



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5784

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10	from Ch. 121, par. 100-10
625 ILCS 5/3-413	from Ch. 95 1/2, par. 3-413
625 ILCS 5/3-702	from Ch. 95 1/2, par. 3-702
625 ILCS 5/3-704.2	
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/6-306.7	
625 ILCS 5/12-503	from Ch. 95 1/2, par. 12-503
625 ILCS 5/12-610.5	
625 ILCS 5/12-610.6 new	

Amends the Toll Highway Act and the Illinois Vehicle Code. Makes various changes regarding the collection of unpaid tolls and regarding impoundment and other penalties. Provides that the Authority may contract with another public or private entity to provide immobilization, tow, or impoundment services. Prohibits license plate covers, coatings, wrappings, materials, or other devices that obstruct the visibility or electronic image recording of the plate, prohibits the sale or advertising of those materials, imposes various penalties, and authorizes civil actions under specified circumstances. Makes various changes regarding suspension of vehicle registration or driving privileges for failure to satisfy fines or penalties for toll violations or evasions. Preempts home rule regarding prohibiting the placement of automatic vehicle identification transponder devices, cards, or chips issued by a governmental body for the purpose of electronic payment of tolls or other authorized payments. Makes other changes.

LRB095 17218 LCT 46167 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

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

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

7 Sec. 10. The Authority shall have power:

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

15 (a-5) To fix, assess, and collect civil fines for a
16 vehicle's operation on a toll highway without the required toll
17 having been paid. The Authority may establish by rule a system
18 of civil administrative adjudication to adjudicate only
19 alleged instances of a vehicle's operation on a toll highway
20 without the required toll having been paid, as detected by the
21 Authority's video or photo surveillance system or through the
22 alleged failure to remit payment within the allotted time
23 period after being recorded as a non-paying vehicle by a duly

1 authorized toll collector. In cases in which the operator of
2 the vehicle is not the registered vehicle owner, the
3 establishment of ownership of the vehicle creates a rebuttable
4 presumption that the vehicle was being operated by an agent of
5 the registered vehicle owner. If the registered vehicle owner
6 liable for a violation under this Section was not the operator
7 of the vehicle at the time of the violation, the owner may
8 maintain an action for indemnification against the operator in
9 the circuit court. Rules establishing a system of civil
10 administrative adjudication must provide for written notice,
11 by first class mail or other means provided by law, to the
12 address of the registered owner of the cited vehicle as
13 recorded with the Secretary of State's vehicle registration
14 records or out of state governmental entity ~~State~~ or to the
15 lessee of the cited vehicle at the last address known to the
16 lessor of the cited vehicle at the time of the lease, of the
17 alleged violation and an opportunity to be heard on the
18 question of the violation and must provide for the
19 establishment of a toll-free telephone number to receive
20 inquiries concerning alleged violations. The notice shall also
21 inform the registered vehicle owner that failure to contest in
22 the manner and time provided shall be deemed an admission of
23 liability and that a final order of liability may be entered on
24 that admission. A duly authorized agent of the Authority may
25 perform or execute the preparation, certification,
26 affirmation, or mailing of the notice. A notice of violation,

1 sworn or affirmed to or certified by a duly authorized agent of
2 the Authority, or a facsimile of the notice, based upon an
3 inspection of photographs, microphotographs, videotape, or
4 other recorded images produced by a video or photo surveillance
5 system, shall be admitted as prima facie evidence of the
6 correctness of the facts contained in the notice or facsimile.
7 Only civil fines, along with the corresponding outstanding
8 toll, and costs may be imposed by administrative adjudication.
9 A fine may be imposed under this paragraph only if a violation
10 is established by a preponderance of the evidence. Judicial
11 review of all final orders of the Authority under this
12 paragraph shall be conducted in the circuit court of the county
13 in which the administrative decision was rendered in accordance
14 with the Administrative Review Law.

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

1 this Act, the Authority may, with the approval of the Attorney
2 General, retain a law firm or law firms with expertise in the
3 collection of government fines and debts for the purpose of
4 collecting fines, costs, and other moneys due under this
5 subsection (a-5).

