

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 Sections 3, 4, 5, and 10 as follows:

6 (605 ILCS 10/3) (from Ch. 121, par. 100-3)

7 Sec. 3. There is hereby created an Authority to be known as
8 The Illinois State Toll Highway Authority, which is hereby
9 constituted an instrumentality and an administrative agency of
10 the State of Illinois. The said Authority shall consist of 11
11 directors; the Governor and the Secretary of the Department of
12 Transportation, ex officio, and 9 directors appointed by the
13 Governor with the advice and consent of the Senate, from the
14 State at large, which said directors and their successors are
15 hereby authorized to carry out the provisions of this Act, and
16 to exercise the powers herein conferred. Of the 9 directors
17 appointed by the Governor, no more than 5 shall be members of
18 the same political party.

19 Notwithstanding any provision of law to the contrary, the
20 term of office of each director of the Authority serving on the
21 effective date of this amendatory Act of the 100th General
22 Assembly, other than the Governor and the Secretary of the
23 Department of Transportation, is abolished and a vacancy in

1 each office is created on the effective date of this amendatory
2 Act of the 100th General Assembly. The Governor shall appoint
3 directors to the Authority for the vacancies created under this
4 amendatory Act of the 100th General Assembly by February 28,
5 2019. Directors whose terms are abolished under this amendatory
6 Act of the 100th General Assembly shall be eligible for
7 reappointment.

8 Vacancies shall be filled for the unexpired term in the
9 same manner as original appointments. All appointments shall be
10 in writing and filed with the Secretary of State as a public
11 record. It is the intention of this section that the Governor's
12 appointments shall be made with due consideration to the
13 location of proposed toll highway routes so that maximum
14 geographic representation from the areas served by said toll
15 highway routes may be accomplished insofar as practicable. The
16 said Authority shall have the power to contract and be
17 contracted with, to acquire, hold and convey personal and real
18 property or any interest therein including rights of way,
19 franchises and easements; to have and use a common seal, and to
20 alter the same at will; to make and establish resolutions,
21 by-laws, rules, rates and regulations, and to alter or repeal
22 the same as the Authority shall deem necessary and expedient
23 for the construction, operation, relocation, regulation and
24 maintenance of a system of toll highways within and through the
25 State of Illinois.

26 Appointment of the additional directors provided for by

1 this amendatory Act of 1980 shall be made within 30 days after
2 the effective date of this amendatory Act of 1980.

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

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

5 Sec. 4. Of the directors appointed by the Governor, one
6 such director shall be appointed by the Governor as chairman
7 and shall hold office for 4 years from the date of his
8 appointment, and until his successor shall be duly appointed
9 and qualified, but shall be subject to removal by the Governor
10 for incompetency, neglect of duty or malfeasance. The term of
11 the initial chairman appointed under this amendatory Act of the
12 100th General Assembly shall end March 1, 2021 and the chairman
13 shall serve until his or her successor is duly appointed and
14 qualified.

15 The chairman shall preside at all meetings of the Board of
16 Directors of the Authority; shall exercise general supervision
17 over all powers, duties, obligations and functions of the
18 Authority; and shall approve or disapprove all resolutions,
19 by-laws, rules, rates and regulations made and established by
20 the Board of Directors, and if he shall approve thereof, he
21 shall sign the same, and such as he shall not approve he shall
22 return to the Board of Directors with his objections thereto in
23 writing at the next regular meeting of the Board of Directors
24 occurring after the passage thereof. Such veto may extend to
25 any one or more items contained in such resolution, by-law,

1 rule, rate or regulation, or to its entirety; and in case the
2 veto extends to a part of such resolution, by-law, rule, rate
3 or regulation, the residue thereof shall take effect and be in
4 force, but in case the chairman shall fail to return any
5 resolution, by-law, rule, rate or regulation with his
6 objections thereto by the time aforesaid, he shall be deemed to
7 have approved the same, and the same shall take effect
8 accordingly. Upon the return of any resolution, by-law, rule,
9 rate or regulation by the chairman, the vote by which the same
10 was passed shall be reconsidered by the Board of Directors, and
11 if upon such reconsideration two-thirds of all the Directors
12 agree by yeas and nays to pass the same, it shall go into
13 effect notwithstanding the chairman's refusal to approve
14 thereof. The process of approving or disapproving all
15 resolutions, by-laws, rules, rates and regulations, as well as
16 the ability of the Board of Directors to override the
17 disapproval of the chairman, under this Section shall be set
18 forth in the Authority's by-laws. Nothing in the Authority's
19 by-laws, rules, or regulations may be contrary to this Section.

