



## 100TH GENERAL ASSEMBLY

### State of Illinois

### 2017 and 2018

### HB3520

by Rep. Tim Butler

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-1204	from Ch. 95 1/2, par. 18c-1204
625 ILCS 5/18c-1601	from Ch. 95 1/2, par. 18c-1601
625 ILCS 5/18c-1602	from Ch. 95 1/2, par. 18c-1602
625 ILCS 5/18c-1603	from Ch. 95 1/2, par. 18c-1603
625 ILCS 5/18c-1604 rep.	

Amends the Illinois Vehicle Code. Expands the Transportation Division of the Illinois Commerce Commission to include administration and enforcement of Chapters in the Code governing commercial relocation of trespassing vehicles and commercial safety towing, the Personal Property Storage Act, and the Collateral Recovery Act. Provides that the Transportation Division shall consist of 3 programs (rather than 4) and one office (rather than 2). Provides that the 3 programs shall be Enforcement, Docketing and Processing, and Rail Safety. Provides the office shall be the Office of the Division Manager. Provides that legal or hearing examiner services relating to the regulatory responsibilities of the Transportation Division shall be provided by the Commission's Office of General Counsel and Bureau of Administrative Law Judges under the Public Utilities Act. Provides that all fees, penalties, and other monies collected under the Chapters in the Code governing commercial relocation of trespassing vehicles, commercial transportation, and commercial safety towing, the Personal Property Storage Act, and the Collateral Recovery Act shall be paid into the Transportation Regulatory Fund. Repeals a provision providing that the Commission shall report to the General Assembly and the Governor every fiscal year information regarding monies in the Transportation Regulatory Fund. Makes conforming changes.

LRB100 11364 AXK 21749 b

FISCAL 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 Illinois Vehicle Code is amended by changing  
5 Sections 18c-1204, 18c-1601, 18c-1602, and 18c-1603 as  
6 follows:

7 (625 ILCS 5/18c-1204) (from Ch. 95 1/2, par. 18c-1204)  
8 Sec. 18c-1204. Transportation Division.

9 (1) Establishment. There shall be established within the  
10 staff of the Commission a Transportation Division in which  
11 primary staff responsibility for the administration and  
12 enforcement of this Chapter, Chapter 18a, and Chapter 18d of  
13 this Code, the Personal Property Storage Act, and the  
14 Collateral Recovery Act ~~and Chapter 18a~~ shall be vested. The  
15 Transportation Division shall be headed by a division manager  
16 responsible to the executive director.

17 (2) Structure. The Transportation Division shall consist  
18 of 3 ~~4~~ programs and one office ~~2 offices~~. The 3 ~~4~~ programs  
19 shall be Enforcement ~~Compliance, Review and Examination,~~  
20 Docketing and Processing, and Rail Safety. Each program shall  
21 be headed by a program director and responsible to the division  
22 manager, ~~except that in the Compliance Program the 3 staff~~  
23 ~~supervisors shall each be responsible to the division manager.~~

1 The one office ~~2 offices~~ shall be the ~~Office of Transportation~~  
2 ~~Counsel and the~~ Office of the Division Manager. ~~The Office of~~  
3 ~~Transportation Counsel shall be headed by a Chief Counsel~~  
4 ~~responsible to the Division Manager.~~ The Division Manager shall  
5 coordinate the activities and responsibilities of the Division  
6 ~~Office of Transportation Counsel~~ with the executive director  
7 ~~and the personal assistant serving as staff counsel to the~~  
8 ~~executive director in the office of the executive director,~~ and  
9 with the Commission.

10 (a) The Enforcement Compliance Program.

11 (i) The Enforcement Compliance Program shall  
12 consist of a police staff, ~~a rate auditing staff, and a~~  
13 ~~civil penalties staff.~~ This staff ~~These staffs~~ shall be  
14 headed by a Chief of Police, ~~a Supervisor of Tariffs~~  
15 ~~and Audits, and a Supervisor of Civil Penalties,~~  
16 ~~respectively.~~

17 (ii) The police staff shall be divided into  
18 districts with a field office in each district. Each  
19 district shall be headed by a working supervisor  
20 responsible to the Chief of Police. All staff  
21 responsibility for enforcement ~~of this Chapter,~~ except  
22 with regard to rail safety, shall be vested in the  
23 Enforcement Compliance Program.

