 1-70 of the Illinois Administrative
13 Procedure Act, and "agency" and "agency head" are given the
14 meanings contained in Sections 1-20 and 1-25 of the Illinois
15 Administrative Procedure Act to the extent that such
16 definitions apply to agencies or agency heads under the
17 jurisdiction of the Governor.

18 (b) To prescribe rules and regulations applicable to
19 traffic on highways under the jurisdiction of the Authority,
20 concerning:

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

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

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

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

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

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

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

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

21 (c) The Authority, in fixing the rate for tolls for the
22 privilege of using the said toll highways, is authorized and
23 directed, in fixing such rates, to base the same upon annual
24 estimates to be made, recorded and filed with the Authority.
25 Said estimates shall include the following: The estimated total
26 amount of the use of the toll highways; the estimated amount of

1 the revenue to be derived therefrom, which said revenue, when
2 added to all other receipts and income, will be sufficient to
3 pay the expense of maintaining and operating said toll
4 highways, including the administrative expenses of the
5 Authority, and to discharge all obligations of the Authority as
6 they become due and payable.

7 (d) To accept from any municipality or political
8 subdivision any lands, easements or rights in land needed for
9 the operation, construction, relocation or maintenance of any
10 toll highways, with or without payment therefor, and in its
11 discretion to reimburse any such municipality or political
12 subdivision out of its funds for any cost or expense incurred
13 in the acquisition of land, easements or rights in land, in
14 connection with the construction and relocation of the said
15 toll highways, widening, extending roads, streets or avenues in
16 connection therewith, or for the construction of any roads or
17 streets forming extension to and connections with or between
18 any toll highways, or for the cost or expense of widening,
19 grading, surfacing or improving any existing streets or roads
20 or the construction of any streets and roads forming extensions
21 of or connections with any toll highways constructed,
22 relocated, operated, maintained or regulated hereunder by the
23 Authority. Where property owned by a municipality or political
24 subdivision is necessary to the construction of an approved
25 toll highway, if the Authority cannot reach an agreement with
26 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 10. The Illinois Vehicle Code is amended by
8 changing Sections 3-413, 3-702, 3-704.2, 6-303, 6-306.7,
9 12-503, and 12-610.5 and adding Section 12-610.6 as follows:

10 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

11 (Text of Section after amendment by P.A. 95-29)

12 Sec. 3-413. Display of registration plates, registration
13 stickers and drive-away permits.

14 (a) Registration plates issued for a motor vehicle other
15 than a motorcycle, trailer, semitrailer, truck-tractor,
16 apportioned bus, or apportioned truck shall be attached
17 thereto, one in the front and one in the rear. The registration
18 plate issued for a motorcycle, trailer or semitrailer required
19 to be registered hereunder and any apportionment plate issued
20 to a bus under the provisions of this Code shall be attached to
21 the rear thereof. The registration plate issued for a
22 truck-tractor or an apportioned truck required to be registered
23 hereunder shall be attached to the front thereof.

24 (b) Every registration plate shall at all times be securely

1 fastened in a horizontal position to the vehicle for which it
2 is issued so as to prevent the plate from swinging and at a
3 height of not less than 5 inches from the ground, measuring
4 from the bottom of such plate, in a place and position to be
5 clearly visible and shall be maintained in a condition to be
6 clearly legible, free from any materials that would obstruct
7 the visibility or electronic image recording of the plate,
8 including, but not limited to, glass covers and plastic covers
9 and any covers, coating, wrappings, materials, streaking,
10 distorting, holographic, reflective or other devices that
11 obstruct the visibility or electronic image recording of the
12 plate. This subsection (b) shall not apply to automatic vehicle
13 identification transponder devices, cards, or chips issued by a
14 governmental body for the purpose of electronic payment of
15 tolls or other authorized payments. A unit of local government,
16 including a home rule unit, may not prohibit the placement of
17 automatic vehicle identification transponder devices, cards,
18 or chips issued by a governmental body for the purpose of
19 electronic payment of tolls or other authorized payments. This
20 subsection (b) is a denial and limitation of home rule powers
21 and functions under subsection (g) of Section 6 of Article VII
22 of the Illinois Constitution. If a Department of State Police
23 officer or local law enforcement officer having jurisdiction
24 observes that a cover or other device or material or substance
25 is obstructing the visibility or electronic image recording of
26 the plate, the officer shall issue a Uniform Traffic Citation

1 and shall confiscate the cover or other device that obstructs
2 the visibility or electronic image recording of the plate. If
3 the Department of State Police officer or local law enforcement
4 officer having jurisdiction observes that the plate itself has
5 been physically treated with a substance or material that is
6 obstructing the visibility or electronic image recording of the
7 plate, the officer shall issue a Uniform Traffic Citation and
8 shall confiscate the plate. Operating a vehicle with a plate
9 cover that obstructs the visibility or electronic image
10 recording of the plate is an offense against the laws and
11 ordinances regulating the movement of traffic. Operating a
12 vehicle with a plate that has been physically altered with any
13 chemical or reflective substance or coating that obstructs the
14 visibility or electronic image recording of the plate is an
15 offense against the laws and ordinances regulating the movement
16 of traffic. The Secretary of State shall revoke the
17 registration of any vehicle with a plate that has been found by
18 a court or administrative tribunal to have been physically
19 altered with any chemical or reflective substance or coating
20 that obstructs the visibility or electronic image recording of
21 the plate. The registration shall not be reinstated until any
22 fee that may be required by the Secretary of State for
23 reinstatement is paid. Registration stickers issued as
24 evidence of renewed annual registration shall be attached to
25 registration plates as required by the Secretary of State, and
26 be clearly visible at all times.

1 Any adversely affected public agency may file suit against
2 any individual or entity offering or marketing the sale,
3 including via the Internet, of any product advertised as having
4 the capacity to obstruct the visibility or electronic image
5 recording of a license plate. In addition to injunctive and
6 monetary relief, punitive damages, and attorney's fees, the
7 suit may also seek a full accounting of the records of all
8 sales to residents of or entities within the State of Illinois.