20 The chairman shall receive a salary of \$18,000 per annum,
21 or as set by the Compensation Review Board, whichever is
22 greater, payable in monthly installments, together with
23 reimbursement for necessary expenses incurred in the
24 performance of his duties. The chairman shall be eligible for
25 reappointment.

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

1 (605 ILCS 10/5) (from Ch. 121, par. 100-5)

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

20 In making the initial appointments of the 2 additional
21 directors provided for by this amendatory Act of 1980, the
22 respective terms of the 2 additional directors first appointed
23 shall be designated by the Governor at the time of appointment
24 in such manner that the term of one such additional director
25 shall expire at the same time as the terms of 4 of the other

1 directors and the term of the other additional director shall
2 expire at the same time as the terms of 3 of the other
3 directors; thereafter the terms shall be 4 years.

4 Of the initial directors, other than the chairman,
5 appointed under the provisions of this amendatory Act of the
6 100th General Assembly, 4 shall serve terms running through
7 March 1, 2021. The 4 remaining directors shall serve terms
8 running through March 1, 2023. Thereafter the terms of all
9 directors shall be 4 years. Directors shall serve until their
10 respective successors are duly appointed and qualified.
11 Directors shall be eligible for reappointment.

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

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

18 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

19 Sec. 10. The Authority shall have power:

20 (a) To pass resolutions, make by-laws, rules and
21 regulations for the management, regulation and control of its
22 affairs, and to fix tolls, and to make, enact and enforce all
23 needful rules and regulations in connection with the
24 construction, operation, management, care, regulation or
25 protection of its property or any toll highways, constructed or

1 reconstructed hereunder. Any by-laws adopted under this
2 Section shall include a requirement that directors disclose and
3 avoid potential conflicts of interest. The by-laws shall be
4 posted on the Authority's website.

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

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

24 The Authority may maintain a listing or searchable database
25 on its website of persons or entities that have been issued one
26 or more final orders of liability with a total amount due of

1 more than \$1,000 for tolls, fines, unpaid late fees, or
2 administrative costs that remain unpaid after the exhaustion
3 of, or the failure to exhaust, the judicial review procedures
4 under the Administrative Review Law. Each entry may include the
5 person's or entity's name as listed on the final order of
6 liability.

7 Any outstanding toll, fine, additional late payment fine,
8 other sanction, or costs imposed, or part of any fine, other
9 sanction, or costs imposed, remaining unpaid after the
10 exhaustion of, or the failure to exhaust, judicial review
11 procedures under the Administrative Review Law are a debt due
12 and owing the Authority and may be collected in accordance with
13 applicable law. After expiration of the period in which
14 judicial review under the Administrative Review Law may be
15 sought, unless stayed by a court of competent jurisdiction, a
16 final order of the Authority under this subsection (a-5) may be
17 enforced in the same manner as a judgment entered by a court of
18 competent jurisdiction. Notwithstanding any other provision of
19 this Act, the Authority may, with the approval of the Attorney
20 General, retain a law firm or law firms with expertise in the
21 collection of government fines and debts for the purpose of
22 collecting fines, costs, and other moneys due under this
23 subsection (a-5).

24 A system of civil administrative adjudication may also
25 provide for a program of vehicle immobilization, tow, or
26 impoundment for the purpose of facilitating enforcement of any

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

17 No commercial entity that is the lessor of a vehicle under
18 a written lease agreement shall be liable for an administrative
19 notice of violation for toll evasion issued under this
20 subsection (a-5) involving that vehicle during the period of
21 the lease if the lessor provides a copy of the leasing
22 agreement to the Authority within 30 days of the issue date on
23 the notice of violation. The leasing agreement also must
24 contain a provision or addendum informing the lessee that the
25 lessee is liable for payment of all tolls and any fines for
26 toll evasion. Each entity must also post a sign at the leasing

1 counter notifying the lessee of that liability. The copy of the
2 leasing agreement provided to the Authority must contain the
3 name, address, and driver's license number of the lessee, as
4 well as the check-out and return dates and times of the vehicle
5 and the vehicle license plate number and vehicle make and
6 model.