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

1 "vehicle" includes any vehicle as defined in Section 1-217 of
2 the Illinois Vehicle Code.

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

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

22 The Authority shall establish an amnesty program for
23 violations adjudicated under this subsection (a-5). Under the
24 program, any person who has an outstanding notice of violation
25 for toll evasion or a final order of a hearing officer for toll
26 evasion dated prior to the effective date of this amendatory

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

1 relieve the person of liability for payment of the late fine
2 amount. In order to receive amnesty, the full amount of the
3 applicable percentage of the original fine amount and
4 outstanding toll remaining due on the notice of violation or
5 final order of the hearing officer and the full fees and costs
6 paid by the Authority to the Secretary of State relating to
7 suspension proceedings, if applicable, must be paid in full by
8 5:00 p.m., Central Standard Time, of the 60th day after the
9 effective date of this amendatory Act of the 94th General
10 Assembly. This amendatory Act of the 94th General Assembly has
11 no retroactive effect with regard to payments already tendered
12 to the Authority that were full payments or payments in an
13 amount greater than the applicable percentage, and this Act
14 shall not be the basis for either a refund or a credit. This
15 amendatory Act of the 94th General Assembly does not apply to
16 toll evasion citations issued by the Illinois State Police or
17 other authorized law enforcement agencies and for which payment
18 may be due to or through the clerk of the circuit court. The
19 Authority shall adopt rules as necessary to implement the
20 provisions of this amendatory Act of the 94th General Assembly.
21 The Authority, by a resolution of the Board of Directors, shall
22 have the discretion to implement similar amnesty programs in
23 the future. The Authority, at its discretion and in
24 consultation with the Attorney General, is further authorized
25 to settle an administrative fine or penalty if it determines
26 that settling for less than the full amount is in the best

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

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

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

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

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

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

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

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

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

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

15 (c) The Authority, in fixing the rate for tolls for the
16 privilege of using the said toll highways, is authorized and
17 directed, in fixing such rates, to base the same upon annual
18 estimates to be made, recorded and filed with the Authority.
19 Said estimates shall include the following: The estimated total
20 amount of the use of the toll highways; the estimated amount of
21 the revenue to be derived therefrom, which said revenue, when
22 added to all other receipts and income, will be sufficient to
23 pay the expense of maintaining and operating said toll
24 highways, including the administrative expenses of the
25 Authority, and to discharge all obligations of the Authority as
26 they become due and payable.

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

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

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Sections 3-413, 3-702, 3-704.2, 6-303, 6-306.7,
3 12-503, and 12-610.5 and adding Section 12-610.6 as follows:

4 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

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

6 Sec. 3-413. Display of registration plates, registration
7 stickers and drive-away permits.

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

18 (b) Every registration plate shall at all times be securely
19 fastened in a horizontal position to the vehicle for which it
20 is issued so as to prevent the plate from swinging and at a
21 height of not less than 5 inches from the ground, measuring
22 from the bottom of such plate, in a place and position to be
23 clearly visible and shall be maintained in a condition to be
24 clearly legible, free from any materials that would obstruct

1 the visibility or electronic image recording of the plate,
2 including, but not limited to, glass covers and plastic covers
3 and any covers, coating, wrappings, materials, streaking,
4 distorting, holographic, reflective or other devices that
5 obstruct the visibility or electronic image recording of the
6 plate. This subsection (b) shall not apply to automatic vehicle
7 identification transponder devices, cards, or chips issued by a
8 governmental body for the purpose of electronic payment of
9 tolls or other authorized payments. A unit of local government,
10 including a home rule unit, may not prohibit the placement of
11 automatic vehicle identification transponder devices, cards,
12 or chips issued by a governmental body for the purpose of
13 electronic payment of tolls or other authorized payments. This
14 subsection (b) is a denial and limitation of home rule powers
15 and functions under subsection (g) of Section 6 of Article VII
16 of the Illinois Constitution. If a Department of State Police
17 officer or local law enforcement officer having jurisdiction
18 observes that a cover or other device or material or substance
19 is obstructing the visibility or electronic image recording of
20 the plate, the officer shall issue a Uniform Traffic Citation
21 and shall confiscate the cover or other device that obstructs
22 the visibility or electronic image recording of the plate. If
23 the Department of State Police officer or local law enforcement
24 officer having jurisdiction observes that the plate itself has
25 been physically treated with a substance or material that is
26 obstructing the visibility or electronic image recording of the

