



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3267

Introduced 2/19/2016, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.875 new

35 ILCS 505/8

625 ILCS 5/3-402.1

625 ILCS 5/20-101

625 ILCS 5/3-815.1 rep.

from Ch. 120, par. 424

from Ch. 95 1/2, par. 3-402.1

from Ch. 95 1/2, par. 20-101

Creates the Illinois Road Improvement and Driver Enhancement Act. Provides that, beginning on July 1, 2017, each owner or lessee of a motor vehicle (other than a commercial motor vehicle) that is required to be registered in this State shall pay a distance-based road user fee for metered use of the public roads in Illinois by the motor vehicle. Provides that the fee shall be based on a payment plan selected by the owner or lessee. Provides that the owner or lessee shall receive a credit for estimated motor fuel taxes paid by the owner or lessee. Creates the Illinois Road Improvement and Driver Enhancement Commission for the purpose of administering the Act. Sets forth the membership, powers and duties, and terms of the Commission. Creates the Illinois Road Improvement and Driver Enhancement Advisory Board and sets forth the membership of the Board. Amends the Illinois Vehicle Code. Repeals a provision providing for the collection of an annual commercial distribution fee on vehicles of the second division weighing more than 8,000 pounds. Makes conforming changes. Effective immediately, except that certain provisions take effect on July 1, 2017.

LRB099 20730 HLH 45373 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois Road Improvement and Driver Enhancement Act.

6 Section 5. Findings. The General Assembly finds and
7 declares that, in order to promote the public welfare and to
8 facilitate vehicular traffic by providing convenient, safe,
9 modern, and limited access highways designed to accommodate the
10 needs of the traveling public through and within the State of
11 Illinois, it is necessary and in the public interest to expand
12 the resources to pay for operating, maintaining, and improving
13 the State's transportation network by incorporating therein
14 the benefits of advanced engineering skill, design,
15 experience, and safety factors, to eliminate existing traffic
16 hazards, and to prevent automotive injuries and fatalities, and
17 to create the Illinois Road Improvement and Driver Enhancement
18 Commission as an instrumentality and administrative agency of
19 the State of Illinois, and to confer upon and vest in the
20 Commission all powers necessary or appropriate to enable the
21 Commission to carry out the foregoing stated legislative
22 purpose and determination. Public-private agreements between
23 the State of Illinois and one or more private entities to

1 develop, finance, create, manage, or operate the Illinois Road
2 Improvement and Driver Enhancement Program have the potential
3 of maximizing value and benefit to the People of the State of
4 Illinois and the public at large.

5 Section 10. Definitions. As used in this Act:

6 "Advisory Board" means the Illinois Road Improvement and
7 Driver Enhancement Advisory Board created in Section 32.

8 "Commercial motor vehicle" means any motor vehicle that (i)
9 is used on public highways in interstate and intrastate
10 commerce to transport passengers or property and (ii) has a
11 gross vehicle weight, a gross vehicle weight rating, a gross
12 combination weight, or a gross combination weight rating of
13 10,001 or more pounds, or (iii) is used in the transportation
14 of hazardous materials in a quantity requiring placarding under
15 the Illinois Hazardous Materials Transportation Act.
16 "Commercial motor vehicle" does not include recreational
17 vehicles or vehicles designed to transport 16 or more persons.

18 "Commission" means the Illinois Road Improvement and
19 Driver Enhancement Commission created under Section 30 of this
20 Act.

21 "Lessee" means a person that leases a motor vehicle that is
22 required to be registered in Illinois.

23 "Motor vehicle" has the meaning given that term in the
24 Illinois Vehicle Code. For the purposes of this Act, the term
25 "motor vehicle" does not include (i) motor vehicles designed to

1 travel with fewer than 4 wheels in contact with the ground or
2 (ii) commercial motor vehicles.

3 "Open system" means an integrated system based on common
4 standards and an operating system that has been made public so
5 that components performing the same function can be readily
6 substituted or provided by multiple providers.

7 "Person" means any natural individual, firm, partnership,
8 association, joint stock company, joint adventure, public or
9 private corporation, limited liability company, or a receiver,
10 executor, trustee, guardian or other representative appointed
11 by order of any court.

12 "Personally identifiable information" means any
13 information that identifies or describes a person, including,
14 but not limited to, the person's travel pattern data, distance
15 based road user fee account number, address, telephone number,
16 electronic mail address, driver's license or identification
17 card number, registration plate number, photograph, recorded
18 images, bank account information, and credit card number.

19 "Registered owner" means owner as defined in Section 1-155
20 of the Illinois Vehicle Code.

21 "Vendor" means a person that has been selected to enter or
22 has entered into a public-private agreement with the Commission
23 on behalf of the State for the management and collection of
24 I-RIDE distance-based road user fees, including storing
25 mileage data, maintaining user accounts, sending invoices to
26 participants, and transferring revenues to the State.

1 "Vehicle metering system" means a system used to record the
2 metered use by a motor vehicle for the purpose of complying
3 with the reporting requirements under Section 15 of this Act.

4 "VIN summary report" means a monthly report by the
5 Commission or a certified service provider that includes a
6 summary of all vehicle identification numbers of subject
7 vehicles and associated total metered use during the month. The
8 report may not include location information.

9 Section 15. Distance-based road user fee plans.

10 (a) No later than May 1, 2017, the Secretary of State shall
11 mail to each owner of a motor vehicle that is required to be
12 registered in this State a form allowing that owner to choose
13 one of the following distance-based road user fee plans
14 developed by the Commission in consultation and cooperation
15 with its vendors:

16 (1) The I-RIDE Smart Plan, reporting miles traveled on
17 public, non-tolled Illinois roads using personally
18 identifiable information using location data to calculate
19 how many miles were driven in Illinois monthly;

20 (2) The I-RIDE Convenient Plan, reporting all miles
21 traveled without the use of personally identifiable
22 information through the use of a vehicle odometer reading;
23 or

24 (3) The I-RIDE Flat Rate Plan, reporting a flat monthly
25 rate based on 30,000 miles of driving per year for

1 passenger vehicles and single unit trucks, as defined by
2 the Illinois Vehicle Code, and 50,000 miles of driving per
3 year for buses, as defined by the Illinois Vehicle Code.

4 If the motor vehicle is subject to a lease agreement, then
5 the form shall be mailed to the lessee, and the lessee shall
6 make the selection.

7 (b) Any owner or lessee who does not select a plan by July
8 1, 2017 shall automatically be enrolled in the I-Ride Flat Rate
9 Plan designated under paragraph (3) of subsection (a). An owner
10 or lessee may change his or her plan at any time by notifying
11 the Secretary of State of the change. Each owner or lessee that
12 initially registers a motor vehicle with the Secretary of State
13 on or after May 1, 2017 may select a plan at the time of
14 registration.

