



Rep. Barbara Flynn Currie

**Filed: 1/7/2019**

10000SB1298ham002

LRB100 08733 JWD 43863 a

1 AMENDMENT TO SENATE BILL 1298

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1298, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Toll Highway Act is amended by changing  
6 Sections 3, 4, 5, and 10 as follows:

7 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

8 Sec. 3. There is hereby created an Authority to be known as  
9 The Illinois State Toll Highway Authority, which is hereby  
10 constituted an instrumentality and an administrative agency of  
11 the State of Illinois. The said Authority shall consist of 11  
12 directors; the Governor and the Secretary of the Department of  
13 Transportation, ex officio, and 9 directors appointed by the  
14 Governor with the advice and consent of the Senate, from the  
15 State at large, which said directors and their successors are  
16 hereby authorized to carry out the provisions of this Act, and

1 to exercise the powers herein conferred. Of the 9 directors  
2 appointed by the Governor, no more than 5 shall be members of  
3 the same political party.

4 Notwithstanding any provision of law to the contrary, the  
5 term of office of each director of the Authority serving on the  
6 effective date of this amendatory Act of the 100th General  
7 Assembly, other than the Governor and the Secretary of the  
8 Department of Transportation, is abolished and a vacancy in  
9 each office is created on the effective date of this amendatory  
10 Act of the 100th General Assembly. The Governor shall appoint  
11 directors to the Authority for the vacancies created under this  
12 amendatory Act of the 100th General Assembly by February 28,  
13 2019. Directors whose terms are abolished under this amendatory  
14 Act of the 100th General Assembly shall be eligible for  
15 reappointment.

16 Vacancies shall be filled for the unexpired term in the  
17 same manner as original appointments. All appointments shall be  
18 in writing and filed with the Secretary of State as a public  
19 record. It is the intention of this section that the Governor's  
20 appointments shall be made with due consideration to the  
21 location of proposed toll highway routes so that maximum  
22 geographic representation from the areas served by said toll  
23 highway routes may be accomplished insofar as practicable. The  
24 said Authority shall have the power to contract and be  
25 contracted with, to acquire, hold and convey personal and real  
26 property or any interest therein including rights of way,

1 franchises and easements; to have and use a common seal, and to  
2 alter the same at will; to make and establish resolutions,  
3 by-laws, rules, rates and regulations, and to alter or repeal  
4 the same as the Authority shall deem necessary and expedient  
5 for the construction, operation, relocation, regulation and  
6 maintenance of a system of toll highways within and through the  
7 State of Illinois.

8 Appointment of the additional directors provided for by  
9 this amendatory Act of 1980 shall be made within 30 days after  
10 the effective date of this amendatory Act of 1980.

11 (Source: P.A. 86-1164.)

12 (605 ILCS 10/4) (from Ch. 121, par. 100-4)

13 Sec. 4. Of the directors appointed by the Governor, one  
14 such director shall be appointed by the Governor as chairman  
15 and shall hold office for 4 years from the date of his  
16 appointment, and until his successor shall be duly appointed  
17 and qualified, but shall be subject to removal by the Governor  
18 for incompetency, neglect of duty or malfeasance. The term of  
19 the initial chairman appointed under this amendatory Act of the  
20 100th General Assembly shall end March 1, 2021 and the chairman  
21 shall serve until his or her successor is duly appointed and  
22 qualified.

23 The chairman shall preside at all meetings of the Board of  
24 Directors of the Authority; shall exercise general supervision  
25 over all powers, duties, obligations and functions of the

1 Authority; and shall approve or disapprove all resolutions,  
2 by-laws, rules, rates and regulations made and established by  
3 the Board of Directors, and if he shall approve thereof, he  
4 shall sign the same, and such as he shall not approve he shall  
5 return to the Board of Directors with his objections thereto in  
6 writing at the next regular meeting of the Board of Directors  
7 occurring after the passage thereof. Such veto may extend to  
8 any one or more items contained in such resolution, by-law,  
9 rule, rate or regulation, or to its entirety; and in case the  
10 veto extends to a part of such resolution, by-law, rule, rate  
11 or regulation, the residue thereof shall take effect and be in  
12 force, but in case the chairman shall fail to return any  
13 resolution, by-law, rule, rate or regulation with his  
14 objections thereto by the time aforesaid, he shall be deemed to  
15 have approved the same, and the same shall take effect  
16 accordingly. Upon the return of any resolution, by-law, rule,  
17 rate or regulation by the chairman, the vote by which the same  
18 was passed shall be reconsidered by the Board of Directors, and  
19 if upon such reconsideration two-thirds of all the Directors  
20 agree by yeas and nays to pass the same, it shall go into  
21 effect notwithstanding the chairman's refusal to approve  
22 thereof. The process of approving or disapproving all  
23 resolutions, by-laws, rules, rates and regulations, as well as  
24 the ability of the Board of Directors to override the  
25 disapproval of the chairman, under this Section shall be set  
26 forth in the Authority's by-laws. Nothing in the Authority's

1 by-laws, rules, or regulations may be contrary to this Section.