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

21 The Attorney General may file suit against any individual
22 or entity offering or marketing the sale, including via the
23 Internet, of any product advertised as having the capacity to
24 obstruct the visibility or electronic image recording of a
25 license plate. In addition to injunctive and monetary relief,
26 punitive damages, and attorney's fees, the suit shall also seek

1 a full accounting of the records of all sales to residents of
2 or entities within the State of Illinois.

3 (c) Every drive-away permit issued pursuant to this Code
4 shall be firmly attached to the motor vehicle in the manner
5 prescribed by the Secretary of State. If a drive-away permit is
6 affixed to a motor vehicle in any other manner the permit shall
7 be void and of no effect.

8 (d) The Illinois prorate decal issued to a foreign
9 registered vehicle part of a fleet prorated or apportioned with
10 Illinois, shall be displayed on a registration plate and
11 displayed on the front of such vehicle in the same manner as an
12 Illinois registration plate.

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

16 (f) No person shall operate a vehicle, nor permit the
17 operation of a vehicle, upon which is displayed an Illinois
18 registration plate, plates or registration stickers after the
19 termination of the registration period for which issued or
20 after the expiration date set pursuant to Sections 3-414 and
21 3-414.1 of this Code.

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

23 (625 ILCS 5/3-702) (from Ch. 95 1/2, par. 3-702)

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

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

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

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

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

14 (c) Any violation of this Section is a Class A misdemeanor
15 unless:

16 1. the registration of the motor vehicle has been
17 suspended for noninsurance, then the provisions of Section
18 3-708 of this Code apply in lieu of this Section.

19 2. the registration of the motor vehicle has been
20 suspended for failure to purchase a vehicle tax sticker
21 pursuant to Section 3-704.1 of this Code, then the
22 violation shall be considered a business offense and the
23 person shall be required to pay a fine in excess of \$500,
24 but not more than \$1,000.

25 (d) Any person whose suspension was based on Section
26 3-704.2 of this Code relating to unpaid toll violations, in

1 addition to other penalties imposed under this Section, shall
2 have his or her motor vehicle immediately impounded by the
3 arresting law enforcement officer. The motor vehicle may be
4 released to any licensed driver upon a showing of proof of
5 payment in full of all fines, penalties and fees related to the
6 unpaid toll violations and the notarized written consent for
7 the release by the vehicle owner.

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

9 (625 ILCS 5/3-704.2)

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

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

21 (b) Following receipt of the certified report of the
22 Authority as specified in the Section, the Secretary of State
23 shall notify the person whose name appears on the certified
24 report that the person's vehicle registration will be suspended
25 at the end of a specified period unless the Secretary of State

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

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

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

20 (2) A statement that the Authority sent a notice of
21 impending suspension of the person's driver's license,
22 vehicle registration, or both, as prescribed by rules
23 enacted pursuant to subsection (a-5) of Section 10 of the
24 Toll Highway Act, to the person named in the report at the
25 address recorded ~~in with~~ the Secretary of State's vehicle
26 registration records State; the date on which the notice

1 was sent; and the address to which the notice was sent.

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

16 (e) The Authority shall, by rule, establish procedures for
17 persons to challenge the accuracy of the certified report made
18 pursuant to this Section. The rule shall also provide the
19 grounds for a challenge, which may be limited to:

20 (1) the person not having been the owner or lessee of
21 the vehicle or vehicles committing ~~receiving~~ 5 or more toll
22 violations ~~violation~~ or toll evasions ~~evasion notices~~ on
23 the date of the violations in the notice ~~or dates the~~
24 ~~notices were issued;~~ or

25 (2) the person having already satisfied the fines or
26 penalties for the 5 or more toll violations or toll

1 evasions indicated on the certified report.

