



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3440

Introduced 2/14/2020, by Sen. Dan McConchie

SYNOPSIS AS INTRODUCED:

410 ILCS 25/5.5 new

Amends the Environmental Barriers Act. Creates the ADA Compliance Commission to establish best practices for a person, entity, unit of local government, or the State to comply with the federal Americans with Disabilities Act of 1990. Provides that the Commission shall have 9 members appointed to serve 3-year terms by the Governor with the advice and consent of the Senate. Provides that Commission members shall serve without compensation but shall be reimbursed for travel expenses incurred in performing their duties. Requires the Commission to review any plan or design submitted by a person, entity, unit of local government, or the State for accommodations, housing, public venues, parks, transit, or any other location requiring ADA-compliant access and to provide insight, recommendations, and suggestions on ADA compliance issues. Specifies a civil penalty the Commission may impose upon persons or entities who do not comply with the ADA. Requires the Capital Development Board to provide administrative and other support to the Commission. Provides that any moneys collected under the amendatory provisions shall be deposited into the Capital Development Fund to be used by the Capital Development Board for the purposes of administering and supporting the Commission. Provides that compliance with the insight, recommendations, suggestions, or best practices guide provided by the Commission is an affirmative defense for a person or entity charged in a State court with noncompliance with the ADA. Contains other provisions. Effective January 1, 2021.

LRB101 16898 CPF 70142 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Environmental Barriers Act is amended by
5 changing Section 6 and by adding Section 5.5 as follows:

6 (410 ILCS 25/5.5 new)

7 Sec. 5.5. ADA Compliance Commission.

8 (a) In this Section, "ADA" means the federal Americans with
9 Disabilities Act of 1990.

10 (b) The ADA Compliance Commission is created to establish
11 best practices for a person, entity, unit of local government,
12 or the State to comply with the ADA.

13 (c) The Commission shall have 9 members appointed by the
14 Governor with the advice and consent of the Senate. After all
15 the members are appointed, they shall elect a chairperson from
16 among themselves. The Commission shall consist of the following
17 persons:

18 (1) one member with visual impairment;

19 (2) one member with hearing impairment;

20 (3) one member with mobility impairment who does not
21 use a wheelchair;

22 (4) one member with mobility impairment who is a
23 paraplegic;

1 (5) one member with mobility impairment who is a
2 quadriplegic;

3 (6) one member with a service animal;

4 (7) one member representing the Attorney General;

5 (8) one member representing the Capital Development
6 Board; and

7 (9) one member chosen by the Governor from citizens at
8 large.

9 (d) Each member shall serve for a term of 3 years, or until
10 his or her successor is appointed, and the Governor may stagger
11 the members' terms to ensure continuity in the performance of
12 the Commission's responsibilities. Commission members shall
13 serve without compensation but shall be reimbursed for travel
14 expenses incurred in performing their duties.

15 (e) The Commission shall meet at least 6 times each year
16 and at other times as called by the chairperson.

17 (f) The Commission has the following powers and duties:

18 (1) The Commission shall review any plan or design
19 submitted by a person, entity, unit of local government, or
20 the State for accommodations, housing, public venues,
21 parks, transit, or any other location requiring
22 ADA-compliant access. After its review, the Commission
23 shall provide insight, recommendations, and suggestions on
24 ADA-compliant access, seating, and other accessibility
25 issues. When applicable, it may also suggest locations for
26 ADA-compliant seating.

1 (2) The Commission shall review the annual report from
2 the Attorney General required under subsection (c) of
3 Section 6. After reviewing the report, the Commission may
4 give recommendations to the General Assembly for changes to
5 this Act to encourage better compliance with the ADA and
6 better access to accommodations, housing, public venues,
7 parks, transit, or any other location requiring
8 ADA-compliant access.

9 (3) The Commission may create a best practices guide
10 for persons, entities, units of local government, or the
11 State to use as a reference for all issues regarding
12 compliance with the ADA in Illinois.

13 (4) The Commission shall develop a process to receive,
14 assess, and verify ADA-noncompliance complaints. Upon
15 verifying a complaint, it may impose a civil penalty of up
16 to \$1,000 on a person or entity not in compliance with the
17 ADA. The civil penalty may be levied for each verified
18 complaint, including, at the discretion of the Commission,
19 repeat complaints. Complaints must be submitted to the
20 Commission within 3 months after the alleged instance of
21 noncompliance. The maximum amount of civil penalties that
22 may be levied against a person or entity over the course of
23 a calendar year is \$20,000.

24 (g) The Capital Development Board shall provide
25 administrative and other support to the Commission.

26 (h) A person, entity, unit of local government, or the

1 State may submit a plan of how they ensure, and will continue
2 to ensure, ADA-compliant access at their venues. Once a plan is
3 submitted, the person, entity, unit of local government, or the
4 State may publish it on their website and may send any
5 revisions of the original ADA-compliant access plan to the
6 Commission.

7 (i) Compliance with the insight, recommendations,
8 suggestions, or best practices guide provided by the Commission
9 under paragraph (1) or (3) of subsection (f) is an affirmative
10 defense for a person or entity charged in a State court with
11 noncompliance with the ADA.

12 Section 99. Effective date. This Act takes effect January
13 1, 2021.