24 (b) (Blank). ~~The Review and Examination Program.~~

25 ~~(i) Staff responsibility for review of all~~  
26 ~~nonhearing matters under this Chapter and Chapter 18a~~

1 ~~and examination of all matters assigned for hearing~~  
2 ~~under this Chapter and Chapter 18a shall be vested in~~  
3 ~~the Review and Examination Program, except as~~  
4 ~~otherwise provided in Section 18c-1204b.~~

5 ~~(ii) Hearing examiners in the program shall have~~  
6 ~~responsibility for developing a full, complete and~~  
7 ~~impartial record on all issues to be decided in a~~  
8 ~~proceeding; recommending disposition of the issues or~~  
9 ~~making an initial decision on them, as provided in this~~  
10 ~~Chapter; and setting forth in writing the basis for~~  
11 ~~their recommendations or initial decisions. The~~  
12 ~~program director shall be the chief hearing examiner~~  
13 ~~for matters under this Chapter and Chapter 18a with~~  
14 ~~responsibility to insure consistency of~~  
15 ~~recommendations and initial decisions.~~

16 (c) The Processing and Docketing Program. All staff  
17 responsibility for docketing and processing filings,  
18 accounting of receipts and expenditures, issuing, file  
19 maintenance and other processing functions ~~under this~~  
20 ~~Chapter and Chapter 18a~~ shall be vested in the Processing  
21 Program.

22 (d) The Rail Safety Program. Staff responsibility for  
23 administration and enforcement of the rail safety  
24 provisions of this Chapter shall be vested in the Rail  
25 Safety Program.

26 (e) (Blank). ~~The Office of Transportation Counsel.~~

1           ~~(i) All Commission staff responsibility for~~  
2 ~~provision of legal services in connection with any~~  
3 ~~matter under this Chapter, excepting any matter under~~  
4 ~~subchapters 7 and 8 of this Chapter, or in connection~~  
5 ~~with any matter under Chapter 18a shall, except with~~  
6 ~~regard to functions vested in the review and~~  
7 ~~examination program under paragraph (b) of this~~  
8 ~~subsection, be vested exclusively in the Office of~~  
9 ~~Transportation Counsel.~~

10           ~~(ii) The Office of Transportation Counsel shall,~~  
11 ~~when directed through the division manager to do so,~~  
12 ~~represent the Commission or Commission staff in~~  
13 ~~administrative or judicial proceedings and render~~  
14 ~~staff advisory opinions to the executive director and~~  
15 ~~the Commission.~~

16           (e-5) Legal or hearing examiner services relating to the  
17 regulatory responsibilities of the Transportation Division  
18 shall be provided by the Commission's Office of General Counsel  
19 and Bureau of Administrative Law Judges under the Public  
20 Utilities Act.

21           (f) Levels of Administration. No additional levels of  
22 administration, supervision or authority shall be  
23 superimposed, or remain superimposed, between levels  
24 prescribed under this Section, and no organizational units  
25 may be created within the Transportation Division except as  
26 prescribed under this Section.

1           (3) Additional Functions. Staff functions relating to  
2 rulemaking, policy recommendations and advisory committees  
3 under this Chapter, ~~and~~ Chapter 18a, and Chapter 18d of this  
4 Code, the Personal Property Storage Act, and the Collateral  
5 Recovery Act shall be vested in the Transportation Division,  
6 except that the Transportation Division may receive legal and  
7 hearing examiner services from the Commission's Office of  
8 General Counsel and Bureau of Administrative Law Judges.

9           The staff shall prepare and distribute to the General  
10 Assembly, in April of each year, a report on railway accidents  
11 in Illinois which involve hazardous materials. The report shall  
12 include the location, substance involved, amounts involved,  
13 and the suspected reason for each accident. The report shall  
14 also reveal the rail line and point of origin of the hazardous  
15 material involved in each accident.

16           (Source: P.A. 88-415.)