15 (c) Registered vehicle owners using a distance-based road
16 user fee system plan pursuant to paragraphs (1) or (2) of
17 subsection (a) of this Section shall receive a monthly invoice
18 containing the following information:

19 (1) dates of usage;

20 (2) the vehicle make, model, year, fuel economy, and
21 class as defined in the Illinois Vehicle Code in the
22 household;

23 (3) miles driven as recorded by subsection (a) of this
24 Section;

25 (4) distance-based road user fees;

26 (5) estimated motor fuel taxes paid;

1 (6) estimated motor fuel tax credits received pursuant
2 subsection (e) of Section 20; and

3 (7) All other fees the Commission provides including,
4 but not limited to, convenience fees and late fees.

5 Section 20. Distance-based road user fees.

6 (a) Except as provided in paragraph (b) of this Section,
7 beginning on July 1, 2017, the owner of each motor vehicle that
8 is required to be registered in this State shall pay a
9 distance-based road user fee for metered use of the public
10 roads in Illinois by the motor vehicle. Commercial motor
11 vehicles are excluded from the provisions of this Act.

12 (b) In the case of a motor vehicle that is subject to a
13 lease agreement, during the term of the lease agreement, the
14 fee shall be paid by the lessee.

15 (c) The initial rates for distance-based road user fees
16 shall be as follows:

17 (1) for motor vehicles for which the registered vehicle
18 owner or lessee has selected a distance-based road user fee
19 as described in paragraph (1) or (2) of subsection (a) of
20 Section 15 of this Act, the fee shall be calculated at the
21 rate of \$0.015 per vehicle mile travelled; and

22 (2) for motor vehicles for which the registered vehicle
23 owner or lessee has selected a distance-based road user fee
24 as described in paragraph (3) of subsection (a) of Section
25 15 of this Act, the fee shall be \$450 per year for

1 passenger vehicles and \$750 per year for buses, each as
2 defined in the Illinois Vehicle Code.

3 Beginning July 1, 2017, the Commission may, by rule, charge
4 a convenience fee. That fee shall be deposited into the
5 Illinois Road Improvement and Driver Enhancement Commission
6 Administration Fund, a special fund created in the State
7 treasury. Moneys in the Fund shall be used by the Commission to
8 cover its operational expenses.

9 (d) The Commission shall adjust the distance-based road
10 user fees on the 1st of June every fifth year, beginning on
11 June 1, 2022, using the Construction Cost Index. The
12 Commission, in fixing the rate for distance-based road user
13 fees, is authorized and directed to base those fees upon annual
14 estimates to be made, recorded, and filed with the Commission.
15 Those estimates shall include the following:

16 (1) the estimated total amount of the use of the public
17 roads;

18 (2) the estimated amount of the revenue to be derived
19 from the use of the public roads, which will, when added to
20 all other receipts and income, be sufficient to pay the
21 expense of maintaining and operating those public roads;
22 and

23 (3) the estimated administrative expenses of the
24 Commission.

25 (e) Any registered vehicle owner or lessee who selects a
26 distance-based road user fee plan pursuant to paragraph (1) or

1 (2) of subsection (a) of Section 15 of this Act shall be
2 credited monthly for estimated payments made under Section 8 of
3 the Motor Fuel Tax Law for miles driven on public roads. Those
4 estimates shall be based on the make, model, and year of the
5 vehicle and its average fuel economy, as determined by the
6 Commission by rule.

7 Section 25. Distribution of proceeds. An amount equal to
8 18% of net revenue received under this Act shall be deposited
9 into the Public Transportation Fund. An amount equal to 2% of
10 total net revenue received this Act shall be deposited into the
11 Downstate Public Transportation Fund. An amount equal to 1% of
12 net revenues received under this Act shall be deposited into
13 the Alternate Fuels Fund. All other moneys received under this
14 Act shall be deposited into the Motor Fuel Tax Fund. All
15 credits issued pursuant to subsection (e) of Section 20 of this
16 Act shall be issued from the Motor Fuel Tax Fund.

17 Section 30. Commission.

18 (a) There is hereby created the Illinois Road Improvement
19 and Driver Enhancement Commission. The Commission is hereby
20 constituted as an instrumentality and an administrative agency
21 of the State of Illinois.

22 (b) The Commission shall consist of the Governor and the
23 Secretary of Transportation, or their respective designees, as
24 ex-officio members and 5 members appointed by the Governor.

1 Initial appointments under this subsection (b) shall be made
2 within 60 days after the effective date of this Act. Executive
3 appointments to the Commission shall be subject to the advice
4 and consent of the Senate. All appointments shall be in writing
5 and shall be filed with the Secretary of State as a public
6 record.

7 (c) With respect to the members initially appointed under
8 this Act, the Governor shall select one member to be appointed
9 for a one-year term; one member to be appointed for a 2-year
10 term; one member to be appointed for a 3-year term; and 2
11 members to be appointed for 4-year terms. Their successors
12 shall serve for 4-year terms. Members shall serve until their
13 successors are appointed and qualified. Each appointed member
14 may be removed by his or her appointing authority for
15 incompetency, neglect of duty, or malfeasance. Members may be
16 reappointed. Vacancies shall be filled for the unexpired term
17 in the same manner as the original appointments.

18 (d) The Commission shall have the power to contract and be
19 contracted with; to acquire, hold, and convey personal
20 property; to have and use a common seal, and to alter the same
21 at will; to make and establish resolutions, by-laws, rules,
22 rates and regulations, and to alter or repeal the same as the
23 Commission shall deem necessary and expedient for the funding
24 of a system of public roads subject to this Act within and
25 through the State of Illinois.

26 (e) One of the members shall be appointed by the Commission

1 as Chairman and shall hold office as Chairman for 2 years from
2 the date of his appointment as Chairman, and until his
3 successor shall be duly appointed and qualified. The Chairman
4 shall be eligible for reappointment as Chairman.