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

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

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

25 (i) The Authority shall cooperate with the Secretary in the
26 administration of this Section and shall provide the Secretary

1 with any information the Secretary may deem necessary for these
2 purposes, including regular and timely access to toll violation
3 enforcement records.

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

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

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

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

18 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

22 (a) Except as otherwise provided in subsection (a-5), any
23 person who drives or is in actual physical control of a motor
24 vehicle on any highway of this State at a time when such
25 person's driver's license, permit or privilege to do so or the

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

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

21 (b) The Secretary of State upon receiving a report of the
22 conviction of any violation indicating a person was operating a
23 motor vehicle during the time when said person's driver's
24 license, permit or privilege was suspended by the Secretary, by
25 the appropriate authority of another state, or pursuant to
26 Section 11-501.1; except as may be specifically allowed by a

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

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

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

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

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

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

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

22 (3) a statutory summary suspension under Section
23 11-501.1 of this Code.

24 Such sentence of imprisonment or community service shall
25 not be subject to suspension in order to reduce such sentence.

26 (c-1) Except as provided in subsections (c-5) and (d), any

1 person convicted of a second violation of this Section shall be
2 ordered by the court to serve a minimum of 100 hours of
3 community service.

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

7 (1) Seizure of the license plates of the person's
8 vehicle.

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

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

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

22 (c-5) Any person convicted of a second violation of this
23 Section is guilty of a Class 2 felony, is not eligible for
24 probation or conditional discharge, and shall serve a mandatory
25 term of imprisonment, if the revocation or suspension was for a
26 violation of Section 9-3 of the Criminal Code of 1961, relating

1 to the offense of reckless homicide, or a similar out-of-state
2 offense.

3 (d) Any person convicted of a second violation of this
4 Section shall be guilty of a Class 4 felony and shall serve a
5 minimum term of imprisonment of 30 days or 300 hours of
6 community service, as determined by the court, 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 (d-1) Except as provided in subsections (d-2), (d-2.5), and
12 (d-3), any person convicted of a third or subsequent violation
13 of this Section shall serve a minimum term of imprisonment of
14 30 days or 300 hours of community service, as determined by the
15 court.

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

23 (d-2.5) Any person convicted of a third violation of this
24 Section is guilty of a Class 1 felony, is not eligible for
25 probation or conditional discharge, and must serve a mandatory
26 term of imprisonment if the revocation or suspension was for a

1 violation of Section 9-3 of the Criminal Code of 1961, relating
2 to the offense of reckless homicide, or a similar out-of-state
3 offense.

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

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

20 (d-4) Any person convicted of a tenth, eleventh, twelfth,
21 thirteenth, or fourteenth violation of this Section is guilty
22 of a Class 3 felony, and is not eligible for probation or
23 conditional discharge, if the revocation or suspension was for
24 a violation of Section 11-401 or 11-501 of this Code, or a
25 similar out-of-state offense, or a similar provision of a local
26 ordinance, or a statutory summary suspension under Section

1 11-501.1 of this Code.

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

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

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

21 (g) The motor vehicle used in a violation of this Section
22 is subject to seizure and forfeiture as provided in Sections
23 36-1 and 36-2 of the Criminal Code of 1961 if the person's
24 driving privilege was revoked or suspended as a result of a
25 violation listed in paragraph (1), (2), or (3) of subsection
26 (c) of this Section or as a result of a summary suspension as

1 provided in paragraph (4) of subsection (c) of this Section.

2 (h) Any person whose suspension was based on Section
3 6-306.7 of this Code relating to unpaid toll violations, in
4 addition to other penalties imposed under this Section, shall
5 have his or her motor vehicle immediately impounded by the
6 arresting law enforcement officer. The motor vehicle may be
7 released to any licensed driver upon a showing of proof of
8 payment in full of all fines, penalties, and fees related to
9 the unpaid toll violations and the notarized written consent
10 for the release by the vehicle owner.