9 (c) Every drive-away permit issued pursuant to this Code
10 shall be firmly attached to the motor vehicle in the manner
11 prescribed by the Secretary of State. If a drive-away permit is
12 affixed to a motor vehicle in any other manner the permit shall
13 be void and of no effect.

14 (d) The Illinois prorated decal issued to a foreign
15 registered vehicle part of a fleet prorated or apportioned with
16 Illinois, shall be displayed on a registration plate and
17 displayed on the front of such vehicle in the same manner as an
18 Illinois registration plate.

19 (e) The registration plate issued for a camper body mounted
20 on a truck displaying registration plates shall be attached to
21 the rear of the camper body.

22 (f) No person shall operate a vehicle, nor permit the
23 operation of a vehicle, upon which is displayed an Illinois
24 registration plate, plates or registration stickers after the
25 termination of the registration period for which issued or
26 after the expiration date set pursuant to Sections 3-414 and

1 3-414.1 of this Code.

2 (g) Notwithstanding any other rulemaking authority that
3 may exist, neither the Governor nor any agency or agency head
4 under the jurisdiction of the Governor has any authority to
5 make or promulgate rules to implement or enforce the provisions
6 of this amendatory Act of the 95th General Assembly. If,
7 however, the Governor believes that rules are necessary to
8 implement or enforce the provisions of this amendatory Act of
9 the 95th General Assembly, the Governor may suggest rules to
10 the General Assembly by filing them with the Clerk of the House
11 and Secretary of the Senate and by requesting that the General
12 Assembly authorize such rulemaking by law, enact those
13 suggested rules into law, or take any other appropriate action
14 in the General Assembly's discretion. Nothing contained in this
15 amendatory Act of the 95th General Assembly shall be
16 interpreted to grant rulemaking authority under any other
17 Illinois statute where such authority is not otherwise
18 explicitly given. For the purposes of this amendatory Act of
19 the 95th General Assembly, "rules" is given the meaning
20 contained in Section 1-70 of the Illinois Administrative
21 Procedure Act, and "agency" and "agency head" are given the
22 meanings contained in Sections 1-20 and 1-25 of the Illinois
23 Administrative Procedure Act to the extent that such
24 definitions apply to agencies or agency heads under the
25 jurisdiction of the Governor.

26 (Source: P.A. 95-29, eff. 6-1-08; 95-331, eff. 8-21-07.)

1 (625 ILCS 5/3-702) (from Ch. 95 1/2, par. 3-702)

2 Sec. 3-702. Operation of vehicle when registration
3 cancelled, suspended or revoked.

4 (a) No person shall operate, nor shall an owner knowingly
5 permit to be operated, upon any highway:

6 (1) A vehicle the registration of which has been
7 cancelled, suspended or revoked; or

8 (2) A vehicle properly registered in another
9 Reciprocal State, the foreign registration of which, or the
10 Illinois Reciprocity Permit or Decal of which, has been
11 cancelled, suspended or revoked.

12 (b) No person shall use, nor shall any owner use or
13 knowingly permit the use of any Illinois registration plate,
14 plates or registration sticker, or any Illinois Reciprocity
15 Permit or Prorate Decal which has been cancelled, suspended or
16 revoked.

17 (c) Any violation of this Section is a Class A misdemeanor
18 unless:

19 1. the registration of the motor vehicle has been
20 suspended for noninsurance, then the provisions of Section
21 3-708 of this Code apply in lieu of this Section.

22 2. the registration of the motor vehicle has been
23 suspended for failure to purchase a vehicle tax sticker
24 pursuant to Section 3-704.1 of this Code, then the
25 violation shall be considered a business offense and the

1 person shall be required to pay a fine in excess of \$500,
2 but not more than \$1,000.

3 (d) Any person whose suspension was based on Section
4 3-704.2 of this Code relating to unpaid toll violations, in
5 addition to other penalties imposed under this Section, shall
6 have his or her motor vehicle immediately impounded by the
7 arresting law enforcement officer. The motor vehicle may be
8 released to any licensed driver upon a showing of proof of
9 payment in full of all fines, penalties and fees related to the
10 unpaid toll violations and the notarized written consent for
11 the release by the vehicle owner.

12 (e) Notwithstanding any other rulemaking authority that
13 may exist, neither the Governor nor any agency or agency head
14 under the jurisdiction of the Governor has any authority to
15 make or promulgate rules to implement or enforce the provisions
16 of this amendatory Act of the 95th General Assembly. If,
17 however, the Governor believes that rules are necessary to
18 implement or enforce the provisions of this amendatory Act of
19 the 95th General Assembly, the Governor may suggest rules to
20 the General Assembly by filing them with the Clerk of the House
21 and Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

10 (Source: P.A. 86-149; 87-1225.)

11 (625 ILCS 5/3-704.2)

12 Sec. 3-704.2. Failure to satisfy fines or penalties for
13 toll violations or evasions; suspension of vehicle
14 registration.

15 (a) Upon receipt of a certified report, as prescribed by
16 subsection (c) of this Section, from the Authority stating that
17 the owner of a registered vehicle has failed to satisfy any
18 fine or penalty resulting from a final order issued by the
19 Authority relating directly or indirectly to 5 or more toll
20 violations, toll evasions, or both, the Secretary of State
21 shall suspend the vehicle registration of the person in
22 accordance with the procedures set forth in this Section.

23 (b) Following receipt of the certified report of the
24 Authority as specified in the Section, the Secretary of State
25 shall notify the person whose name appears on the certified

1 report that the person's vehicle registration will be suspended
2 at the end of a specified period unless the Secretary of State
3 is presented with a notice from the Authority certifying that
4 the fines or penalties and other costs incurred by the
5 Authority due to the suspension proceedings, including but not
6 limited to the filing fees and hearing fees paid by the
7 Authority to the Secretary of State, owing the Authority have
8 been satisfied or that inclusion of that person's name on the
9 certified report was in error. The Secretary's notice shall
10 state in substance the information contained in the Authority's
11 certified report to the Secretary, and shall be effective as
12 specified by subsection (c) of Section 6-211 of this Code.