5 The Chairman shall preside at all meetings of the
6 Commission; shall exercise general supervision over all
7 powers, duties, obligations and functions of the Commission;
8 and shall approve or disapprove all resolutions and by-laws
9 made and established by the Commission, and if he shall approve
10 thereof, he shall sign the same, and such as he shall not
11 approve he shall return to the Commission with his objections
12 thereto in writing at the next regular meeting of the
13 Commission occurring after the passage thereof. Such veto may
14 extend to any one or more items contained in such resolution or
15 by-law, or to its entirety; and in case the veto extends to a
16 part of such resolution or by-law, the residue thereof shall
17 take effect and be in force, but in case the Chairman shall
18 fail to return any resolution or by-law with his objections
19 thereto by the time aforesaid, he shall be deemed to have
20 approved the same, and the same shall take effect accordingly.
21 Upon the return of any resolution or by-law by the Chairman,
22 the vote by which the same was passed shall be reconsidered by
23 the Commission, and if, upon such reconsideration,
24 three-fifths of all the members agree by yeas and nays to pass
25 the same, it shall go into effect notwithstanding the
26 Chairman's refusal to approve thereof. All members of the

1 Commission shall vote autonomously, however, shall take into
2 consideration Department of Transportation recommendations for
3 any resolution or by-law considered by the Commission. The
4 Commission may, in consultation with the Department of
5 Transportation, adopt rules in accordance with the Illinois
6 Administrative Procedure Act, including rules fixing rates and
7 fees as provided in this Act.

8 (f) The Chairman of the Commission shall receive a salary
9 of \$18,000 per year, payable in monthly installments. Each
10 other member, other than ex-officio members, shall receive an
11 annual salary of \$15,000, payable in monthly installments. In
12 addition, each member shall be reimbursed for necessary
13 expenses incurred in the performance of his or her duties.

14 (g) Immediately after appointment and qualification,
15 members shall enter upon their duties. The members shall
16 biennially select a Secretary, who may or may not be a member
17 of the Commission. If the Secretary is not a member, the
18 Commission shall fix his or her compensation. Three members
19 shall constitute a quorum. No vacancy in the membership of the
20 Commission shall impair the right of a quorum of the members to
21 exercise all the rights and perform all the duties of the
22 Commission.

23 (h) The Chairman shall execute and file a bond in the penal
24 sum of \$100,000. Each other member, other than the ex-officio
25 members, shall qualify by executing and filing, as hereinafter
26 provided, a bond in the penal sum of \$25,000, and the

1 Secretary, if not a member of the Commission, shall execute and
2 file, as hereinafter provided, a bond in the penal sum of
3 \$15,000. All such bonds shall be payable to the People of the
4 State of Illinois, and be conditioned upon the faithful
5 performance of the duties imposed upon Chairman, member or
6 Secretary under this Act. The bonds shall be subject to the
7 approval of the Governor and of the Attorney General of the
8 State of Illinois, and shall, when executed and so approved, be
9 filed in the office of the Secretary of State. The bonds herein
10 required to be furnished shall be with a surety company, or
11 companies, authorized to do business in this State under the
12 laws of this State, and the cost of any official bonds required
13 to be furnished hereunder shall be paid out of any fund subject
14 to expenditure by the Commission.

15 (i) The Commission shall set aside a portion of each
16 meeting of the Commission that is open to the public pursuant
17 to the provisions of the Open Meetings Act during which members
18 of the public who are present at the meeting may comment on any
19 subject.

20 Section 32. Illinois Road Improvement and Driver
21 Enhancement Advisory Board.

22 (a) There is created an Illinois Road Improvement and
23 Driver Enhancement Advisory Board. The Advisory Board shall
24 consist of 12 members appointed 3 each by the Senate President,
25 the Speaker of the House of Representative, the Minority Leader

1 of the Senate, and the Minority Leader of the House of
2 Representatives. The Secretary of Transportation shall serve
3 as the ex-officio Chairman of the Advisory Board. Initial
4 appointments under this Section shall be made within 60 days
5 after the effective date of this Act. All appointments shall be
6 in writing and shall be filed with the Secretary of State as a
7 public record. All appointments shall be made with the goal
8 that each of the 9 Department of Transportation regions
9 approved by the General Assembly are fairly represented.

10 For members of the Advisory Board initially appointed under
11 this Act, each appointing authority shall select one member to
12 be appointed for a 2-year term; one member to be appointed for
13 a 3-year term; and one member to be appointed for a 4-year
14 term. Members shall serve until their successors are appointed
15 and qualified. Seven members of the Advisory Board shall
16 constitute a quorum to do business. A vacancy on the Advisory
17 Board shall be filled for the unexpired term in the same manner
18 as the original appointments.

19 (b) Members of the Advisory Board shall receive no
20 compensation for their services but shall be reimbursed for
21 expenses incurred in the performance of their duties by the
22 Commission from appropriations made to the Commission for such
23 purpose.

24 (c) The Advisory Board shall aid the Commission in
25 formulating policies, discussing problems, setting priorities
26 of expenditures, and reviewing rate adjustments. Not less than

1 30 days prior to a meeting of the Commission to adjust rates,
2 the Advisory Board shall review the estimates filed with the
3 Commission as provided in subsection (d) of Section 20 of the
4 Act. The Advisory Board shall make recommendations and findings
5 to the Commission not less than 5 business days before the
6 Commission meets to consider adjusting rates. A copy of the
7 findings and recommendations shall be provided to the General
8 Assembly. The Advisory Board shall also review audit reports
9 prepared under this Act and any other financial reports and
10 documents

11 Section 35. Powers and duties of the Commission.

12 (a) The Commission shall, by rule, establish the methods
13 for recording and reporting the number of miles that motor
14 vehicles travel on highways. In doing so, the Commission shall
15 consider:

- 16 (1) the accuracy of the data collected;
- 17 (2) privacy options for persons liable for the
18 distance-based road user fee;
- 19 (3) the security of the technology;
- 20 (4) the resistance of the technology to tampering;
- 21 (5) the ability to audit compliance; and
- 22 (6) other relevant factors that the Commission deems
23 important.

24 (b) The Commission shall establish, by rule, at least one
25 method of collecting and reporting the number of miles traveled

1 by a subject vehicle that does not use vehicle location
2 technology.

3 (c) The Commission shall, by rule, adopt standards for open
4 system technology used in methods established under this
5 Section. In adopting open system technology standards, the
6 Commission shall form an agreement or contract between a vendor
7 and the Commission, known as a public-private agreement, on
8 behalf of the State, and all schedules, exhibits, and
9 attachments thereto, shall be entered into pursuant to a
10 competitive request for proposals process governed by the
11 Illinois Procurement Code and rules adopted under that Code and
12 this Act. The Commission shall cooperate with the Secretary of
13 State to provide the registered vehicle owners and lessees
14 liable for the distance-based road user fee the opportunity to
15 select a method from among multiple options for collecting and
16 reporting the number of miles travelled on the public roads.

17 Section 40. Reporting periods and collection procedures.

18 (a) The Commission shall establish, by rule, reporting
19 periods for the distance-based road user fees imposed under
20 Section 20 of this Act.