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 and ~~r~~ last known address, as recorded in
3 the 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) The Authority shall, by rule, establish procedures for
5 persons to challenge the accuracy of the certified report made
6 pursuant to this Section. The rule shall also provide the
7 grounds for a challenge, which may be limited to:

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

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

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

25 (g) A person may request an administrative hearing to
26 contest an impending suspension or a suspension made pursuant

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

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

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

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

26 (j) For purposes of this Section, the term "Authority"

1 means the Illinois State Toll Highway Authority.

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

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

6 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

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

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

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

1 conformance with Section 12-502.

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

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

24 (e) No person shall drive a motor vehicle when the
25 windshield, side or rear windows are in such defective
26 condition or repair as to materially impair the driver's view

1 to the front, side or rear. A vehicle equipped with a side
2 mirror on each side of the vehicle which are in conformance
3 with Section 12-502 will be deemed to be in compliance in the
4 event the rear window of the vehicle is materially obscured.

5 (f) Paragraphs (a) and (b) of this Section shall not apply
6 to:

7 (1) motor vehicles manufactured prior to January 1,
8 1982; or

9 (2) to those motor vehicles properly registered in
10 another jurisdiction.

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

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

22 (2) is used in transporting a person when the person
23 resides at the same address as the registered owner of the
24 vehicle and the person is afflicted with or suffering from
25 a medical illness, ailment or disease which would require
26 the person to be shielded from the direct rays of the sun,

1 including but not limited to systemic or discoid lupus
2 erythematosus, disseminated superficial actinic
3 porokeratosis, or albinism.

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

22 (g-5) (Blank).

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

1 concerning motor vehicles.

2 (i) Those motor vehicles exempted under paragraph (f)(1) of
3 this Section shall not cause their windows to be treated as
4 described in paragraph (a) after January 1, 1993.

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

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

15 (625 ILCS 5/12-610.5)

16 Sec. 12-610.5. Registration plate covers.

17 (a) In this Section, "registration plate cover" means any
18 tinted, colored, painted, marked, clear, reflective,
19 holographic, beveled, streaked, layered, or illuminated object
20 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 an
25 automated red light enforcement system as defined in

1 Section 1-105.5 of this Code, ~~or~~ recorded by an automated
2 traffic control system as defined in Section 15 of the
3 Automated Traffic Control Systems in Highway Construction
4 or Maintenance Zones Act, or recorded by 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 shall be unlawful to operate any motor vehicle that
8 is equipped with registration plate covers.

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

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

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

16 (f) A violation of subsection (c) or (d) of this Section or
17 a similar provision of a local ordinance shall be deemed a
18 petty offense.

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

20 (625 ILCS 5/12-610.6 new)

21 Sec. 12-610.6. Registration plate spray and other recorded
22 image distorting material.

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

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

3 (2) distort a recorded image of any of the characters
4 of a motor vehicle's registration plate recorded by (i) an
5 automated red light enforcement system as defined in
6 Section 1-105.5 of this Code, (ii) an automated traffic
7 control system as defined in Section 15 of the Automated
8 Traffic Control Systems in Highway Construction or
9 Maintenance Zone Act, or (iii) a video or photo
10 surveillance system as provided in subsection (a-5) of
11 Section 10 of the Toll Highway Act.

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

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

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

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

23 (f) The Attorney General may file suit against any person
24 offering, advertising, or marketing the sale, including via the
25 Internet, of any product advertised as having the capacity to
26 obstruct the visibility or electronic image recording of a

1 license plate. In addition to injunctive and monetary relief,
2 punitive damages, and attorney's fees, the suit shall also seek
3 a full accounting of the records of all sales to residents of
4 or entities within the State of Illinois.

5 (g) The Secretary of State shall revoke the registration of
6 any vehicle with a plate that has been found to be in violation
7 of subsection (b) of this Section. The registration shall not
8 be reinstated until any fee that may be required by the
9 Secretary of State for reinstatement is paid.

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