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

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

1 suspension proceedings, if applicable. The payment percentage
2 scale shall be as follows: a person with 25 or fewer violations
3 shall be eligible for amnesty upon payment of 50% of the
4 original fine amount and the outstanding tolls; a person with
5 more than 25 but fewer than 51 violations shall be eligible for
6 amnesty upon payment of 60% of the original fine amount and the
7 outstanding tolls; and a person with 51 or more violations
8 shall be eligible for amnesty upon payment of 75% of the
9 original fine amount and the outstanding tolls. In such a
10 situation, the Executive Director of the Authority or his or
11 her designee is authorized and directed to waive any late fine
12 amount above the applicable percentage of the original fine
13 amount. Partial payment of the amount due shall not be a basis
14 to extend the amnesty payment deadline nor shall it act to
15 relieve the person of liability for payment of the late fine
16 amount. In order to receive amnesty, the full amount of the
17 applicable percentage of the original fine amount and
18 outstanding toll remaining due on the notice of violation or
19 final order of the hearing officer and the full fees and costs
20 paid by the Authority to the Secretary of State relating to
21 suspension proceedings, if applicable, must be paid in full by
22 5:00 p.m., Central Standard Time, of the 60th day after the
23 effective date of this amendatory Act of the 94th General
24 Assembly. This amendatory Act of the 94th General Assembly has
25 no retroactive effect with regard to payments already tendered
26 to the Authority that were full payments or payments in an

1 amount greater than the applicable percentage, and this Act
2 shall not be the basis for either a refund or a credit. This
3 amendatory Act of the 94th General Assembly does not apply to
4 toll evasion citations issued by the Illinois State Police or
5 other authorized law enforcement agencies and for which payment
6 may be due to or through the clerk of the circuit court. The
7 Authority shall adopt rules as necessary to implement the
8 provisions of this amendatory Act of the 94th General Assembly.
9 The Authority, by a resolution of the Board of Directors, shall
10 have the discretion to implement similar amnesty programs in
11 the future. The Authority, at its discretion and in
12 consultation with the Attorney General, is further authorized
13 to settle an administrative fine or penalty if it determines
14 that settling for less than the full amount is in the best
15 interests of the Authority after taking into account the
16 following factors: (1) the merits of the Authority's claim
17 against the respondent; (2) the amount that can be collected
18 relative to the administrative fine or penalty owed by the
19 respondent; (3) the cost of pursuing further enforcement or
20 collection action against the respondent; (4) the likelihood of
21 collecting the full amount owed; and (5) the burden on the
22 judiciary. The provisions in this Section may be extended to
23 other toll facilities in the State of Illinois through a duly
24 executed agreement between the Authority and the operator of
25 the toll facility.

26 (b) To prescribe rules and regulations applicable to

1 traffic on highways under the jurisdiction of the Authority,
2 concerning:

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

5 (2) Designation of the lanes of traffic to be used by
6 the different types of vehicles permitted upon said
7 highways;

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

9 (4) Control of traffic by means of police officers or
10 traffic control signals;

11 (5) Control or prohibition of processions, convoys,
12 and assemblages of vehicles and persons;

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

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

17 (8) Preparation, location and installation of all
18 traffic signs; and to prescribe further rules and
19 regulations applicable to such traffic, concerning matters
20 not provided for either in the foregoing enumeration or in
21 the Illinois Vehicle Code. Notice of such rules and
22 regulations shall be posted conspicuously and displayed at
23 appropriate points and at reasonable intervals along said
24 highways, by clearly legible markers or signs, to provide
25 notice of the existence of such rules and regulations to
26 persons traveling on said highways. At each toll station,

1 the Authority shall make available, free of charge,
2 pamphlets containing all of such rules and regulations.

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

15 (d) To accept from any municipality or political
16 subdivision any lands, easements or rights in land needed for
17 the operation, construction, relocation or maintenance of any
18 toll highways, with or without payment therefor, and in its
19 discretion to reimburse any such municipality or political
20 subdivision out of its funds for any cost or expense incurred
21 in the acquisition of land, easements or rights in land, in
22 connection with the construction and relocation of the said
23 toll highways, widening, extending roads, streets or avenues in
24 connection therewith, or for the construction of any roads or
25 streets forming extension to and connections with or between
26 any toll highways, or for the cost or expense of widening,

1 grading, surfacing or improving any existing streets or roads
2 or the construction of any streets and roads forming extensions
3 of or connections with any toll highways constructed,
4 relocated, operated, maintained or regulated hereunder by the
5 Authority. Where property owned by a municipality or political
6 subdivision is necessary to the construction of an approved
7 toll highway, if the Authority cannot reach an agreement with
8 such municipality or political subdivision and if the use to
9 which the property is being put in the hands of the
10 municipality or political subdivision is not essential to the
11 existence or the administration of such municipality or
12 political subdivision, the Authority may acquire the property
13 by condemnation.

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

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.