



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3446

Introduced 1/18/2022, by Sen. Sue Rezin

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 13 members appointed to serve 3-year terms. 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, 2023.

LRB102 24094 CPF 33319 b

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
9 with 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 13 members. After all the
14 members are appointed, they shall elect a chairperson from
15 among themselves. The Commission shall consist of the
16 following persons:

17 (1) one member with visual impairment appointed by the
18 Governor with the advice and consent of the Senate;

19 (2) one member with hearing impairment appointed by
20 the Governor with the advice and consent of the Senate;

21 (3) one member with mobility impairment who does not
22 use a wheelchair appointed by the Governor with the advice
23 and consent of the Senate;

1 (4) one member with mobility impairment who is a
2 paraplegic appointed by the Governor with the advice and
3 consent of the Senate;

4 (5) one member with mobility impairment who is a
5 quadriplegic appointed by the Governor with the advice and
6 consent of the Senate;

7 (6) one member with a service animal appointed by the
8 Governor with the advice and consent of the Senate;

9 (7) one member representing the Attorney General
10 appointed by the Governor with the advice and consent of
11 the Senate;

12 (8) one member representing the Capital Development
13 Board appointed by the Governor with the advice and
14 consent of the Senate;

15 (9) one member chosen from citizens at large and
16 appointed by the Governor with the advice and consent of
17 the Senate;

18 (10) one member appointed by the President of the
19 Senate;

20 (11) one member appointed by the Minority Leader of
21 the Senate;

22 (12) one member appointed by the Speaker of the House
23 of Representatives; and

24 (13) one member appointed by the Minority Leader of
25 the House of Representatives.

26 (d) Each member shall serve for a term of 3 years, or until

1 his or her successor is appointed, and the Governor may
2 stagger the members' terms to ensure continuity in the
3 performance of the Commission's responsibilities. Commission
4 members shall serve without compensation but shall be
5 reimbursed for travel expenses incurred in performing their
6 duties.

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

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

10 (1) The Commission shall review any plan or design
11 submitted by a person, entity, unit of local government,
12 or the State for accommodations, housing, public venues,
13 parks, transit, or any other location requiring
14 ADA-compliant access. After its review, the Commission
15 shall provide insight, recommendations, and suggestions on
16 ADA-compliant access, seating, and other accessibility
17 issues. When applicable, it may also suggest locations for
18 ADA-compliant seating.

19 (2) The Commission shall review the annual report from
20 the Attorney General required under subsection (c) of
21 Section 6. After reviewing the report, the Commission may
22 give recommendations to the General Assembly for changes
23 to this Act to encourage better compliance with the ADA
24 and better access to accommodations, housing, public
25 venues, parks, transit, or any other location requiring
26 ADA-compliant access.

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

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

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

18 (h) A person, entity, unit of local government, or the
19 State may submit a plan of how they ensure, and will continue
20 to ensure, ADA-compliant access at their venues. Once a plan
21 is submitted, the person, entity, unit of local government, or
22 the State may publish it on their website and may send any
23 revisions of the original ADA-compliant access plan to the
24 Commission.

25 (i) Compliance with the insight, recommendations,
26 suggestions, or best practices guide provided by the

1 Commission under paragraph (1) or (3) of subsection (f) is an
2 affirmative defense for a person or entity charged in a State
3 court with noncompliance with the ADA.

4 Section 99. Effective date. This Act takes effect January
5 1, 2023.