



Tollway Oversight Committee

**Filed: 4/16/2008**

09500HB4354ham001

LRB095 16354 RCE 45298 a

1 AMENDMENT TO HOUSE BILL 4354

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4354 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Toll Bridge Act is amended by changing  
5 Section 13 and by adding Sections 18, 19, 20, 21, 22, 23, 24,  
6 25, 26, 27, and 28 as follows:

7 (605 ILCS 115/13) (from Ch. 137, par. 13)

8 Sec. 13. Larceny; failure to pay toll; penalties.

9 (a) Any person who willfully, maliciously, and forcibly  
10 breaks any mechanical or electronic toll collection device of a  
11 toll bridge operator or any appurtenance thereto with the  
12 intent to commit larceny is guilty of a Class 4 felony.

13 (b) Any operator of a motor vehicle who passes through a  
14 toll gate or other area of a toll road bridge where a toll or  
15 charge is due without paying the amount due is guilty of a  
16 petty offense with a maximum fine not to exceed \$500. ~~Every~~

1 ~~person who shall willfully break, throw, draw or injure any~~  
2 ~~gate erected on any toll bridge, or shall forcibly or~~  
3 ~~fraudulently pass over any such bridge without having first~~  
4 ~~paid or tendered the legal toll, shall be deemed guilty of a~~  
5 ~~petty offense, and upon conviction shall be fined, in addition~~  
6 ~~to the damage resulting from such wrongful act, in any sum not~~  
7 ~~exceeding ten dollars.~~

8 (Source: P.A. 89-657, eff. 8-14-96)

9 (605 ILCS 115/18 new)

10 Sec. 18. Automated traffic enforcement system.

11 (a) An operator may use state-of-the-art technology,  
12 including but not limited to an automated traffic law  
13 enforcement system, vehicle identification photography, and  
14 video surveillance, to aid in the collection of tolls and  
15 enforcement of toll violations.

16 (b) An "operator" is any entity, public or private,  
17 authorized to collect tolls on an Illinois toll bridge,  
18 including the Chicago Skyway Toll Bridge.

19 (605 ILCS 115/19 new)

20 Sec. 19. Toll evasion violation.

21 (a) If evidence of a violation of subsection (b) of Section  
22 13 is obtained by an automated traffic law enforcement system,  
23 the operator of the toll bridge on which the violation  
24 allegedly occurred shall provide written notice of the alleged

1 violation to the owner of the vehicle that is alleged to have  
2 been used in committing the violation. Notice under this  
3 Section must be sent by First Class United States Mail or other  
4 means as provided by law, postage prepaid to the address of the  
5 registered owner of the cited vehicle as recorded with the  
6 Secretary of State's vehicle registration records. The notice  
7 must include the following information:

8 (1) The date, time, and location of the alleged  
9 violation.

10 (2) The name and address of the vehicle owner.

11 (3) The license plate and registration number of the  
12 vehicle alleged to have committed the violation.

13 (4) Notice that the basis of the violation is the  
14 photograph or recorded image from the automated traffic law  
15 enforcement system.

16 (5) The amount of the toll that is owed and the amount  
17 of any costs or other assessments added by the operator to  
18 the amount due to offset the administrative fees and  
19 collection costs of the operator. An amount under this item  
20 shall not exceed the amount specified in Section 26.

21 (6) That the owner of the vehicle has 15 days from the  
22 date the operator mails notice of the alleged violation to  
23 pay the amounts specified in the notice or to inform the  
24 operator of the owner's intent to deny the owner's  
25 responsibility for the alleged violation.

26 (7) Notice of the opportunity to be heard on the

1 question of the alleged violation.

2 (b) Each toll violation shall be considered a separate  
3 violation.

4 (c) If the owner of a vehicle receives notice under this  
5 Section, the owner must: (1) pay the amount specified in the  
6 notice; or (2) deny responsibility for the violation alleged in  
7 the notice with a written explanation within 15 days. A failure  
8 to comply with this subsection (c) shall result in the  
9 imposition of toll evasion penalties.

10 (d) The processing entity shall provide the vehicle owner  
11 with notice that he or she may submit an affidavit of  
12 non-liability offering proof that: (1) the vehicle in question  
13 was rented or leased at the time of violation; (2) the vehicle  
14 in question was sold at the time of the violation; or (3) the  
15 vehicle or license plate in question was stolen at the time of  
16 the violation.