21 (b) Reporting periods established under this Section may
22 vary according to the facts and circumstances applicable to
23 classes of registered owners, lessees, and subject vehicles. In
24 establishing reporting periods, the Commission shall consider:

25 (1) the effort required by registered owners or lessees

1 to report metered use and to pay the distance-based road
2 user fee;

3 (2) the amount of the distance-based road user fee
4 owed;

5 (3) the cost to the registered owner or lessee of
6 reporting metered use and of paying the distance-based road
7 user fee;

8 (4) the administrative cost to the Commission; and

9 (5) any other relevant factor that the Commission deems
10 important.

11 (c) The Commission shall adopt rules in accordance with the
12 Illinois Administrative Procedure Act establishing collection
13 procedures for the distance-based road user fees imposed under
14 Section 20.

15 Section 45. Administrative review.

16 (a) The Commission may, by rule, fix, assess, and collect
17 civil fines for a vehicle's operation on a public highway
18 without the required road user fee having been paid. The
19 Commission may establish by rule a system of civil
20 administrative adjudication to adjudicate only alleged
21 instances of a vehicle's operation on a public highway without
22 the required user fee having been paid. In cases in which the
23 operator of the vehicle is not the registered vehicle owner,
24 the establishment of ownership of the vehicle creates a
25 rebuttable presumption that the vehicle was being operated by

1 an agent of the registered vehicle owner. If the registered
2 vehicle owner liable for a violation under this Section was not
3 the operator of the vehicle at the time of the violation, the
4 owner may maintain an action for indemnification against the
5 operator in the circuit court. Rules establishing a system of
6 civil administrative adjudication must provide for written
7 notice, by first class mail or other means provided by law, to
8 the address of the registered owner of the cited vehicle as
9 recorded with the Secretary of State or to the lessee of the
10 cited vehicle at the last address known to the lessor of the
11 cited vehicle at the time of the lease, of the alleged
12 violation and an opportunity to be heard on the question of the
13 violation and must provide for the establishment of a toll-free
14 telephone number to receive inquiries concerning alleged
15 violations. The notice shall also inform the registered vehicle
16 owner that failure to contest in the manner and time provided
17 shall be deemed an admission of liability and that a final
18 order of liability may be entered on that admission. A duly
19 authorized agent of the Commission may perform or execute the
20 preparation, certification, affirmation, or mailing of the
21 notice. A notice of violation, sworn or affirmed to or
22 certified by a duly authorized agent of the Commission, or a
23 facsimile of the notice, based upon an inspection of
24 photographs, microphotographs, videotape, or other recorded
25 images produced by a video or photo surveillance system, shall
26 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. A decision of the Commission
6 under this subsection shall be considered a final
7 administrative decision for purposes of administrative review
8 under the Administrative Review Law. Judicial review of all
9 final orders of the Commission under this paragraph shall be
10 conducted in the circuit court of the county in which the
11 administrative decision was rendered in accordance with the
12 Administrative Review Law.

13 (b) Any outstanding fee, fine, additional late payment
14 fine, other sanction, or costs imposed, or part of any fine,
15 other sanction, or costs imposed, remaining unpaid after the
16 exhaustion of, or the failure to exhaust, judicial review
17 procedures under the Administrative Review Law are a debt due
18 and owing the Commission and may be collected in accordance
19 with applicable law. After expiration of the period in which
20 judicial review under the Administrative Review Law may be
21 sought, unless stayed by a court of competent jurisdiction, a
22 final order of the Commission under this subsection (a) may be
23 enforced in the same manner as a judgment entered by a court of
24 competent jurisdiction.

25 (c) A system of civil administrative adjudication may also
26 provide for a program of vehicle immobilization, tow, or

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

18 (d) No commercial entity that is the lessor of a vehicle
19 under a written lease agreement shall be liable for an
20 administrative notice of violation for fee evasion issued under
21 this subsection (a) involving that vehicle during the period of
22 the lease if the lessor provides a copy of the leasing
23 agreement to the Commission within 21 days of the issue date on
24 the notice of violation. The leasing agreement also must
25 contain a provision or addendum informing the lessee that the
26 lessee is liable for payment of all tolls and any fines for

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

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

11 Section 50. Privacy.

12 (a) Except as provided in subsection (b) or (e) of this
13 Section, personally identifiable information used for
14 reporting metered use or for administrative services related to
15 the collection of the distance-based road user fee imposed
16 under this Act is confidential within the meaning of the
17 Illinois Freedom of Information Act and is a public record
18 exempt from disclosure under Illinois Freedom of Information
19 Act.

20 (b) The Commission, a vendor, or a contractor for a vendor
21 may not disclose personally identifiable information used or
22 developed for reporting metered use by a subject vehicle or for
23 administrative services related to the collection of
24 distance-based road user fees to any person except:

25 (1) the registered owner or lessee;

1 (2) a financial institution, for the purpose of
2 collecting distance-based road user fees owed;

3 (3) employees of the Commission;

4 (4) a vendor;

5 (5) a contractor for a vendor, but only to the extent
6 the contractor provides services directly related to the
7 vendor's agreement with the Commission;

8 (6) an entity expressly approved to receive the
9 information by the registered owner or lessee of the
10 subject vehicle; or

11 (7) a law enforcement officer pursuant to a valid court
12 order based on probable cause and issued at the request of
13 a federal, State or local law enforcement agency in an
14 authorized criminal investigation involving a person to
15 whom the requested information pertains.

16 (c) Disclosure under items (2) through (5) of subsection
17 (b) is limited to personally identifiable information
18 necessary to the respective recipient's function under this
19 Act.

20 (d) Not later than 30 days after completion of payment
21 processing, dispute resolution for a single reporting period or
22 a noncompliance investigation, whichever is latest, the
23 Commission and vendors shall destroy records of the location
24 and daily metered use of subject vehicles.

25 (e) Notwithstanding paragraph (a) of this Section:

26 (1) For purposes of traffic management and research,

1 the Commission and vendors may retain, aggregate, and use
2 information in the records after removing personally
3 identifiable information.

4 (2) A vendor may retain the records if the registered
5 owner or lessee consents to the retention. Consent under
6 this subparagraph does not entitle the Commission to obtain
7 or use the records or the information contained in the
8 records.

9 (3) Monthly summaries of metered use by subject
10 vehicles may be retained in VIN summary reports by the
11 Commission and vendors.

12 (4) The Commission, in any agreement with a vendor,
13 shall provide for penalties if the vendor violates this
14 Section.

15 Section 55. Refunds.

16 (a) The Commission shall adopt rules to allow registered
17 owners or lessees that have overpaid the distance-based road
18 user fee imposed under this Act to obtain a refund.

19 (b) Any credit or refund that is allowed under this Section
20 shall bear interest at the rate and in the manner specified in
21 the Uniform Penalty and Interest Act.

