TOLL VIOLATION PAYMENT AND SETTLEMENT GUIDELINES

The following guidelines establish the terms and conditions upon which the Illinois State Tollway Highway Authority ("Tollway") will agree to settle and dismiss a Notice of Toll Violation ("Notice") and the procedures for the write-off of Notices for which no payment or settlement has been received after a diligent effort at collection. These Guidelines become effective September 1, 2013 and expire on May 1, 2014.

As stated in the Illinois Toll Highway Act (605 ILCS 10/10/10(a-5)), the Tollway, at its discretion and in consultation with the Attorney General, is authorized to settle a toll violation administrative fine or penalty if it determines that settling for less than the full amount is in the best interests of the Authority after taking into account the following factors: (1) the merits of the Authority's claim against the respondent; (2) the amount that can be collected relative to the administrative fine or penalty owed by the respondent; (3) the cost of pursuing further enforcement or collection action against the respondent; (4) the likelihood of collecting the full amount owed; and (5) the burden on the judiciary. All contracts entered into by the Tollway shall be approved as to their form and constitutionality by the Attorney General prior to their execution and delivery pursuant to Section 15 of the Act.

A. Non-Transponder Customers: Terms and Conditions for Dismissal

1. Until the date the Notice is referred to a collection agency, a person receiving a Notice of Toll Violation ("Violator") must pay the tolls at the cash rate and the $20.00 fines set forth in the Notice.

2. Upon receipt of the unpaid tolls and $20.00 fines as set forth in the Notice the Tollway will dismiss the Notice and the Violator shall have no further liability to the Tollway arising from the Notice, provided that the Tollway reserves the right to limit the availability of such settlements to violations that have not yet been referred to collections.

3. A non-transponder customer that requests an administrative hearing in person, in writing or through any other means offered by the Tollway and is found liable is not eligible for a settlement under this Section A.

4. Once a Notice is referred to a collection agency all matters relating to settlement of that Notice must be referred to the collection agency.

5. Any Federal agency, State or municipal entity, including both those with an I-PASS account and those that do not have an I-PASS account or Recognized Transponder Account, shall pay the cash rate for tolls only if they open or update a government account. The fines will then be dismissed upon receipt of payment.

B. I-PASS Customers or Customers With Recognized Transponder Accounts (e.g., EZPass): Terms and Conditions for Dismissal

1. Within the time frame provided in the Final Order of Liability, a Violator that has an I-PASS or a transponder tolling account recognized by the Tollway must pay the cash rate of the tolls. In instances where an I-PASS or a recognized transponder tolling account holder adds a license plate of a Violator to their account after the date of the initial Notice, the Violator will be entitled to a settlement under this subsection B.1 only if the name and/or address on the Notice and the account match; otherwise, the Violator is entitled to a settlement pursuant to subsection B.2.

2. A Violator that has an I-PASS or a recognized transponder tolling account, but fails to pay the cash rate of the tolls within the time frame provided in the Final Order of Liability, must pay the cash rate of the tolls and the applicable fines as set forth in the attached Table A.

3. A Violator with an I-PASS or a recognized transponder tolling account that has a current negative balance must bring the account out of a negative balance before a settlement will be entered.

4. Upon the Violator's payment of the appropriate amount as set forth in subsections B.1 or B.2 and, if necessary, bringing the Violator's I-PASS or a recognized transponder tolling account out of a negative balance the Tollway will dismiss the Notice and the Violator shall have no further liability to the Tollway arising from the Notice, provided that the Tollway reserves the right to limit the availability of such settlements to violations that have not yet been referred to collections.

5. An I-PASS customer or a customer from a recognized transponder tolling account that requests an administrative hearing in person, in writing or through any other means offered by the Tollway and is found liable is not eligible for a settlement under this Section B and is subject to Section A.4.

6. An I-PASS customer with a pending bankruptcy case, who otherwise qualifies, is eligible for a settlement under this Section when circumstances warrant.