2 The chairman shall receive a salary of \$18,000 per annum,  
3 or as set by the Compensation Review Board, whichever is  
4 greater, payable in monthly installments, together with  
5 reimbursement for necessary expenses incurred in the  
6 performance of his duties. The chairman shall be eligible for  
7 reappointment.

8 (Source: P.A. 83-1177.)

9 (605 ILCS 10/5) (from Ch. 121, par. 100-5)

10 Sec. 5. Of the original directors, other than the chairman,  
11 so appointed by the Governor, 3 shall hold office for 2 years  
12 and 3 shall hold office for 4 years, from the date of their  
13 appointment and until their respective successors shall be duly  
14 appointed and qualified, but shall be subject to removal by the  
15 Governor for incompetency, neglect of duty or malfeasance. In  
16 case of vacancies in such offices during the recess of the  
17 Senate, the Governor shall make a temporary appointment until  
18 the next meeting of the Senate when he shall nominate some  
19 person to fill such office and any person so nominated, who is  
20 confirmed by the Senate, shall hold office during the remainder  
21 of the term and until his successor shall be appointed and  
22 qualified. The respective term of the first directors appointed  
23 shall be designated by the Governor at the time of appointment,  
24 but their successors shall each be appointed for a term of four  
25 years, except that any person appointed to fill a vacancy shall

1 serve only for the unexpired term. Directors shall be eligible  
2 for reappointment.

3 In making the initial appointments of the 2 additional  
4 directors provided for by this amendatory Act of 1980, the  
5 respective terms of the 2 additional directors first appointed  
6 shall be designated by the Governor at the time of appointment  
7 in such manner that the term of one such additional director  
8 shall expire at the same time as the terms of 4 of the other  
9 directors and the term of the other additional director shall  
10 expire at the same time as the terms of 3 of the other  
11 directors; thereafter the terms shall be 4 years.

12 Of the initial directors, other than the chairman,  
13 appointed under the provisions of this amendatory Act of the  
14 100th General Assembly, 4 shall serve terms running through  
15 March 1, 2021. The 4 remaining directors shall serve terms  
16 running through March 1, 2023. Thereafter the terms of all  
17 directors shall be 4 years. Directors shall serve until their  
18 respective successors are duly appointed and qualified.  
19 Directors shall be eligible for reappointment.

20 Each such director, other than ex officio members shall  
21 receive an annual salary of \$15,000, or as set by the  
22 Compensation Review Board, whichever is greater, payable in  
23 monthly installments, and shall be reimbursed for necessary  
24 expenses incurred in the performance of his duties.

25 (Source: P.A. 86-1164.)

1 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

2 Sec. 10. The Authority shall have power:

3 (a) To pass resolutions, make by-laws, rules and  
4 regulations for the management, regulation and control of its  
5 affairs, and to fix tolls, and to make, enact and enforce all  
6 needful rules and regulations in connection with the  
7 construction, operation, management, care, regulation or  
8 protection of its property or any toll highways, constructed or  
9 reconstructed hereunder. Any by-laws adopted under this  
10 Section shall include a requirement that directors disclose and  
11 avoid potential conflicts of interest. The by-laws shall be  
12 posted on the Authority's website.

13 (a-5) To fix, assess, and collect civil fines for a  
14 vehicle's operation on a toll highway without the required toll  
15 having been paid. The Authority may establish by rule a system  
16 of civil administrative adjudication to adjudicate only  
17 alleged instances of a vehicle's operation on a toll highway  
18 without the required toll having been paid, as detected by the  
19 Authority's video or photo surveillance system. In cases in  
20 which the operator of the vehicle is not the registered vehicle  
21 owner, the establishment of ownership of the vehicle creates a  
22 rebuttable presumption that the vehicle was being operated by  
23 an agent of the registered vehicle owner. If the registered  
24 vehicle owner liable for a violation under this Section was not  
25 the operator of the vehicle at the time of the violation, the  
26 owner may maintain an action for indemnification against the

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



1 preponderance of the evidence. Judicial review of all final  
2 orders of the Authority under this paragraph shall be conducted  
3 in the circuit court of the county in which the administrative  
4 decision was rendered in accordance with the Administrative  
5 Review Law.