13 (c) The report from the Authority notifying the Secretary
14 of unsatisfied fines or penalties pursuant to this Section
15 shall be certified and shall contain the following:

16 (1) The name, last known address, as recorded in the
17 Secretary of State's vehicle registration records, and
18 driver's license number if said driver's license number is
19 provided in the Secretary of State's vehicle registration
20 records of the person who failed to satisfy the fines or
21 penalties and the registration number of any vehicle known
22 to be registered in this State to that person.

23 (2) A statement that the Authority sent a notice of
24 impending suspension of the person's driver's license,
25 vehicle registration, or both, as prescribed by rules
26 enacted pursuant to subsection (a-5) of Section 10 of the

1 Toll Highway Act, to the person named in the report at the
2 address recorded ~~in with~~ the Secretary of State's vehicle
3 registration records ~~State~~; the date on which the notice
4 was sent; and the address to which the notice was sent.

5 (d) The Authority, after making a certified report to the
6 Secretary pursuant to this Section, shall notify the Secretary,
7 on a form prescribed by the Secretary, whenever a person named
8 in the certified report has satisfied the previously reported
9 fines or penalties and other costs incurred by the Authority
10 due to the suspension proceedings, including but not limited to
11 the filing fees and hearing fees paid by the Authority to the
12 Secretary of State, or whenever the Authority determines that
13 the original report was in error. A certified copy of the
14 notification shall also be given upon request and at no
15 additional charge to the person named therein. Upon receipt of
16 the Authority's notification or presentation of a certified
17 copy of the notification, the Secretary shall terminate the
18 suspension.

19 (e) Subject to subsection (1), the ~~The~~ Authority shall, by
20 rule, establish procedures for persons to challenge the
21 accuracy of the certified report made pursuant to this Section.
22 The rule shall also provide the grounds for a challenge, which
23 may be limited to:

24 (1) the person not having been the owner or lessee of
25 the vehicle or vehicles committing ~~receiving~~ 5 or more toll
26 violations ~~violation~~ or toll evasions ~~evasion notices~~ on

1 the date of the violations in the notice ~~or dates the~~
2 ~~notices were issued~~; or

3 (2) the person having already satisfied the fines or
4 penalties for the 5 or more toll violations or toll
5 evasions indicated on the certified report.

6 (f) All notices sent by the Authority to persons involved
7 in administrative adjudications, hearings, and final orders
8 issued pursuant to rules implementing subsection (a-5) of
9 Section 10 of the Toll Highway Act shall state that failure to
10 satisfy any fine or penalty imposed by the Authority shall
11 result in the Secretary of State suspending the driving
12 privileges, vehicle registration, or both, of the person
13 failing to satisfy the fines or penalties imposed by the
14 Authority.

15 (g) A person may request an administrative hearing to
16 contest an impending suspension or a suspension made pursuant
17 to this Section upon filing a written request with the
18 Secretary. The filing fee for this hearing is \$20, to be paid
19 at the time of the request. The Authority shall reimburse the
20 Secretary for all reasonable costs incurred by the Secretary as
21 a result of the filing of a certified report pursuant to this
22 Section, including, but not limited to, the costs of providing
23 notice required pursuant to subsection (b) and the costs
24 incurred by the Secretary in any hearing conducted with respect
25 to the report pursuant to this subsection and any appeal from
26 that hearing.

1 (h) The Secretary and the Authority may promulgate rules to
2 enable them to carry out their duties under this Section.

3 (i) The Authority shall cooperate with the Secretary in the
4 administration of this Section and shall provide the Secretary
5 with any information the Secretary may deem necessary for these
6 purposes, including regular and timely access to toll violation
7 enforcement records.

8 The Secretary shall cooperate with the Authority in the
9 administration of this Section and shall provide the Authority
10 with any information the Authority may deem necessary for the
11 purposes of this Section, including regular and timely access
12 to vehicle registration records. Section 2-123 of this Code
13 shall not apply to the provision of this information, but the
14 Secretary shall be reimbursed for the cost of providing this
15 information.

16 (j) For purposes of this Section, the term "Authority"
17 means the Illinois State Toll Highway Authority.

18 (k) This Section may be extended to other toll facilities
19 in the State of Illinois through a duly executed agreement
20 between the Authority and the operator of the toll facility.

21 (l) Notwithstanding any other rulemaking authority that
22 may exist, neither the Governor nor any agency or agency head
23 under the jurisdiction of the Governor has any authority to
24 make or promulgate rules to implement or enforce the provisions
25 of this amendatory Act of the 95th General Assembly. If,
26 however, the Governor believes that rules are necessary to

1 implement or enforce the provisions of this amendatory Act of
2 the 95th General Assembly, the Governor may suggest rules to
3 the General Assembly by filing them with the Clerk of the House
4 and Secretary of the Senate and by requesting that the General
5 Assembly authorize such rulemaking by law, enact those
6 suggested rules into law, or take any other appropriate action
7 in the General Assembly's discretion. Nothing contained in this
8 amendatory Act of the 95th General Assembly shall be
9 interpreted to grant rulemaking authority under any other
10 Illinois statute where such authority is not otherwise
11 explicitly given. For the purposes of this amendatory Act of
12 the 95th General Assembly, "rules" is given the meaning
13 contained in Section 1-70 of the Illinois Administrative
14 Procedure Act, and "agency" and "agency head" are given the
15 meanings contained in Sections 1-20 and 1-25 of the Illinois
16 Administrative Procedure Act to the extent that such
17 definitions apply to agencies or agency heads under the
18 jurisdiction of the Governor.

19 (Source: P.A. 91-277, eff. 1-1-00.)

20 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

21 (Text of Section after amendment by P.A. 95-400)

22 Sec. 6-303. Driving while driver's license, permit or
23 privilege to operate a motor vehicle is suspended or revoked.

