



Rep. Jim Durkin

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10100SB1090ham001

LRB101 06348 CPF 60198 a

1 AMENDMENT TO SENATE BILL 1090

2 AMENDMENT NO. _____. Amend Senate Bill 1090 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Environmental Barriers Act is amended by
5 changing Section 6 as follows:

6 (410 ILCS 25/6) (from Ch. 111 1/2, par. 3716)

7 Sec. 6. Enforcement.

8 (a) The Attorney General shall have authority to enforce
9 the Code. The Attorney General may investigate any complaint or
10 reported violation of this Act and, where necessary to ensure
11 compliance, may do any or all of the following:

12 (1) Conduct an investigation to determine if a
13 violation of this Act and the Code exists. This includes
14 the power to:

15 (A) require an individual or entity to file a
16 statement or report in writing under oath or otherwise,

1 as to all information the Attorney General may
2 consider;

3 (B) examine under oath any person alleged to have
4 participated in or with knowledge of the violations;
5 and

6 (C) issue subpoenas or conduct hearings in aid of
7 any investigation.

8 (2) Bring an action for injunction to halt construction
9 or alteration of any public facility or multi-story housing
10 or to require compliance with the Code by any public
11 facility or multi-story housing which has been or is being
12 constructed or altered in violation of this Act and the
13 Code.

14 (3) Bring an action for mandamus.

15 (4) Bring an action for penalties as follows:

16 (A) any owner of a public facility or multi-story
17 housing in violation of this Act shall be subject to
18 civil penalties in a sum not to exceed \$250 per day,
19 and each day the owner is in violation of this Act
20 constitutes a separate offense;

21 (B) any architect or engineer negligently or
22 intentionally stating pursuant to Section 5 of this Act
23 that a plan is in compliance with this Act when such
24 plan is not in compliance shall be subject to a
25 suspension, revocation, or refusal of restoration of
26 his or her certificate of registration or license

1 pursuant to the Illinois Architecture Practice Act of
2 1989, the Professional Engineering Practice Act of
3 1989, and the Structural Engineering Practice Act of
4 1989; and

5 (C) any person who knowingly issues a building
6 permit or other official authorization for the
7 construction or alteration of a public facility or the
8 construction of multi-story housing in violation of
9 this Act shall be subject to civil penalties in a sum
10 not to exceed \$1,000.

11 (5) Bring an action for any other appropriate relief,
12 including, but not limited to, in lieu of a civil action,
13 the entry of an Assurance of Voluntary Compliance with the
14 individual or entity deemed to have violated this Act.

15 (b) A public facility or multi-story housing continues to
16 be in violation of this Act and the Code following construction
17 or alteration so long as the public facility or multi-story
18 housing is not compliant with this Act and the Code.

19 (c) Beginning July 31, 2020 and by July 31 of every year
20 thereafter, the Attorney General shall provide data on the
21 Attorney General's website about annual enforcement efforts
22 performed under this Act. The data shall include, but is not
23 limited to, the following:

24 (1) The total number of open compliance investigations
25 each year.

26 (2) The 10 most frequent complaints received under this

1 Act that are under investigation each year.

2 (3) The total number of complaints received under this
3 Act annually.

4 (4) Assistance provided to constituents throughout the
5 State on the Attorney General's disability rights
6 technical assistance line.

7 (Source: P.A. 99-582, eff. 1-1-17.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.".