6 The Authority may maintain a listing or searchable database  
7 on its website of persons or entities that have been issued one  
8 or more final orders of liability with a total amount due of  
9 more than \$1,000 for tolls, fines, unpaid late fees, or  
10 administrative costs that remain unpaid after the exhaustion  
11 of, or the failure to exhaust, the judicial review procedures  
12 under the Administrative Review Law. Each entry may include the  
13 person's or entity's name as listed on the final order of  
14 liability.

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 registered vehicle owner of a vehicle immobilized, towed, or  
14 impounded for nonpayment of a final order of the Authority  
15 under this subsection (a-5) shall have the right to request a  
16 hearing before the Authority's civil administrative  
17 adjudicatory system to challenge the validity of the  
18 immobilization, tow, or impoundment. This hearing, however,  
19 shall not constitute a readjudication of the merits of  
20 previously adjudicated notices. Judicial review of all final  
21 orders of the Authority under this subsection (a-5) shall be  
22 conducted in the circuit court of the county in which the  
23 administrative decision was rendered in accordance with the  
24 Administrative Review Law.

25 No commercial entity that is the lessor of a vehicle under  
26 a written lease agreement shall be liable for an administrative

1 notice of violation for toll evasion issued under this  
2 subsection (a-5) involving that vehicle during the period of  
3 the lease if the lessor provides a copy of the leasing  
4 agreement to the Authority within 30 days of the issue date on  
5 the notice of violation. The leasing agreement also must  
6 contain a provision or addendum informing the lessee that the  
7 lessee is liable for payment of all tolls and any fines for  
8 toll evasion. Each entity must also post a sign at the leasing  
9 counter notifying the lessee of that liability. The copy of the  
10 leasing agreement provided to the Authority must contain the  
11 name, address, and driver's license number of the lessee, as  
12 well as the check-out and return dates and times of the vehicle  
13 and the vehicle license plate number and vehicle make and  
14 model.

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

18 The Authority shall establish an amnesty program for  
19 violations adjudicated under this subsection (a-5). Under the  
20 program, any person who has an outstanding notice of violation  
21 for toll evasion or a final order of a hearing officer for toll  
22 evasion dated prior to the effective date of this amendatory  
23 Act of the 94th General Assembly and who pays to the Authority  
24 the full percentage amounts listed in this paragraph remaining  
25 due on the notice of violation or final order of the hearing  
26 officer and the full fees and costs paid by the Authority to

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

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

1 respondent; (3) the cost of pursuing further enforcement or  
2 collection action against the respondent; (4) the likelihood of  
3 collecting the full amount owed; and (5) the burden on the  
4 judiciary. The provisions in this Section may be extended to  
5 other toll facilities in the State of Illinois through a duly  
6 executed agreement between the Authority and the operator of  
7 the toll facility.

8 (b) To prescribe rules and regulations applicable to  
9 traffic on highways under the jurisdiction of the Authority,  
10 concerning:

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

13 (2) Designation of the lanes of traffic to be used by  
14 the different types of vehicles permitted upon said  
15 highways;

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

17 (4) Control of traffic by means of police officers or  
18 traffic control signals;

19 (5) Control or prohibition of processions, convoys,  
20 and assemblages of vehicles and persons;

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

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

25 (8) Preparation, location and installation of all  
26 traffic signs; and to prescribe further rules and

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

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

23 (d) To accept from any municipality or political  
24 subdivision any lands, easements or rights in land needed for  
25 the operation, construction, relocation or maintenance of any  
26 toll highways, with or without payment therefor, and in its

1 discretion to reimburse any such municipality or political  
2 subdivision out of its funds for any cost or expense incurred  
3 in the acquisition of land, easements or rights in land, in  
4 connection with the construction and relocation of the said  
5 toll highways, widening, extending roads, streets or avenues in  
6 connection therewith, or for the construction of any roads or  
7 streets forming extension to and connections with or between  
8 any toll highways, or for the cost or expense of widening,  
9 grading, surfacing or improving any existing streets or roads  
10 or the construction of any streets and roads forming extensions  
11 of or connections with any toll highways constructed,  
12 relocated, operated, maintained or regulated hereunder by the  
13 Authority. Where property owned by a municipality or political  
14 subdivision is necessary to the construction of an approved  
15 toll highway, if the Authority cannot reach an agreement with  
16 such municipality or political subdivision and if the use to  
17 which the property is being put in the hands of the  
18 municipality or political subdivision is not essential to the  
19 existence or the administration of such municipality or  
20 political subdivision, the Authority may acquire the property  
21 by condemnation.

22 (Source: P.A. 98-559, eff. 1-1-14; 99-214, eff. 1-1-16.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."