24 (a) Except as otherwise provided in subsection (a-5), any
25 person who drives or is in actual physical control of a motor

1 vehicle on any highway of this State at a time when such
2 person's driver's license, permit or privilege to do so or the
3 privilege to obtain a driver's license or permit is revoked or
4 suspended as provided by this Code or the law of another state,
5 except as may be specifically allowed by a judicial driving
6 permit issued prior to January 1, 2009 ~~the effective date of~~
7 ~~this amendatory Act of the 95th General Assembly~~, monitoring
8 device driving permit, family financial responsibility driving
9 permit, probationary license to drive, or a restricted driving
10 permit issued pursuant to this Code or under the law of another
11 state, shall be guilty of a Class A misdemeanor.

12 (a-5) Any person who violates this Section as provided in
13 subsection (a) while his or her driver's license, permit or
14 privilege is revoked because of a violation of Section 9-3 of
15 the Criminal Code of 1961, relating to the offense of reckless
16 homicide or a similar provision of a law of another state, is
17 guilty of a Class 4 felony. The person shall be required to
18 undergo a professional evaluation, as provided in Section
19 11-501 of this Code, to determine if an alcohol, drug, or
20 intoxicating compound problem exists and the extent of the
21 problem, and to undergo the imposition of treatment as
22 appropriate.

23 (b) The Secretary of State upon receiving a report of the
24 conviction of any violation indicating a person was operating a
25 motor vehicle during the time when said person's driver's
26 license, permit or privilege was suspended by the Secretary, by

1 the appropriate authority of another state, or pursuant to
2 Section 11-501.1; except as may be specifically allowed by a
3 probationary license to drive, judicial driving permit issued
4 prior to January 1, 2009 ~~the effective date of this amendatory~~
5 ~~Act of the 95th General Assembly~~, monitoring device driving
6 permit, or restricted driving permit issued pursuant to this
7 Code or the law of another state; shall extend the suspension
8 for the same period of time as the originally imposed
9 suspension; however, if the period of suspension has then
10 expired, the Secretary shall be authorized to suspend said
11 person's driving privileges for the same period of time as the
12 originally imposed suspension.

13 (b-3) When the Secretary of State receives a report of a
14 conviction of any violation indicating that a vehicle was
15 operated during the time when the person's driver's license,
16 permit or privilege was revoked, except as may be allowed by a
17 restricted driving permit issued pursuant to this Code or the
18 law of another state, the Secretary shall not issue a driver's
19 license to that person for an additional period of one year
20 from the date of such conviction.

21 (b-4) ~~(b-5)~~ When the Secretary of State receives a report
22 of a conviction of any violation indicating a person was
23 operating a motor vehicle that was not equipped with an
24 ignition interlock device during a time when the person was
25 prohibited from operating a motor vehicle not equipped with
26 such a device, the Secretary shall not issue a driver's license

1 to that person for an additional period of one year from the
2 date of the conviction.

3 (b-5) Any person convicted of violating this Section shall
4 serve a minimum term of imprisonment of 30 consecutive days or
5 300 hours of community service when the person's driving
6 privilege was revoked or suspended as a result of a violation
7 of Section 9-3 of the Criminal Code of 1961, as amended,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state.

10 (c) Except as provided in subsections (c-3) and (c-4), any
11 person convicted of violating this Section shall serve a
12 minimum term of imprisonment of 10 consecutive days or 30 days
13 of community service when the person's driving privilege was
14 revoked or suspended as a result of:

15 (1) a violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, any other
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401 of
21 this Code or a similar provision of a local ordinance
22 relating to the offense of leaving the scene of a motor
23 vehicle accident involving personal injury or death; or

24 (3) a statutory summary suspension under Section
25 11-501.1 of this Code.

26 Such sentence of imprisonment or community service shall

1 not be subject to suspension in order to reduce such sentence.

2 (c-1) Except as provided in subsections (c-5) and (d), any
3 person convicted of a second violation of this Section shall be
4 ordered by the court to serve a minimum of 100 hours of
5 community service.

6 (c-2) In addition to other penalties imposed under this
7 Section, the court may impose on any person convicted a fourth
8 time of violating this Section any of the following:

9 (1) Seizure of the license plates of the person's
10 vehicle.

11 (2) Immobilization of the person's vehicle for a period
12 of time to be determined by the court.

13 (c-3) Any person convicted of a violation of this Section
14 during a period of summary suspension imposed pursuant to
15 Section 11-501.1 when the person was eligible for a MDDP shall
16 be guilty of a Class 4 felony and shall serve a minimum term of
17 imprisonment of 30 days.

18 (c-4) Any person who has been issued a MDDP and who is
19 convicted of a violation of this Section as a result of
20 operating or being in actual physical control of a motor
21 vehicle not equipped with an ignition interlock device at the
22 time of the offense shall be guilty of a Class 4 felony and
23 shall serve a minimum term of imprisonment of 30 days.

24 (c-5) Any person convicted of a second violation of this
25 Section is guilty of a Class 2 felony, is not eligible for
26 probation or conditional discharge, and shall serve a mandatory

1 term of imprisonment, if the revocation or suspension was for a
2 violation of Section 9-3 of the Criminal Code of 1961, relating
3 to the offense of reckless homicide, or a similar out-of-state
4 offense.

5 (d) Any person convicted of a second violation of this
6 Section shall be guilty of a Class 4 felony and shall serve a
7 minimum term of imprisonment of 30 days or 300 hours of
8 community service, as determined by the court, if the
9 revocation or suspension was for a violation of Section 11-401
10 or 11-501 of this Code, or a similar out-of-state offense, or a
11 similar provision of a local ordinance, or a statutory summary
12 suspension under Section 11-501.1 of this Code.

13 (d-1) Except as provided in subsections (d-2), (d-2.5), and
14 (d-3), any person convicted of a third or subsequent violation
15 of this Section shall serve a minimum term of imprisonment of
16 30 days or 300 hours of community service, as determined by the
17 court.