C. Settlement Authority for Non-Standard Settlements

The following approvals are required for any settlement of a Notice in an amount that is less than that called for pursuant to the guidelines set forth in Sections A and B:

1. All settlements of a Notice in an amount less than that called for pursuant to the guidelines set forth in Sections A and B above shall have the Non-Standard Settlement Evaluation form or other explanation of the basis for the settlement and supporting documentation completed and attached.
2. Settlements made by a duly appointed collection agency are not subject to these approval rules as long as they follow settlement parameters presented to the Board.

3. The following authority levels are established for Non-Standard settlements that meet the requirements of this section C:

    a. Up to $7,500 in total amount due for each Violator ID, the Project Coordinator or Customer Service Manager, another Customer Service Manager or more senior level Business Systems manager plus an Assistant Attorney General shall recommend a settlement by completing the required settlement review forms, which will be approved by a Special Project Manager or more senior level Business Systems manager.
    b. $7,500 to $15,000 in total amount due for each Violator ID must also be approved by Chief of Business Systems.
    c. $15,001 to $30,000 in total amount due for each Violator ID must also be approved by Chief of Finance.
    d. $30,001 to $50,000 in total due for each Violator ID must also be approved by the Executive Director.
    e. Over $50,000 in total amount due for each Violator ID must also be approved by the Board of Directors.

D. Write-Offs of Toll Violation Account Receivables

1. Settlements of Notices made pursuant to Section 10(a-5) of the Toll Highway Act are not write-offs of uncollectible debt but rather legal and enforceable settlements. Those Notices that are not paid in full or settled pursuant to Section 10(a-5) after diligent collection efforts may be written off pursuant to the requirements of the Uncollected State Claims Act, 30 ILCS 205/1 *et seq,* and the following procedures implementing the requirements of that Act.

2. In the event the Tollway is unable to collect any unpaid toll, fine or fee associated with a single violator ID in the amount of $1,000 or more after having pursued the procedures prescribed by law for the collection thereof, the Tollway shall compile a list of violation accounts to be written-off and present them to the Board for approval.

3. Upon approval, the Tollway will then request the Attorney General to certify the claims or account receivables associated with single violator IDs in the amount of $1,000 or more to be uncollectible. Upon approval by the Attorney General, the accounts shall be written off as an account receivable. Each request to the Attorney General asking that violations associated with a violator ID of $1,000 or more be declared uncollectible shall be in a format prescribed by the Attorney General and shall include at a minimum, to the extent that the information is available, the following information: debtor's name, available debtor's identifying number, debtor's last known address, nature of the debt, efforts made to collect the debt, the time period covered by those efforts, the age of the debt, the age of the debtor and the reason or reasons why the Tollway believes the debt to be uncollectible.

4. Tolls, fines and fees associated with a single violator ID of less than $1,000 may be certified as uncollectible by the Tollway after the Board, having been provided the necessary information, determines that further collection efforts are not in the best economic interest of the Tollway. Such determination shall be made in accordance with rules of the Comptroller and need not be approved by the Attorney General.

E. Facilitation of Settlement Process

In order to facilitate the settlement process, the Tollway may accept monies in anticipation of the Attorney General's approval of a settlement pursuant to Section C if the Tollway has a reasonable expectation that the settlement will be approved. If the settlement is not approved, the monies will be returned to the customer promptly.

Number of Violations	Settlement Amount	Number of Paid Fines
1 – 5	Cash tolls + $20	1
6 – 9	Cash tolls + $40	2
10 – 49	Cash tolls + $100	5
50 – 99	Cash tolls + $200	10
100 – 149	Cash tolls + $300	15
150 –199	Cash tolls + $400	20
200 – 249	Cash tolls + $500	25
250 – 299	Cash tolls + $600	30
300 – 349	Cash tolls + $700	35
350 – 399	Cash tolls + $800	40
400 – 449	Cash tolls + $900	45
450 – 500	Cash tolls + $1,000	50
501 – 750	Cash tolls + $1,500	75
751 and above	Cash tolls + $2,000	100