22 (c) In any case in which there has been an erroneous refund
23 of tax or fees payable under this Section, a notice of tax
24 liability may be issued at any time within 3 years from the
25 making of that refund, or within 5 years from the making of

1 that refund if it appears that any part of the refund was
2 induced by fraud or the misrepresentation of material fact. The
3 amount of any proposed assessment set forth by the Commission
4 shall be limited to the amount of the erroneous refund.

5 (d) Any person aggrieved by any action of the Commission
6 under this Section may protest the action by making a written
7 request for a hearing within 60 days of the original action. If
8 the hearing is not requested in writing within 60 days, the
9 original action is final.

10 Section 60. Tampering.

11 (a) A person commits the offense of tampering with a
12 vehicle metering system if the person:

13 (1) With the intent to defraud, operates a motor
14 vehicle that is subject to the per-mile road user fee
15 knowing that the vehicle metering system is disconnected or
16 nonfunctional.

17 (2) Replaces, disconnects or resets the vehicle
18 metering system of a motor vehicle that is subject to the
19 per-mile road user fee with the intent of reducing the
20 metered use recorded by the vehicle metering system.

21 This Section does not apply to a person who is servicing,
22 repairing or replacing a vehicle metering system.

23 (b) Tampering with a vehicle metering system is a Class A
24 misdemeanor offense.

1 Section 65. Attorney General as legal advisor. The
2 Attorney General of the State of Illinois shall be ex-officio
3 attorney for the Commission and he or she shall be its legal
4 adviser and legal representative. In addition to the specific
5 duties imposed upon the Attorney General, under the provisions
6 of this Act, it shall be his or her further duty to act as
7 attorney for the Commission in all of its transactions, to
8 represent the Commission in all of its litigation, and to
9 examine and approve all contracts and leases entered into by
10 the Commission, as to their form and constitutionality prior to
11 their execution and delivery.

12 Section 70. Financial benefit prohibited.

13 (a) A commissioner, employee, or agent of the Commission
14 may not receive a financial benefit from a contract let by the
15 Commission during his or her term of service with the
16 Commission and for a period of one year following the
17 termination of his or her term of service as a member of the
18 Commission or as an employee or agent of the Commission.

19 (b) A member of the immediate family or household of a
20 commissioner, employee, or agent of the Commission may not
21 receive a financial benefit from a contract let by the
22 Commission during the immediate family or household member's
23 term of service with the Commission and for a period of one
24 year following the termination of the immediate family or
25 household member's term of service as a member of the

1 Commission or as an employee or agent of the Commission.

2 (c) A member, employee, or agent of the Commission may not
3 use material non-public information for personal financial
4 gain nor may he or she disclose that information to any other
5 person for that person's personal financial gain when that
6 information was obtained as a result of his or her
7 directorship, employment, or agency with the Commission.

8 (d) A member of the immediate family or household of a
9 commissioner, employee, or agent of the Commission may not use
10 material non-public information for personal financial gain
11 nor may he or she disclose that information to any other person
12 for that person's personal financial gain when that information
13 was obtained as a result of his or her immediate family or
14 household member's directorship, employment, or agency with
15 the Commission.

16 (e) For purposes of this Section, "immediate family or
17 household member" means the spouse, child, parent, brother,
18 sister, grandparent, or grandchild, whether of the whole blood
19 or half blood or by adoption, or a person who shares a common
20 dwelling with a member of the Commission or with an employee or
21 agent of the Commission.

22 Section 75. Conflict of interest. No member or officer
23 of the Commission shall be interested, directly or indirectly,
24 in any contract, agreement, lease, work or business of the
25 Commission, or in the sale of any article whenever the expense,

1 price or consideration of the contract, agreement, lease, work,
2 business or sale is paid by the Commission. No commissioner or
3 officer of the Commission shall be interested, directly or
4 indirectly, in the purchase, sale or lease of any property
5 which (1) belongs to the Commission, (2) is sold, leased or any
6 interest therein is acquired by the Commission, or (3) is sold
7 by virtue of legal process at the suit of the Commission.

8 Section 80. Commission misfeasance. Every
9 commissioner, chairman, or officer of the Commission who is
10 guilty of a palpable omission of duty, or who is guilty of
11 willful and corrupt oppression, malfeasance, or misfeasance in
12 office in discharge of the duties of his office shall be liable
13 to indictment in any court of competent jurisdiction and shall
14 be guilty of a Class A misdemeanor. Any conviction hereunder
15 shall constitute grounds for removal as provided in this Act.

16 Section 85. Powers liberally construed. The powers
17 conferred by this Act shall be liberally construed in order to
18 accomplish their purposes and shall be in addition and
19 supplemental to the powers conferred by any other law. If any
20 other law or rule is inconsistent with this Act, this Act is
21 controlling as to any public private agreement entered into
22 under this Act.

23 Section 90. Full and complete authority. This Act

1 contains full and complete authority for agreements and leases
2 with private entities to carry out the activities described in
3 this Act. Except as otherwise required by law, no procedure,
4 proceedings, publications, notices, consents, approvals,
5 orders, or acts by the Commission or any other State or local
6 agency or official are required to enter into an agreement or
7 lease.

8 Section 95. Rulemaking. The Commission shall adopt rules
9 under the Illinois Administrative Procedure Act for the purpose
10 of carrying out its responsibilities under this Act.

11 Section 97. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 400. The State Finance Act is amended by adding
14 Section 5.875 as follows:

15 (30 ILCS 105/5.875 new)

16 Sec. 5.875. The Illinois Road Improvement and Driver
17 Enhancement Commission Administration Fund.

18 Section 405. The Motor Fuel Tax Law is amended by changing
19 Section 8 as follows:

20 (35 ILCS 505/8) (from Ch. 120, par. 424)

1 Sec. 8. Except as provided in Section 8a, subdivision
2 (h) (1) of Section 12a, Section 13a.6, and items 13, 14, 15, and
3 16 of Section 15, all money received by the Department under
4 this Act, including payments made to the Department by member
5 jurisdictions participating in the International Fuel Tax
6 Agreement, and moneys required to be deposited into the Motor
7 Fuel Tax Fund under the Illinois Road Improvement and Driver
8 Enhancement Act, shall be deposited in a special fund in the
9 State treasury, to be known as the "Motor Fuel Tax Fund", and
10 shall be used as follows:

11 (a) 2 1/2 cents per gallon of the tax collected on special
12 fuel under paragraph (b) of Section 2 and Section 13a of this
13 Act shall be transferred to the State Construction Account Fund
14 in the State Treasury;