18 (d-2) Any person convicted of a third violation of this
19 Section is guilty of a Class 4 felony and must serve a minimum
20 term of imprisonment of 30 days if the revocation or suspension
21 was for a violation of Section 11-401 or 11-501 of this Code,
22 or a similar out-of-state offense, or a similar provision of a
23 local ordinance, or a statutory summary suspension under
24 Section 11-501.1 of this Code.

25 (d-2.5) Any person convicted of a third violation of this
26 Section is guilty of a Class 1 felony, is not eligible for

1 probation or conditional discharge, and must serve a mandatory
2 term of imprisonment if the revocation or suspension was for a
3 violation of Section 9-3 of the Criminal Code of 1961, relating
4 to the offense of reckless homicide, or a similar out-of-state
5 offense.

6 (d-3) Any person convicted of a fourth, fifth, sixth,
7 seventh, eighth, or ninth violation of this Section is guilty
8 of a Class 4 felony and must serve a minimum term of
9 imprisonment of 180 days if the revocation or suspension was
10 for a violation of Section 11-401 or 11-501 of this Code, or a
11 similar out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension under Section
13 11-501.1 of this Code.

14 (d-3.5) Any person convicted of a fourth or subsequent
15 violation of this Section is guilty of a Class 1 felony, is not
16 eligible for probation or conditional discharge, and must serve
17 a mandatory term of imprisonment, and is eligible for an
18 extended term, if the revocation or suspension was for a
19 violation of Section 9-3 of the Criminal Code of 1961, relating
20 to the offense of reckless homicide, or a similar out-of-state
21 offense.

22 (d-4) Any person convicted of a tenth, eleventh, twelfth,
23 thirteenth, or fourteenth violation of this Section is guilty
24 of a Class 3 felony, and is not eligible for probation or
25 conditional discharge, if the revocation or suspension was for
26 a violation of Section 11-401 or 11-501 of this Code, or a

1 similar out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension under Section
3 11-501.1 of this Code.

4 (d-5) Any person convicted of a fifteenth or subsequent
5 violation of this Section is guilty of a Class 2 felony, and is
6 not eligible for probation or conditional discharge, if the
7 revocation or suspension was for a violation of Section 11-401
8 or 11-501 of this Code, or a similar out-of-state offense, or a
9 similar provision of a local ordinance, or a statutory summary
10 suspension under Section 11-501.1 of this Code.

11 (e) Any person in violation of this Section who is also in
12 violation of Section 7-601 of this Code relating to mandatory
13 insurance requirements, in addition to other penalties imposed
14 under this Section, shall have his or her motor vehicle
15 immediately impounded by the arresting law enforcement
16 officer. The motor vehicle may be released to any licensed
17 driver upon a showing of proof of insurance for the vehicle
18 that was impounded and the notarized written consent for the
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified
21 copy of the driving abstract of the defendant shall be admitted
22 as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 1961 if the person's
26 driving privilege was revoked or suspended as a result of a

1 violation listed in paragraph (1), (2), or (3) of subsection
2 (c) of this Section or as a result of a summary suspension as
3 provided in paragraph (4) of subsection (c) of this Section.

4 (h) Any person whose suspension was based on Section
5 6-306.7 of this Code relating to unpaid toll violations, in
6 addition to other penalties imposed under this Section, shall
7 have his or her motor vehicle immediately impounded by the
8 arresting law enforcement officer. The motor vehicle may be
9 released to any licensed driver upon a showing of proof of
10 payment in full of all fines, penalties, and fees related to
11 the unpaid toll violations and the notarized written consent
12 for the release by the vehicle owner.

13 (i) Notwithstanding any other rulemaking authority that
14 may exist, neither the Governor nor any agency or agency head
15 under the jurisdiction of the Governor has any authority to
16 make or promulgate rules to implement or enforce the provisions
17 of this amendatory Act of the 95th General Assembly. If,
18 however, the Governor believes that rules are necessary to
19 implement or enforce the provisions of this amendatory Act of
20 the 95th General Assembly, the Governor may suggest rules to
21 the General Assembly by filing them with the Clerk of the House
22 and Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.

11 (Source: P.A. 94-112, eff. 1-1-06; 95-578, rely on 95-27 and
12 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; revised 11-19-07.)

13 (625 ILCS 5/6-306.7)

14 Sec. 6-306.7. Failure to satisfy fines or penalties for
15 toll violations or evasions; suspension of driving privileges.

16 (a) Upon receipt of a certified report, as prescribed by
17 subsection (c) of this Section, from the Authority stating that
18 the owner of a registered vehicle has failed to satisfy any
19 fine or penalty resulting from a final order issued by the
20 Authority relating directly or indirectly to 5 or more toll
21 violations, toll evasions, or both, the Secretary of State
22 shall suspend the driving privileges of the person in
23 accordance with the procedures set forth in this Section.

24 (b) Following receipt of the certified report of the
25 Authority as specified in the Section, the Secretary of State

1 shall notify the person whose name appears on the certified
2 report that the person's driver's license will be suspended at
3 the end of a specified period unless the Secretary of State is
4 presented with a notice from the Authority certifying that the
5 fines or penalties and other costs incurred by the Authority
6 due to the suspension proceedings, including but not limited to
7 the filing fees and hearing fees paid by the Authority to the
8 Secretary of State, owing the Authority have been satisfied or
9 that inclusion of that person's name on the certified report
10 was in error. The Secretary's notice shall state in substance
11 the information contained in the Authority's certified report
12 to the Secretary, and shall be effective as specified by
13 subsection (c) of Section 6-211 of this Code, except as to
14 those drivers who also have been issued a CDL. If a person also
15 has been issued a CDL, notice of suspension of that person's
16 driver's license must be given in writing by certified mail and
17 is effective on the date listed in the notice of suspension,
18 except that the notice is not effective until 4 days after the
19 date on which the notice was deposited into the United States
20 mail. The notice becomes effective 4 days after its deposit
21 into the United States mail regardless of whether the Secretary
22 of State receives the return receipt and regardless of whether
23 the written notification is returned for any reason to the
24 Secretary of State as undeliverable.

