



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3788

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/10

from Ch. 121, par. 100-10

Amends the Toll Highway Act. Provides that no commercial entity that is the lessor of a vehicle under a written lease agreement shall be liable for an administrative notice of violation for toll evasion involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 30 (rather than 21) days of the issue date on the notice of violation. Provides that the Illinois State Toll Highway Authority may adopt rules with respect to commercial entities that lease vehicles under a written lease agreement specifying a different time period for providing a copy of the leasing agreement.

LRB099 10205 RJF 30430 b

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. In cases in
22 which the operator of the vehicle is not the registered vehicle
23 owner, the establishment of ownership of the vehicle creates a

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

1 be admitted as prima facie evidence of the correctness of the
2 facts contained in the notice or facsimile. Only civil fines,
3 along with the corresponding outstanding toll, and costs may be
4 imposed by administrative adjudication. A fine may be imposed
5 under this paragraph only if a violation is established by a
6 preponderance of the evidence. Judicial review of all final
7 orders of the Authority under this paragraph shall be conducted
8 in the circuit court of the county in which the administrative
9 decision was rendered in accordance with the Administrative
10 Review Law.

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

20 Any outstanding toll, fine, additional late payment fine,
21 other sanction, or costs imposed, or part of any fine, other
22 sanction, or costs imposed, remaining unpaid after the
23 exhaustion of, or the failure to exhaust, judicial review
24 procedures under the Administrative Review Law are a debt due
25 and owing the Authority and may be collected in accordance with
26 applicable law. After expiration of the period in which

1 judicial review under the Administrative Review Law may be
2 sought, unless stayed by a court of competent jurisdiction, a
3 final order of the Authority under this subsection (a-5) may be
4 enforced in the same manner as a judgment entered by a court of
5 competent jurisdiction. Notwithstanding any other provision of
6 this Act, the Authority may, with the approval of the Attorney
7 General, retain a law firm or law firms with expertise in the
8 collection of government fines and debts for the purpose of
9 collecting fines, costs, and other moneys due under this
10 subsection (a-5).

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

1 conducted in the circuit court of the county in which the
2 administrative decision was rendered in accordance with the
3 Administrative Review Law.

4 No commercial entity that is the lessor of a vehicle under
5 a written lease agreement shall be liable for an administrative
6 notice of violation for toll evasion issued under this
7 subsection (a-5) involving that vehicle during the period of
8 the lease if the lessor provides a copy of the leasing
9 agreement to the Authority within 30 ~~21~~ days of the issue date
10 on the notice of violation or, if an administrative rule has
11 been adopted specifying a different time period, then within
12 the time period set by rule. The leasing agreement also must
13 contain a provision or addendum informing the lessee that the
14 lessee is liable for payment of all tolls and any fines for
15 toll evasion. Each entity must also post a sign at the leasing
16 counter notifying the lessee of that liability. The copy of the
17 leasing agreement provided to the Authority must contain the
18 name, address, and driver's license number of the lessee, as
19 well as the check-out and return dates and times of the vehicle
20 and the vehicle license plate number and vehicle make and
21 model.

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

25 The Authority shall establish an amnesty program for
26 violations adjudicated under this subsection (a-5). Under the

1 program, any person who has an outstanding notice of violation
2 for toll evasion or a final order of a hearing officer for toll
3 evasion dated prior to the effective date of this amendatory
4 Act of the 94th General Assembly and who pays to the Authority
5 the full percentage amounts listed in this paragraph remaining
6 due on the notice of violation or final order of the hearing
7 officer and the full fees and costs paid by the Authority to
8 the Secretary of State relating to suspension proceedings, if
9 applicable, on or before 5:00 p.m., Central Standard Time, of
10 the 60th day after the effective date of this amendatory Act of
11 the 94th General Assembly shall not be required to pay more
12 than the listed percentage of the original fine amount and
13 outstanding toll as listed on the notice of violation or final
14 order of the hearing officer and the full fees and costs paid
15 by the Authority to the Secretary of State relating to
16 suspension proceedings, if applicable. The payment percentage
17 scale shall be as follows: a person with 25 or fewer violations
18 shall be eligible for amnesty upon payment of 50% of the
19 original fine amount and the outstanding tolls; a person with
20 more than 25 but fewer than 51 violations shall be eligible for
21 amnesty upon payment of 60% of the original fine amount and the
22 outstanding tolls; and a person with 51 or more violations
23 shall be eligible for amnesty upon payment of 75% of the
24 original fine amount and the outstanding tolls. In such a
25 situation, the Executive Director of the Authority or his or
26 her designee is authorized and directed to waive any late fine

1 amount above the applicable percentage of the original fine
2 amount. Partial payment of the amount due shall not be a basis
3 to extend the amnesty payment deadline nor shall it act to
4 relieve the person of liability for payment of the late fine
5 amount. In order to receive amnesty, the full amount of the
6 applicable percentage of the original fine amount and
7 outstanding toll remaining due on the notice of violation or
8 final order of the hearing officer and the full fees and costs
9 paid by the Authority to the Secretary of State relating to
10 suspension proceedings, if applicable, must be paid in full by
11 5:00 p.m., Central Standard Time, of the 60th day after the
12 effective date of this amendatory Act of the 94th General
13 Assembly. This amendatory Act of the 94th General Assembly has
14 no retroactive effect with regard to payments already tendered
15 to the Authority that were full payments or payments in an
16 amount greater than the applicable percentage, and this Act
17 shall not be the basis for either a refund or a credit. This
18 amendatory Act of the 94th General Assembly does not apply to
19 toll evasion citations issued by the Illinois State Police or
20 other authorized law enforcement agencies and for which payment
21 may be due to or through the clerk of the circuit court. The
22 Authority shall adopt rules as necessary to implement the
23 provisions of this amendatory Act of the 94th General Assembly.
24 The Authority, by a resolution of the Board of Directors, shall
25 have the discretion to implement similar amnesty programs in
26 the future. The Authority, at its discretion and in

1 consultation with the Attorney General, is further authorized
2 to settle an administrative fine or penalty if it determines
3 that settling for less than the full amount is in the best
4 interests of the Authority after taking into account the
5 following factors: (1) the merits of the Authority's claim
6 against the respondent; (2) the amount that can be collected
7 relative to the administrative fine or penalty owed by the
8 respondent; (3) the cost of pursuing further enforcement or
9 collection action against the respondent; (4) the likelihood of
10 collecting the full amount owed; and (5) the burden on the
11 judiciary. The provisions in this Section may be extended to
12 other toll facilities in the State of Illinois through a duly
13 executed agreement between the Authority and the operator of
14 the toll facility.

15 (b) To prescribe rules and regulations applicable to
16 traffic on highways under the jurisdiction of the Authority,
17 concerning:

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

20 (2) Designation of the lanes of traffic to be used by
21 the different types of vehicles permitted upon said
22 highways;

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

24 (4) Control of traffic by means of police officers or
25 traffic control signals;

26 (5) Control or prohibition of processions, convoys,

1 and assemblages of vehicles and persons;

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

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

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

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

1 highways, including the administrative expenses of the
2 Authority, and to discharge all obligations of the Authority as
3 they become due and payable.

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

1 political subdivision, the Authority may acquire the property
2 by condemnation.

3 (Source: P.A. 98-559, eff. 1-1-14.)