17 (605 ILCS 115/20 new)

18 Sec. 20. Administrative review.

19 (a) Upon notice of a contest of toll violation, the  
20 processing entity shall either investigate its own records and  
21 staff or request that the operator, if separate from the  
22 processing entity, investigate the circumstances of the notice  
23 with respect to the contestant's written explanation of reasons  
24 for contesting the toll violation. If, based upon the results  
25 of that investigation, the processing entity is satisfied that

1 the violation did not occur or that that registered owner was  
2 not responsible for the violation, the processing entity shall  
3 cancel the notice of toll evasion. The processing entity shall  
4 provide written notice to the vehicle owner whether it will  
5 cancel the violation or whether the violation shall remain in  
6 force.

7 (b) If the contestant is not satisfied with the results of  
8 the investigation provided for in subsection (a), the  
9 contestant may, within 21 days after receipt of the decision of  
10 the internal review, deposit the amount of the toll evasion  
11 violation and request an administrative review. An  
12 administrative review shall be held within 60 calendar days  
13 following the receipt of request.

14 (c) The operator shall contract with a public agency or a  
15 private entity that has no financial interest in the toll  
16 bridge for the provision of administrative review services. The  
17 costs of those administrative review services shall be included  
18 in the administrative fees authorized by this Act.

19 (d) The operator shall not be required to produce any  
20 evidence other than the notice of toll evasion violation or a  
21 copy thereof, information identifying the registered owner of  
22 the vehicle, and an affidavit from the person reporting the  
23 violations. This documentation, in proper form, shall be  
24 considered prima facie evidence of the violation.

25 (e) The administrative review shall be conducted in  
26 accordance with the written procedure established by the

1 operator, which shall ensure fair and impartial review of  
2 contested toll evasion violations.

3 (605 ILCS 115/21 new)

4 Sec. 21. Appeal of administrative review. Judicial review  
5 of final administrative review decisions issued pursuant to  
6 this Act shall be conducted in the circuit court of the county  
7 in which the violation occurred pursuant to the Administrative  
8 Review Law, which is hereby expressly adopted.

9 (605 ILCS 115/22 new)

10 Sec. 22. Toll evasion penalty.

11 (a) Upon the failure of a vehicle owner to respond to  
12 proper notice of a toll evasion violation in accordance with  
13 Section 19, the vehicle owner shall be liable for a toll  
14 evasion penalty in addition the amount set forth in the final  
15 toll evasion notice. The toll evasion penalty shall not exceed  
16 \$150 for the first violation, \$300 for a second violation  
17 within one year, and \$500 for each additional violation within  
18 one year.

19 (b) Toll evasion penalties shall be collected as civil  
20 penalties.

21 (605 ILCS 115/23 new)

22 Sec. 23. Enforcement of unpaid toll evasion penalty. If the  
23 owner of a vehicle who receives a notice of toll evasion

1 penalty under this Section: fails to pay the amounts specified  
2 in the notice; or fails to respond to the notice requesting an  
3 administrative hearing, then the processing entity shall  
4 proceed under one or more of the following options to collect  
5 an unpaid toll evasion penalty:

6 (1) File a certification report of unpaid toll evasion  
7 penalty with the Secretary of State to suspend the owner's  
8 vehicle registration as provided in Section 24 of this Act.

9 (2) File proof of failure to pay toll evasion penalty  
10 with a court of competent jurisdiction with the same effect  
11 as a civil judgment. Execution may be levied and other  
12 measures may be taken for the collection of the judgment as  
13 are authorized for the collection of an unpaid civil  
14 judgment entered against a defendant in an action on a  
15 debtor. The court may assess costs against a judgment  
16 debtor to be paid upon satisfaction of the judgment. The  
17 processing entity shall send a notice by first-class mail  
18 to the person or registered owner indicating that a  
19 judgment shall be entered for the unpaid penalties, fees,  
20 and costs and that, after 30 days from the date of the  
21 mailing of notice, the judgment shall have the same effect  
22 as an entry of judgment against a judgment debtor. The  
23 person or registered owner shall also be notified at that  
24 time that execution may be levied against his or her  
25 assets, liens may be placed against his or her property,  
26 his or her wages may be garnished, outstanding judgments

1       may be reported to the credit bureau, civil penalties  
2       assessed, and other steps may be taken to satisfy the  
3       judgment. The filing fee plus any costs of collection shall  
4       be added to the judgment amount. This amount shall not be  
5       restricted by Section 13, 20, 21, or 24 of this Act.