25 (c) The report from the Authority notifying the Secretary
26 of unsatisfied fines or penalties pursuant to this Section

1 shall be certified and shall contain the following:

2 (1) The name, last known address, as recorded in the
3 Secretary of State's vehicle registration records, and
4 driver's license number of the person who failed to satisfy
5 the fines or penalties and the registration number of any
6 vehicle known to be registered in this State to that
7 person.

8 (2) A statement that the Authority sent a notice of
9 impending suspension of the person's driver's license,
10 vehicle registration, or both, as prescribed by rules
11 enacted pursuant to subsection (a-5) of Section 10 of the
12 Toll Highway Act, to the person named in the report at the
13 address recorded in ~~with~~ the Secretary of State's vehicle
14 registration records ~~State~~; the date on which the notice
15 was sent; and the address to which the notice was sent.

16 (d) The Authority, after making a certified report to the
17 Secretary pursuant to this Section, shall notify the Secretary,
18 on a form prescribed by the Secretary, whenever a person named
19 in the certified report has satisfied the previously reported
20 fines or penalties and other costs incurred by the Authority
21 due to the suspension proceedings, including but not limited to
22 the filing fees and hearing fees paid by the Authority to the
23 Secretary of State, or whenever the Authority determines that
24 the original report was in error. A certified copy of the
25 notification shall also be given upon request and at no
26 additional charge to the person named therein. Upon receipt of

1 the Authority's notification or presentation of a certified
2 copy of the notification, the Secretary shall terminate the
3 suspension.

4 (e) Subject to subsection (1), the ~~The~~ Authority shall, by
5 rule, establish procedures for persons to challenge the
6 accuracy of the certified report made pursuant to this Section.
7 The rule shall also provide the grounds for a challenge, which
8 may be limited to:

9 (1) the person not having been the owner or lessee of
10 the vehicle or vehicles committing ~~receiving~~ 5 or more toll
11 violations or toll evasions ~~evasion notices~~ on the date of
12 the violations in the notices ~~or dates the notices were~~
13 ~~issued~~; or

14 (2) the person having already satisfied the fines or
15 penalties for the 5 or more toll violations or toll
16 evasions indicated on the certified report.

17 (f) All notices sent by the Authority to persons involved
18 in administrative adjudications, hearings, and final orders
19 issued pursuant to rules implementing subsection (a-5) of
20 Section 10 of the Toll Highway Act shall state that failure to
21 satisfy any fine or penalty imposed by the Authority shall
22 result in the Secretary of State suspending the driving
23 privileges, vehicle registration, or both, of the person
24 failing to satisfy the fines or penalties imposed by the
25 Authority.

26 (g) A person may request an administrative hearing to

1 contest an impending suspension or a suspension made pursuant
2 to this Section upon filing a written request with the
3 Secretary. The filing fee for this hearing is \$20, to be paid
4 at the time of the request. The Authority shall reimburse the
5 Secretary for all reasonable costs incurred by the Secretary as
6 a result of the filing of a certified report pursuant to this
7 Section, including, but not limited to, the costs of providing
8 notice required pursuant to subsection (b) and the costs
9 incurred by the Secretary in any hearing conducted with respect
10 to the report pursuant to this subsection and any appeal from
11 that hearing.

12 (h) The Secretary and the Authority may promulgate rules to
13 enable them to carry out their duties under this Section.

14 (i) The Authority shall cooperate with the Secretary in the
15 administration of this Section and shall provide the Secretary
16 with any information the Secretary may deem necessary for these
17 purposes, including regular and timely access to toll violation
18 enforcement records.

19 The Secretary shall cooperate with the Authority in the
20 administration of this Section and shall provide the Authority
21 with any information the Authority may deem necessary for the
22 purposes of this Section, including regular and timely access
23 to vehicle registration records. Section 2-123 of this Code
24 shall not apply to the provision of this information, but the
25 Secretary shall be reimbursed for the cost of providing this
26 information.

1 (j) For purposes of this Section, the term "Authority"
2 means the Illinois State Toll Highway Authority.

3 (k) This Section may be extended to other toll facilities
4 in the State of Illinois through a duly executed agreement
5 between the Authority and the operator of the toll facility.

6 (l) Notwithstanding any other rulemaking authority that
7 may exist, neither the Governor nor any agency or agency head
8 under the jurisdiction of the Governor has any authority to
9 make or promulgate rules to implement or enforce the provisions
10 of this amendatory Act of the 95th General Assembly. If,
11 however, the Governor believes that rules are necessary to
12 implement or enforce the provisions of this amendatory Act of
13 the 95th General Assembly, the Governor may suggest rules to
14 the General Assembly by filing them with the Clerk of the House
15 and Secretary of the Senate and by requesting that the General
16 Assembly authorize such rulemaking by law, enact those
17 suggested rules into law, or take any other appropriate action
18 in the General Assembly's discretion. Nothing contained in this
19 amendatory Act of the 95th General Assembly shall be
20 interpreted to grant rulemaking authority under any other
21 Illinois statute where such authority is not otherwise
22 explicitly given. For the purposes of this amendatory Act of
23 the 95th General Assembly, "rules" is given the meaning
24 contained in Section 1-70 of the Illinois Administrative
25 Procedure Act, and "agency" and "agency head" are given the
26 meanings contained in Sections 1-20 and 1-25 of the Illinois

1 Administrative Procedure Act to the extent that such
2 definitions apply to agencies or agency heads under the
3 jurisdiction of the Governor.

4 (Source: P.A. 94-218, eff. 7-1-06.)

5 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

6 Sec. 12-503. Windshields must be unobstructed and equipped
7 with wipers.

8 (a) No person shall drive a motor vehicle with any sign,
9 poster, window application, reflective material, nonreflective
10 material or tinted film upon the front windshield, sidewings or
11 side windows immediately adjacent to each side of the driver. A
12 nonreflective tinted film may be used along the uppermost
13 portion of the windshield if such material does not extend more
14 than 6 inches down from the top of the windshield. Nothing in
15 this Section shall create a cause of action on behalf of a
16 buyer against a dealer or manufacturer who sells a motor
17 vehicle with a window which is in violation of this Section.