15 (b) \$420,000 shall be transferred each month to the State
16 Boating Act Fund to be used by the Department of Natural
17 Resources for the purposes specified in Article X of the Boat
18 Registration and Safety Act;

19 (c) \$3,500,000 shall be transferred each month to the Grade
20 Crossing Protection Fund to be used as follows: not less than
21 \$12,000,000 each fiscal year shall be used for the construction
22 or reconstruction of rail highway grade separation structures;
23 \$2,250,000 in fiscal years 2004 through 2009 and \$3,000,000 in
24 fiscal year 2010 and each fiscal year thereafter shall be
25 transferred to the Transportation Regulatory Fund and shall be
26 accounted for as part of the rail carrier portion of such funds

1 and shall be used to pay the cost of administration of the
2 Illinois Commerce Commission's railroad safety program in
3 connection with its duties under subsection (3) of Section
4 18c-7401 of the Illinois Vehicle Code, with the remainder to be
5 used by the Department of Transportation upon order of the
6 Illinois Commerce Commission, to pay that part of the cost
7 apportioned by such Commission to the State to cover the
8 interest of the public in the use of highways, roads, streets,
9 or pedestrian walkways in the county highway system, township
10 and district road system, or municipal street system as defined
11 in the Illinois Highway Code, as the same may from time to time
12 be amended, for separation of grades, for installation,
13 construction or reconstruction of crossing protection or
14 reconstruction, alteration, relocation including construction
15 or improvement of any existing highway necessary for access to
16 property or improvement of any grade crossing and grade
17 crossing surface including the necessary highway approaches
18 thereto of any railroad across the highway or public road, or
19 for the installation, construction, reconstruction, or
20 maintenance of a pedestrian walkway over or under a railroad
21 right-of-way, as provided for in and in accordance with Section
22 18c-7401 of the Illinois Vehicle Code. The Commission may order
23 up to \$2,000,000 per year in Grade Crossing Protection Fund
24 moneys for the improvement of grade crossing surfaces and up to
25 \$300,000 per year for the maintenance and renewal of 4-quadrant
26 gate vehicle detection systems located at non-high speed rail

1 grade crossings. The Commission shall not order more than
2 \$2,000,000 per year in Grade Crossing Protection Fund moneys
3 for pedestrian walkways. In entering orders for projects for
4 which payments from the Grade Crossing Protection Fund will be
5 made, the Commission shall account for expenditures authorized
6 by the orders on a cash rather than an accrual basis. For
7 purposes of this requirement an "accrual basis" assumes that
8 the total cost of the project is expended in the fiscal year in
9 which the order is entered, while a "cash basis" allocates the
10 cost of the project among fiscal years as expenditures are
11 actually made. To meet the requirements of this subsection, the
12 Illinois Commerce Commission shall develop annual and 5-year
13 project plans of rail crossing capital improvements that will
14 be paid for with moneys from the Grade Crossing Protection
15 Fund. The annual project plan shall identify projects for the
16 succeeding fiscal year and the 5-year project plan shall
17 identify projects for the 5 directly succeeding fiscal years.
18 The Commission shall submit the annual and 5-year project plans
19 for this Fund to the Governor, the President of the Senate, the
20 Senate Minority Leader, the Speaker of the House of
21 Representatives, and the Minority Leader of the House of
22 Representatives on the first Wednesday in April of each year;

23 (d) of the amount remaining after allocations provided for
24 in subsections (a), (b) and (c), a sufficient amount shall be
25 reserved to pay all of the following:

26 (1) the costs of the Department of Revenue in

1 administering this Act;

2 (2) the costs of the Department of Transportation in
3 performing its duties imposed by the Illinois Highway Code
4 for supervising the use of motor fuel tax funds apportioned
5 to municipalities, counties and road districts;

6 (3) refunds provided for in Section 13, refunds for
7 overpayment of decal fees paid under Section 13a.4 of this
8 Act, and refunds provided for under the terms of the
9 International Fuel Tax Agreement referenced in Section
10 14a;

11 (4) from October 1, 1985 until June 30, 1994, the
12 administration of the Vehicle Emissions Inspection Law,
13 which amount shall be certified monthly by the
14 Environmental Protection Agency to the State Comptroller
15 and shall promptly be transferred by the State Comptroller
16 and Treasurer from the Motor Fuel Tax Fund to the Vehicle
17 Inspection Fund, and for the period July 1, 1994 through
18 June 30, 2000, one-twelfth of \$25,000,000 each month, for
19 the period July 1, 2000 through June 30, 2003, one-twelfth
20 of \$30,000,000 each month, and \$15,000,000 on July 1, 2003,
21 and \$15,000,000 on January 1, 2004, and \$15,000,000 on each
22 July 1 and October 1, or as soon thereafter as may be
23 practical, during the period July 1, 2004 through June 30,
24 2012, and \$30,000,000 on June 1, 2013, or as soon
25 thereafter as may be practical, and \$15,000,000 on July 1
26 and October 1, or as soon thereafter as may be practical,

1 during the period of July 1, 2013 through June 30, 2015,
2 for the administration of the Vehicle Emissions Inspection
3 Law of 2005, to be transferred by the State Comptroller and
4 Treasurer from the Motor Fuel Tax Fund into the Vehicle
5 Inspection Fund;

6 (5) amounts ordered paid by the Court of Claims; and

7 (6) payment of motor fuel use taxes due to member
8 jurisdictions under the terms of the International Fuel Tax
9 Agreement. The Department shall certify these amounts to
10 the Comptroller by the 15th day of each month; the
11 Comptroller shall cause orders to be drawn for such
12 amounts, and the Treasurer shall administer those amounts
13 on or before the last day of each month;

14 (e) after allocations for the purposes set forth in
15 subsections (a), (b), (c) and (d), the remaining amount shall
16 be apportioned as follows:

17 (1) Until January 1, 2000, 58.4%, and beginning January
18 1, 2000, 45.6% shall be deposited as follows:

19 (A) 37% into the State Construction Account Fund,
20 and

21 (B) 63% into the Road Fund, \$1,250,000 of which
22 shall be reserved each month for the Department of
23 Transportation to be used in accordance with the
24 provisions of Sections 6-901 through 6-906 of the
25 Illinois Highway Code;

26 (2) Until January 1, 2000, 41.6%, and beginning January

1 1, 2000, 54.4% shall be transferred to the Department of
2 Transportation to be distributed as follows:

3 (A) 49.10% to the municipalities of the State,

4 (B) 16.74% to the counties of the State having
5 1,000,000 or more inhabitants,

6 (C) 18.27% to the counties of the State having less
7 than 1,000,000 inhabitants,

8 (D) 15.89% to the road districts of the State.