6       (605 ILCS 115/24 new)

7       Sec. 24. Suspension of vehicle registration.

8       (a) Notwithstanding any other penalties that may be  
9       imposed, the Secretary of State shall suspend the registration  
10      of any vehicle upon notice by the processing entity that a  
11      registered owner who has received notice of toll evasion  
12      penalty and has failed to:

13           (1) pay the toll, administrative fees, and toll evasion  
14           penalty for the violation by the later of the date  
15           specified in the notice of toll evasion penalty or within  
16           90 business days; or

17           (2) provide notice of intention to contest liability  
18           for the toll evasion penalty by the later of the date  
19           specified in the notice of toll evasion penalty or within  
20           30 business days.

21      (b) A prerequisite to the suspension of vehicle  
22      registration by the Secretary of State shall be the submission  
23      to the Secretary of State, by the processing entity, of a  
24      certified report containing the following information:

25           (1) The name, last known address as recorded with the



1       Secretary of State, or, for a lessee of a cited vehicle,  
2       the last known address known to the lessor of the cited  
3       vehicle at the time of the lease, and the driver's license  
4       number of the person who failed to satisfy the final order  
5       or liability and the registration number of any vehicle  
6       known to be registered in the State of Illinois to the  
7       person.

8       (2) A statement that the processing entity sent a  
9       notice of impending suspension of the person's driver's  
10      license, vehicle registration, or both, to the person named  
11      in the report at the address recorded with the Secretary of  
12      State, the date on which the notice was sent, and the  
13      address to which the notice was sent.

14      (c) A person to whom the notice is sent may challenge the  
15      accuracy contained in the certified report by providing written  
16      notice to the processing entity.

17      (d) In addition to any tolls, penalties, or fees assessed  
18      by the processing entity for toll violations, the registered  
19      owner of the vehicle involved in the toll violations at issue  
20      shall be required to reimburse the processing entity for all  
21      fees paid to the Secretary of State for the enforcement of  
22      Section 24.

23           (605 ILCS 115/25 new)

24      Sec. 25. Toll evasion processing and collection.

25      (a) An operator may elect to contract with the State, the

1 county, a local authority, or a private entity for the  
2 processing and collection of toll evasion violations and toll  
3 evasion penalties.

4 (b) As used in this Act, "toll evasion penalty" includes,  
5 but is not limited to, any fine, assessment, and costs of  
6 collection as provided by law.

7 (c) As used in this Act, "toll evasion violation" includes  
8 the unpaid toll and applicable administrative fees.

9 (d) If a contract is entered into pursuant to subsection  
10 (a) of this Section, "processing entity" means the party  
11 responsible for the processing of the notices of toll evasions  
12 and notices of toll evasion penalties. Absent such a contract,  
13 "processing entity" shall be synonymous with the operator of  
14 the toll bridge.

15 (605 ILCS 115/26 new)

16 Sec. 26. Administrative fees. The operator shall be  
17 entitled to assess administrative fees for each unpaid toll for  
18 operating costs and expenses, including but not limited to  
19 processing, review, and confirmation of driver information and  
20 licenses plate information, dispute proceedings, and other  
21 costs incurred in processing the unpaid toll in an amount not  
22 to exceed \$75.

23 (605 ILCS 115/27 new)

24 Sec. 27. Disbursement of toll evasion penalties. The

1 operator shall be entitled to receive all unpaid tolls and  
2 administrative fees from any toll evasion penalty collected  
3 pursuant to this Act. The balance of the toll evasion penalty,  
4 if any, shall be disbursed to the municipality in which the  
5 toll bridge is located.

6 (605 ILCS 115/28 new)

7 Sec. 28. Privacy. Photographs or recorded images used  
8 pursuant to this Act are confidential and shall be made  
9 available only to the owner of the vehicle, the alleged  
10 offender, the alleged offender's attorney, the judiciary, any  
11 private entities specifically contracted with for the  
12 processing and collection of toll evasion violations or toll  
13 evasion penalties, and to governmental or law enforcement  
14 agencies."