17           (625 ILCS 5/18c-1601) (from Ch. 95 1/2, par. 18c-1601)

18           Sec. 18c-1601. Deposit of Monies into the Transportation  
19 Regulatory Fund.

20           (1) Deposit of Fees, Taxes, and Monies Other Than Criminal  
21 Fines. All fees, penalties (other than criminal penalties) or  
22 monies collected in settlement of enforcement proceedings,  
23 taxes, and other monies collected under this Chapter, Chapter  
24 18a, and Chapter 18d of this Code, the Personal Property  
25 Storage Act, and the Collateral Recovery Act or which are

1 transferred, appropriated or reimbursed to the Commission for  
2 the purpose of administering and enforcing this Chapter, shall  
3 be promptly paid into a special fund in the State treasury  
4 known as the Transportation Regulatory Fund.

5 (2) Accounting for Monies Received. The Commission shall  
6 account separately for the receipt of monies from the following  
7 classes:

8 (a) motor carriers of property (other than carriers  
9 engaged in nonrelocation towing);

10 (b) rail carriers; and

11 (c) other monies.

12 The Commission may account separately with regard to groups  
13 of persons within the foregoing classes.

14 (3) Deposit of criminal fines. Criminal fines collected  
15 under this Chapter, Chapter 18a, and Chapter 18d of this Code,  
16 the Personal Property Storage Act, and the Collateral Recovery  
17 Act ~~from motor carriers of property or persons or entities~~  
18 ~~found to have aided or abetted motor carriers of property or~~  
19 ~~passengers in violation of this Chapter~~ shall be disposed of in  
20 accordance with Section 16-105 of this Code. Other criminal  
21 fines collected under this Chapter shall be deposited into the  
22 Transportation Regulatory Fund in accordance with subsection  
23 (1) of this Section.

24 (4) (Blank).

25 (Source: P.A. 90-372, eff. 7-1-98.)

1 (625 ILCS 5/18c-1602) (from Ch. 95 1/2, par. 18c-1602)

2 Sec. 18c-1602. Appropriations from the Transportation  
3 Regulatory Fund. (1) Appropriation of Monies. Appropriations  
4 from the Transportation Regulatory Fund shall be separately  
5 identified both in the Commission's appropriations request and  
6 the Act by which appropriations from the Fund are made.

7 (2) Authorization of Staff Positions. Authorized staff  
8 positions to be funded with monies appropriated from the  
9 Transportation Regulatory Fund shall be separately identified  
10 in the Commission's appropriations request.

11 (3) Appropriations and Authorizations Not Transferable.  
12 Appropriations from the Transportation Regulatory Fund shall  
13 be used only for the administration and enforcement of this  
14 Chapter, Chapter 18a, and Chapter 18d of this Code, the  
15 Personal Property Storage Act, and the Collateral Recovery Act  
16 ~~and Chapter 18a. Such appropriations and authorized headcount~~  
17 ~~may be transferred within the Transportation Regulatory Fund,~~  
18 ~~but may not be transferred to any other fund.~~

19 (Source: P.A. 85-553.)

20 (625 ILCS 5/18c-1603) (from Ch. 95 1/2, par. 18c-1603)

21 Sec. 18c-1603. Expenditures from the Transportation  
22 Regulatory Fund.

23 (1) Authorization of Expenditures from the Fund. Monies  
24 deposited in the Transportation Regulatory Fund shall be  
25 expended only for the administration and enforcement of this



1 Chapter, ~~and~~ Chapter 18a, and Chapter 18d of this Code, the  
2 Personal Property Storage Act, and the Collateral Recovery Act.  
3 ~~Moneys in the Fund may also be used to administer the Personal~~  
4 ~~Property Storage Act.~~

5 (2) Allocation of Expenses to the Fund.

6 (a) Expenses Allocated Entirely to the Transportation  
7 Regulatory Fund. All expenses of the Transportation  
8 Division shall be allocated to the Transportation  
9 Regulatory Fund, provided that they were:

10 (i) Incurred by and for staff employed within the  
11 Transportation Division and accountable, directly or  
12 through a program director or staff supervisor, to the  
13 Transportation Division manager;

14 (ii) Incurred exclusively in the administration  
15 and enforcement of this Chapter, ~~and~~ Chapter 18a, and  
16 Chapter 18d of this Code, the Personal Property Storage  
17 Act, or the Collateral Recovery Act; and

18 (iii) Authorized by the Transportation Division  
19 manager.