9 As soon as may be after the first day of each month the
10 Department of Transportation shall allot to each municipality
11 its share of the amount apportioned to the several
12 municipalities which shall be in proportion to the population
13 of such municipalities as determined by the last preceding
14 municipal census if conducted by the Federal Government or
15 Federal census. If territory is annexed to any municipality
16 subsequent to the time of the last preceding census the
17 corporate authorities of such municipality may cause a census
18 to be taken of such annexed territory and the population so
19 ascertained for such territory shall be added to the population
20 of the municipality as determined by the last preceding census
21 for the purpose of determining the allotment for that
22 municipality. If the population of any municipality was not
23 determined by the last Federal census preceding any
24 apportionment, the apportionment to such municipality shall be
25 in accordance with any census taken by such municipality. Any
26 municipal census used in accordance with this Section shall be

1 certified to the Department of Transportation by the clerk of
2 such municipality, and the accuracy thereof shall be subject to
3 approval of the Department which may make such corrections as
4 it ascertains to be necessary.

5 As soon as may be after the first day of each month the
6 Department of Transportation shall allot to each county its
7 share of the amount apportioned to the several counties of the
8 State as herein provided. Each allotment to the several
9 counties having less than 1,000,000 inhabitants shall be in
10 proportion to the amount of motor vehicle license fees received
11 from the residents of such counties, respectively, during the
12 preceding calendar year. The Secretary of State shall, on or
13 before April 15 of each year, transmit to the Department of
14 Transportation a full and complete report showing the amount of
15 motor vehicle license fees received from the residents of each
16 county, respectively, during the preceding calendar year. The
17 Department of Transportation shall, each month, use for
18 allotment purposes the last such report received from the
19 Secretary of State.

20 As soon as may be after the first day of each month, the
21 Department of Transportation shall allot to the several
22 counties their share of the amount apportioned for the use of
23 road districts. The allotment shall be apportioned among the
24 several counties in the State in the proportion which the total
25 mileage of township or district roads in the respective
26 counties bears to the total mileage of all township and

1 district roads in the State. Funds allotted to the respective
2 counties for the use of road districts therein shall be
3 allocated to the several road districts in the county in the
4 proportion which the total mileage of such township or district
5 roads in the respective road districts bears to the total
6 mileage of all such township or district roads in the county.
7 After July 1 of any year prior to 2011, no allocation shall be
8 made for any road district unless it levied a tax for road and
9 bridge purposes in an amount which will require the extension
10 of such tax against the taxable property in any such road
11 district at a rate of not less than either .08% of the value
12 thereof, based upon the assessment for the year immediately
13 prior to the year in which such tax was levied and as equalized
14 by the Department of Revenue or, in DuPage County, an amount
15 equal to or greater than \$12,000 per mile of road under the
16 jurisdiction of the road district, whichever is less. Beginning
17 July 1, 2011 and each July 1 thereafter, an allocation shall be
18 made for any road district if it levied a tax for road and
19 bridge purposes. In counties other than DuPage County, if the
20 amount of the tax levy requires the extension of the tax
21 against the taxable property in the road district at a rate
22 that is less than 0.08% of the value thereof, based upon the
23 assessment for the year immediately prior to the year in which
24 the tax was levied and as equalized by the Department of
25 Revenue, then the amount of the allocation for that road
26 district shall be a percentage of the maximum allocation equal

1 to the percentage obtained by dividing the rate extended by the
2 district by 0.08%. In DuPage County, if the amount of the tax
3 levy requires the extension of the tax against the taxable
4 property in the road district at a rate that is less than the
5 lesser of (i) 0.08% of the value of the taxable property in the
6 road district, based upon the assessment for the year
7 immediately prior to the year in which such tax was levied and
8 as equalized by the Department of Revenue, or (ii) a rate that
9 will yield an amount equal to \$12,000 per mile of road under
10 the jurisdiction of the road district, then the amount of the
11 allocation for the road district shall be a percentage of the
12 maximum allocation equal to the percentage obtained by dividing
13 the rate extended by the district by the lesser of (i) 0.08% or
14 (ii) the rate that will yield an amount equal to \$12,000 per
15 mile of road under the jurisdiction of the road district.

16 Prior to 2011, if any road district has levied a special
17 tax for road purposes pursuant to Sections 6-601, 6-602 and
18 6-603 of the Illinois Highway Code, and such tax was levied in
19 an amount which would require extension at a rate of not less
20 than .08% of the value of the taxable property thereof, as
21 equalized or assessed by the Department of Revenue, or, in
22 DuPage County, an amount equal to or greater than \$12,000 per
23 mile of road under the jurisdiction of the road district,
24 whichever is less, such levy shall, however, be deemed a proper
25 compliance with this Section and shall qualify such road
26 district for an allotment under this Section. Beginning in 2011

1 and thereafter, if any road district has levied a special tax
2 for road purposes under Sections 6-601, 6-602, and 6-603 of the
3 Illinois Highway Code, and the tax was levied in an amount that
4 would require extension at a rate of not less than 0.08% of the
5 value of the taxable property of that road district, as
6 equalized or assessed by the Department of Revenue or, in
7 DuPage County, an amount equal to or greater than \$12,000 per
8 mile of road under the jurisdiction of the road district,
9 whichever is less, that levy shall be deemed a proper
10 compliance with this Section and shall qualify such road
11 district for a full, rather than proportionate, allotment under
12 this Section. If the levy for the special tax is less than
13 0.08% of the value of the taxable property, or, in DuPage
14 County if the levy for the special tax is less than the lesser
15 of (i) 0.08% or (ii) \$12,000 per mile of road under the
16 jurisdiction of the road district, and if the levy for the
17 special tax is more than any other levy for road and bridge
18 purposes, then the levy for the special tax qualifies the road
19 district for a proportionate, rather than full, allotment under
20 this Section. If the levy for the special tax is equal to or
21 less than any other levy for road and bridge purposes, then any
22 allotment under this Section shall be determined by the other
23 levy for road and bridge purposes.

24 Prior to 2011, if a township has transferred to the road
25 and bridge fund money which, when added to the amount of any
26 tax levy of the road district would be the equivalent of a tax

1 levy requiring extension at a rate of at least .08%, or, in
2 DuPage County, an amount equal to or greater than \$12,000 per
3 mile of road under the jurisdiction of the road district,
4 whichever is less, such transfer, together with any such tax
5 levy, shall be deemed a proper compliance with this Section and
6 shall qualify the road district for an allotment under this
7 Section.