18 (b) Nothing contained in this Section shall prohibit the
19 use of nonreflective, smoked or tinted glass, nonreflective
20 film, perforated window screen or other decorative window
21 application on windows to the rear of the driver's seat, except
22 that any motor vehicle with a window to the rear of the
23 driver's seat treated in this manner shall be equipped with a
24 side mirror on each side of the motor vehicle which are in
25 conformance with Section 12-502.

1 (c) No person shall drive a motor vehicle with any objects
2 placed or suspended between the driver and the front
3 windshield, rear window, side wings or side windows immediately
4 adjacent to each side of the driver which materially obstructs
5 the driver's view. This subsection (c) does not apply to
6 automatic vehicle identification transponder devices, cards,
7 or chips issued by a governmental body for the purpose of
8 electronic payment of tolls or other authorized payments. A
9 unit of local government, including a home rule unit, may not
10 prohibit the placement of automatic vehicle identification
11 transponder devices, cards, or chips issued by a governmental
12 body for the purpose of electronic payment of tolls or other
13 authorized payments. This subsection (c) is a denial and
14 limitation of home rule powers and functions under subsection
15 (g) of Section 6 of Article VII of the Illinois Constitution.

16 Notwithstanding any other rulemaking authority that may
17 exist, neither the Governor nor any agency or agency head under
18 the jurisdiction of the Governor has any authority to make or
19 promulgate rules to implement or enforce the provisions of this
20 amendatory Act of the 95th General Assembly. If, however, the
21 Governor believes that rules are necessary to implement or
22 enforce the provisions of this amendatory Act of the 95th
23 General Assembly, the Governor may suggest rules to the General
24 Assembly by filing them with the Clerk of the House and
25 Secretary of the Senate and by requesting that the General
26 Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action
2 in the General Assembly's discretion. Nothing contained in this
3 amendatory Act of the 95th General Assembly shall be
4 interpreted to grant rulemaking authority under any other
5 Illinois statute where such authority is not otherwise
6 explicitly given. For the purposes of this amendatory Act of
7 the 95th General Assembly, "rules" is given the meaning
8 contained in Section 1-70 of the Illinois Administrative
9 Procedure Act, and "agency" and "agency head" are given the
10 meanings contained in Sections 1-20 and 1-25 of the Illinois
11 Administrative Procedure Act to the extent that such
12 definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor.

14 (d) Every motor vehicle, except motorcycles, shall be
15 equipped with a device, controlled by the driver, for cleaning
16 rain, snow, moisture or other obstructions from the windshield;
17 and no person shall drive a motor vehicle with snow, ice,
18 moisture or other material on any of the windows or mirrors,
19 which materially obstructs the driver's clear view of the
20 highway.

21 (e) No person shall drive a motor vehicle when the
22 windshield, side or rear windows are in such defective
23 condition or repair as to materially impair the driver's view
24 to the front, side or rear. A vehicle equipped with a side
25 mirror on each side of the vehicle which are in conformance
26 with Section 12-502 will be deemed to be in compliance in the

1 event the rear window of the vehicle is materially obscured.

2 (f) Paragraphs (a) and (b) of this Section shall not apply
3 to:

4 (1) motor vehicles manufactured prior to January 1,
5 1982; or

6 (2) to those motor vehicles properly registered in
7 another jurisdiction.

8 (g) Paragraph (a) of this Section shall not apply to any
9 motor vehicle with a window treatment, including but not
10 limited to a window application, reflective material,
11 nonreflective material, or tinted film, applied or affixed to a
12 motor vehicle that:

13 (1) is owned and operated by a person afflicted with or
14 suffering from a medical illness, ailment, or disease,
15 including but not limited to systemic or discoid lupus
16 erythematosus, disseminated superficial actinic
17 porokeratosis, or albinism, which would require that
18 person to be shielded from the direct rays of the sun; or

19 (2) is used in transporting a person when the person
20 resides at the same address as the registered owner of the
21 vehicle and the person is afflicted with or suffering from
22 a medical illness, ailment or disease which would require
23 the person to be shielded from the direct rays of the sun,
24 including but not limited to systemic or discoid lupus
25 erythematosus, disseminated superficial actinic
26 porokeratosis, or albinism.

1 The owner must obtain a certified statement or letter
2 written by a physician licensed to practice medicine in
3 Illinois that such person owning and operating or being
4 transported in a motor vehicle is afflicted with or suffers
5 from such illness, ailment, or disease, including but not
6 limited to systemic or discoid lupus erythematosus,
7 disseminated superficial actinic porokeratosis, or
8 albinism, and such certification must be carried in the
9 motor vehicle at all times. The certification shall be
10 legible and shall contain the date of issuance, the name,
11 address and signature of the attending physician, and the
12 name, address, and medical condition of the person
13 requiring exemption. The information on the certificate
14 for a window treatment must remain current and shall be
15 renewed annually by the attending physician. The owner
16 shall also submit a copy of the certification to the
17 Secretary of State. The Secretary of State may forward
18 notice of certification to law enforcement agencies.

19 (g-5) (Blank).

20 (h) Paragraph (a) of this Section shall not apply to motor
21 vehicle stickers or other certificates issued by State or local
22 authorities which are required to be displayed upon motor
23 vehicle windows to evidence compliance with requirements
24 concerning motor vehicles.

25 (i) Those motor vehicles exempted under paragraph (f) (1) of
26 this Section shall not cause their windows to be treated as

1 described in paragraph (a) after January 1, 1993.

2 (j) A person found guilty of violating paragraphs (a), (b),
3 or (i) of this Section shall be guilty of a petty offense and
4 fined no less than \$50 nor more than \$500. A second or
5 subsequent violation of paragraphs (a), (b), or (i) of this
6 Section shall be treated as a Class C misdemeanor and the
7 violator fined no less than \$100 nor more than \$500. Any person
8 convicted under paragraphs (a), (b), or (i) of this Section
9 shall be ordered to alter any nonconforming windows into
10 compliance with this Section.