20 (b) Expenses Partially Allocated to the Transportation  
21 Regulatory Fund. A portion of expenses for the following  
22 persons and activities may be allocated to the  
23 Transportation Regulatory Fund:

24 (i) The Executive Director, his deputies and  
25 personal assistants, and their clerical support;

26 (ii) The legislative liaison activities of the

1 Office of Legislative Affairs, its constituent  
2 elements and successors;

3 (iii) The activities of the Bureau of Planning and  
4 Operations and its successors ~~on the effective date of~~  
5 ~~this amendatory Act of the 94th General Assembly,~~  
6 ~~exclusive of the Chief Clerk's office;~~

7 (iv) The payroll expenses of Commissioners'  
8 assistants;

9 (v) The internal auditor;

10 (vi) The in-state travel expenses of the  
11 Commissioners to and from the offices of the  
12 Commission; ~~and~~

13 (vii) The Public Affairs Group, its constituent  
14 elements, and its successors; ~~and~~

15 (viii) The Bureau of Administrative Law Judges,  
16 its constituent elements and successors, but only for  
17 expenses relating to this Chapter, Chapter 18a, and  
18 Chapter 18d of this Code, the Personal Property Storage  
19 Act, and the Collateral Recovery Act; and

20 (ix) The Office of General Counsel, its  
21 constituent elements and successors, but only for  
22 expenses relating to this Chapter, Chapter 18a, and  
23 Chapter 18d of this Code, the Personal Property Storage  
24 Act, and the Collateral Recovery Act.

25 (c) Allocation Methodology for Expenses Other Than  
26 Commissioners' Assistants. The portion of total expenses

1 (other than commissioners' assistants' expenses) allocated  
2 to the Transportation Regulatory Fund under paragraph (b)  
3 of this subsection shall be the portion of staff time spent  
4 exclusively on administration and enforcement of this  
5 Chapter, ~~and~~ Chapter 18a, and Chapter 18d of this Code, the  
6 Personal Property Storage Act, and the Collateral Recovery  
7 Act, as shown by a time study updated at least once every  
8 12 ~~each~~ 6 months.

9 (d) (Blank).

10 (e) Allocation methodology for Commissioners'  
11 Assistants Expenses. Five percent of the payroll expenses  
12 of commissioners' assistants may be allocated to the  
13 Transportation Regulatory Fund.

14 (f) Expenses not allocable to the Transportation  
15 Regulatory Fund. No expenses shall be allocated to or paid  
16 from the Transportation Regulatory Fund except as  
17 expressly authorized in paragraphs (a) through (e) of this  
18 subsection. In particular, no expenses shall be allocated  
19 to the Fund which were incurred by or in relation to the  
20 following persons and activities:

21 (i) Commissioners' travel, except as otherwise  
22 provided in paragraphs (b) and (c) of this subsection;

23 (ii) Commissioners' assistants except as otherwise  
24 provided in paragraphs (b) and (e) of this subsection;

25 (iii) The Policy Analysis and Research Division,  
26 its constituent elements and successors;

1 (iv) The Chief Clerk's office, its constituent  
2 elements and successors;

3 (v) (Blank); ~~The Hearing Examiners Division, its~~  
4 ~~constituent elements and successors, and any hearing~~  
5 ~~examiners or hearings conducted, in whole or in part,~~  
6 ~~outside the Transportation Division;~~

7 (vi) (Blank);

8 (vii) (Blank); ~~and The Office of General Counsel,~~  
9 ~~its constituent elements and successors, including but~~  
10 ~~not limited to the Office of Public Utility Counsel and~~  
11 ~~any legal staff in the office of the executive~~  
12 ~~director, but not including the personal assistant~~  
13 ~~serving as staff counsel to the executive director as~~  
14 ~~provided in Section 18c-1204(2) and the Office of~~  
15 ~~Transportation Counsel; and~~

16 (viii) Any other expenses or portion thereof not  
17 expressly authorized in this subsection to be  
18 allocated to the Fund.

19 The constituent elements of the foregoing shall, for  
20 purposes of this Section be their constituent elements on  
21 the effective date of this amendatory Act of 1987.

22 (3) (Blank).

23 (4) (Blank).

24 (Source: P.A. 96-515, eff. 1-1-10.)

25 (625 ILCS 5/18c-1604 rep.)

1           Section 10. The Illinois Vehicle Code is amended by  
2    repealing Section 18c-1604.