8 In counties in which a property tax extension limitation is
9 imposed under the Property Tax Extension Limitation Law, road
10 districts may retain their entitlement to a motor fuel tax
11 allotment or, beginning in 2011, their entitlement to a full
12 allotment if, at the time the property tax extension limitation
13 was imposed, the road district was levying a road and bridge
14 tax at a rate sufficient to entitle it to a motor fuel tax
15 allotment and continues to levy the maximum allowable amount
16 after the imposition of the property tax extension limitation.
17 Any road district may in all circumstances retain its
18 entitlement to a motor fuel tax allotment or, beginning in
19 2011, its entitlement to a full allotment if it levied a road
20 and bridge tax in an amount that will require the extension of
21 the tax against the taxable property in the road district at a
22 rate of not less than 0.08% of the assessed value of the
23 property, based upon the assessment for the year immediately
24 preceding the year in which the tax was levied and as equalized
25 by the Department of Revenue or, in DuPage County, an amount
26 equal to or greater than \$12,000 per mile of road under the

1 jurisdiction of the road district, whichever is less.

2 As used in this Section the term "road district" means any
3 road district, including a county unit road district, provided
4 for by the Illinois Highway Code; and the term "township or
5 district road" means any road in the township and district road
6 system as defined in the Illinois Highway Code. For the
7 purposes of this Section, "township or district road" also
8 includes such roads as are maintained by park districts, forest
9 preserve districts and conservation districts. The Department
10 of Transportation shall determine the mileage of all township
11 and district roads for the purposes of making allotments and
12 allocations of motor fuel tax funds for use in road districts.

13 Payment of motor fuel tax moneys to municipalities and
14 counties shall be made as soon as possible after the allotment
15 is made. The treasurer of the municipality or county may invest
16 these funds until their use is required and the interest earned
17 by these investments shall be limited to the same uses as the
18 principal funds.

19 (Source: P.A. 97-72, eff. 7-1-11; 97-333, eff. 8-12-11; 98-24,
20 eff. 6-19-13; 98-674, eff. 6-30-14.)

21 Section 410. The Illinois Vehicle Code is amended by
22 changing Sections 3-402.1 and 20-101 as follows:

23 (625 ILCS 5/3-402.1) (from Ch. 95 1/2, par. 3-402.1)

24 Sec. 3-402.1. Proportional Registration. Any owner or

1 rental owner engaged in operating a fleet of apportionable
2 vehicles in this state and one or more other states may, in
3 lieu of registration of such vehicles under the general
4 provisions of sections 3-402, 3-815, ~~3-815.1~~, and 3-819,
5 register and license such fleet for operations in this state by
6 filing an application statement, signed under penalties of
7 perjury, with the Secretary of State which shall be in such
8 form and contain such information as the Secretary of State
9 shall require, declaring the total mileage operated in all
10 states by such fleet, the total mileage operated in this state
11 by such fleet during the preceding year, and describing and
12 identifying each apportionable vehicle to be operated in this
13 state during the ensuing year. If mileage data is not available
14 for the preceding year, the Secretary of State may accept the
15 latest 12-month period available. "Preceding year" means the
16 period of 12 consecutive months immediately prior to July 1st
17 of the year immediately preceding the registration or license
18 year for which proportional registration is sought.

19 Such owner shall determine the proportion of in-state miles
20 to total fleet miles. Such percentage figure shall be such
21 owner's apportionment factor. In determining the total fee
22 payment, such owner shall first compute the license fee or fees
23 for each vehicle within the fleet which would otherwise be
24 required, and then multiply the said amount by the Illinois
25 apportionment factor adding the fees for each vehicle to arrive
26 at a total amount for the fleet. Apportionable trailers and

1 semitrailers will be registered in accordance with the
2 provisions of Section 3-813 of this Code.

3 Upon receipt of the appropriate fees from such owner as
4 computed under the provisions of this section, the Secretary of
5 State shall, when this state is the base jurisdiction, issue to
6 such owner number plates or other distinctive tags or such
7 evidence of registration as the Secretary of State shall deem
8 appropriate to identify each vehicle in the fleet as a part of
9 a proportionally registered interstate fleet.

10 Vehicles registered under the provision of this section
11 shall be considered fully licensed and properly registered in
12 Illinois for any type of movement or operation. The
13 proportional registration and licensing provisions of this
14 section shall apply to vehicles added to fleets and operated in
15 this state during the registration year, applying the same
16 apportionment factor to such fees as would be payable for the
17 remainder of the registration year.

18 Apportionment factors for apportionable vehicles not
19 operated in this state during the preceding year shall be
20 determined by the Secretary of State on the basis of a full
21 statement of the proposed methods of operation and in
22 conformity with an estimated mileage chart as calculated by the
23 Secretary of State. An established fleet adding states at the
24 time of renewal shall estimate mileage for the added states in
25 conformity with a mileage chart developed by the Secretary of
26 State.

1 (Source: P.A. 93-23, eff. 6-20-03.)

2 (625 ILCS 5/20-101) (from Ch. 95 1/2, par. 20-101)

3 Sec. 20-101. Moneys derived from registration, operation
4 and use of automobiles and from fuel taxes - Use. From and
5 after the effective date of this Act, ~~except as provided in~~
6 ~~Section 3-815.1 of this Code~~, no public moneys derived from
7 fees, excises or license taxes relating to registration,
8 operation and use of vehicles on public highways or to fuels
9 used for the propulsion of such vehicles, shall be appropriated
10 or expended other than for costs of administering the laws
11 imposing such fees, excises and license taxes, statutory
12 refunds and adjustments allowed thereunder, administrative
13 costs of the Department of Transportation, payment of debts and
14 liabilities incurred in construction and reconstruction of
15 public highways and bridges, acquisition of rights-of-way for,
16 and the cost of construction, reconstruction, maintenance,
17 repair and operation of public highways and bridges under the
18 direction and supervision of the State, political subdivision
19 or municipality collecting such moneys, and the costs for
20 patrolling and policing the public highways (by the State,
21 political subdivision or municipality collecting such money)
22 for enforcement of traffic laws; provided, that such moneys may
23 be used for the retirement of and interest on bonds heretofore
24 issued for purposes other than the construction of public
25 highways or bridges but not to a greater extent, nor a greater

1 length of time, than is provided in acts heretofore adopted and
2 now in force. Further the separation of grades of such highways
3 with railroads and costs associated with protection of at-grade
4 highway and railroad crossings shall also be permissible.

5 (Source: P.A. 93-23, eff. 6-20-03.)

6 (625 ILCS 5/3-815.1 rep.)

7 Section 415. The Illinois Vehicle Code is amended by
8 repealing Section 3-815.1.

9 Section 999. Effective date. This Act takes effect upon
10 becoming law, except that Sections 410 and 415 take effect on
11 July 1, 2017.