11 (Source: P.A. 94-564, eff. 8-12-05; 95-202, eff. 8-16-07.)

12 (625 ILCS 5/12-610.5)

13 Sec. 12-610.5. Registration plate covers.

14 (a) In this Section, "registration plate cover" means any
15 tinted, colored, painted, marked, clear, reflective,
16 holographic, beveled, streaked, layered, or illuminated object
17 that is designed to:

18 (1) cover any of the characters of a motor vehicle's
19 registration plate; or

20 (2) distort a recorded image of any of the characters
21 of a motor vehicle's registration plate recorded by an
22 automated red light enforcement system as defined in
23 Section 1-105.5 of this Code, ~~or~~ recorded by an automated
24 traffic control system as defined in Section 15 of the
25 Automated Traffic Control Systems in Highway Construction

1 or Maintenance Zones Act, or recorded by a video or photo
2 surveillance system as provided in subsection (a-5) of
3 Section 10 of the Toll Highway Act.

4 (b) It shall be unlawful to operate any motor vehicle that
5 is equipped with registration plate covers.

6 (c) A person may not sell or offer for sale a registration
7 plate cover.

8 (d) A person may not advertise for the purpose of promoting
9 the sale of registration plate covers.

10 (e) A violation of subsection (b) of this Section or a
11 similar provision of a local ordinance shall be an offense
12 against laws and ordinances regulating the movement of traffic.

13 (f) A violation of subsection (c) or (d) of this Section or
14 a similar provision of a local ordinance shall be deemed a
15 petty offense.

16 (g) Notwithstanding any other rulemaking authority that
17 may exist, neither the Governor nor any agency or agency head
18 under the jurisdiction of the Governor has any authority to
19 make or promulgate rules to implement or enforce the provisions
20 of this amendatory Act of the 95th General Assembly. If,
21 however, the Governor believes that rules are necessary to
22 implement or enforce the provisions of this amendatory Act of
23 the 95th General Assembly, the Governor may suggest rules to
24 the General Assembly by filing them with the Clerk of the House
25 and Secretary of the Senate and by requesting that the General
26 Assembly authorize such rulemaking by law, enact those

1 suggested rules into law, or take any other appropriate action
2 in the General Assembly's discretion. Nothing contained in this
3 amendatory Act of the 95th General Assembly shall be
4 interpreted to grant rulemaking authority under any other
5 Illinois statute where such authority is not otherwise
6 explicitly given. For the purposes of this amendatory Act of
7 the 95th General Assembly, "rules" is given the meaning
8 contained in Section 1-70 of the Illinois Administrative
9 Procedure Act, and "agency" and "agency head" are given the
10 meanings contained in Sections 1-20 and 1-25 of the Illinois
11 Administrative Procedure Act to the extent that such
12 definitions apply to agencies or agency heads under the
13 jurisdiction of the Governor.

14 (Source: P.A. 94-304, eff. 1-1-06.)

15 (625 ILCS 5/12-610.6 new)

16 Sec. 12-610.6. Registration plate spray and other recorded
17 image distorting material.

18 (a) In this Section, "registration plate spray or other
19 recorded image distorting material" means any spray, chemical,
20 substance, or other material that is designed to:

21 (1) cover any of the characters of a motor vehicle's
22 registration plate; or

23 (2) distort a recorded image of any of the characters
24 of a motor vehicle's registration plate recorded by (i) an
25 automated red light enforcement system as defined in

1 Section 1-105.5 of this Code, (ii) an automated traffic
2 control system as defined in Section 15 of the Automated
3 Traffic Control Systems in Highway Construction or
4 Maintenance Zone Act, or (iii) a video or photo
5 surveillance system as provided in subsection (a-5) of
6 Section 10 of the Toll Highway Act.

7 (b) It is unlawful to operate any motor vehicle that is
8 equipped with a registration plate that has been treated with a
9 spray or other image recording distorting material.

10 (c) A person may not sell or offer for sale a registration
11 plate spray or other image recording distorting material.

12 (d) A person may not advertise for the purpose of promoting
13 the sale of registration plate spray or other image recording
14 distorting material.

15 (e) A violation of subsection (b) or a similar provision of
16 a local ordinance is an offense against laws and ordinances
17 regulating the movement of traffic.

18 (f) Any adversely affected public agency may file suit
19 against any individual or entity offering or marketing the
20 sale, including via the Internet, of any product advertised as
21 having the capacity to obstruct the visibility or electronic
22 image recording of a license plate. In addition to injunctive
23 and monetary relief, punitive damages, and attorney's fees, the
24 suit may also seek a full accounting of the records of all
25 sales to residents of or entities within the State of Illinois.

26 (g) The Secretary of State shall revoke the registration of

1 any vehicle with a plate that has been found to be in violation
2 of subsection (b) of this Section. The registration shall not
3 be reinstated until any fee that may be required by the
4 Secretary of State for reinstatement is paid.

5 (h) A violation of subsection (c) or (d) or a similar
6 provision of a local ordinance is a petty offense.

7 (i) Notwithstanding any other rulemaking authority that
8 may exist, neither the Governor nor any agency or agency head
9 under the jurisdiction of the Governor has any authority to
10 make or promulgate rules to implement or enforce the provisions
11 of this amendatory Act of the 95th General Assembly. If,
12 however, the Governor believes that rules are necessary to
13 implement or enforce the provisions of this amendatory Act of
14 the 95th General Assembly, the Governor may suggest rules to
15 the General Assembly by filing them with the Clerk of the House
16 and Secretary of the Senate and by requesting that the General
17 Assembly authorize such rulemaking by law, enact those
18 suggested rules into law, or take any other appropriate action
19 in the General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this amendatory Act of
24 the 95th General Assembly, "rules" is given the meaning
25 contained in Section 1-70 of the Illinois Administrative
26 Procedure Act, and "agency" and "agency head" are given the

1 meanings contained in Sections 1-20 and 1-25 of the Illinois
2 Administrative Procedure Act to the extent that such
3 definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor."