



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1316

Introduced 2/9/2005, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-111	from Ch. 95 1/2, par. 2-111
625 ILCS 5/3-616	from Ch. 95 1/2, par. 3-616
625 ILCS 5/3-704	from Ch. 95 1/2, par. 3-704
625 ILCS 5/3-808.1	from Ch. 95 1/2, par. 3-808.1
625 ILCS 5/11-1301.3	from Ch. 95 1/2, par. 11-1301.3
625 ILCS 5/11-1301.5	
625 ILCS 5/11-1301.6	
625 ILCS 5/12-401	from Ch. 95 1/2, par. 12-401

Amends the Illinois Vehicle Code. Increases the fines for unauthorized use of parking spaces reserved for persons with disabilities. Provides that the Secretary of State may suspend or revoke the driving privileges and may suspend or revoke the parking decal or device or the disability license plate of any person who violates the provision. Provides that a second or subsequent violation of the provision regarding fictitious or fraudulently altered disability license plates and parking decals or devices is a Class 4 felony (rather than a Class A misdemeanor). Provides that the Secretary of State may suspend or revoke the parking decal or device or the disability license plate of any person who violates the provision. Provides that a first violation of the provision regarding fraudulent plates and parking decals and devices of this type is a Class A misdemeanor (rather than a Class 4 felony). Changes the designation of person with disabilities plates to disability plates. Makes corresponding changes in other provisions.

LRB094 09410 DRH 39657 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Illinois Vehicle Code is amended by changing
5 Sections 2-111, 3-616, 3-704, 3-808.1, 11-1301.3, 11-1301.5,
6 11-1301.6, 12, and 12-401 as follows:

7 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)

8 Sec. 2-111. Seizure or confiscation of documents and
9 plates. (a) The Secretary of State is authorized to take
10 possession of any certificate of title, registration card,
11 permit, license, registration plate, plates, disability person
12 ~~with disabilities~~ license plate or parking decal or device, or
13 registration sticker issued by him upon expiration,
14 revocation, cancellation or suspension thereof, or which is
15 fictitious, or which has been unlawfully or erroneously issued.
16 Police officers who have reasonable grounds to believe that any
17 item or items listed in this section should be seized shall
18 request the Secretary of State to take possession of such item
19 or items.

20 (b) The Secretary of State is authorized to confiscate any
21 suspected fraudulent, fictitious, or altered documents
22 submitted by an applicant in support of an application for a
23 driver's license or permit.

24 (Source: P.A. 93-895, eff. 1-1-05.)

25 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

26 Sec. 3-616. Disability ~~Person with disabilities~~ license
27 plates.

28 (a) Upon receiving an application for a certificate of
29 registration for a motor vehicle of the first division or for a
30 motor vehicle of the second division weighing no more than
31 8,000 pounds, accompanied with payment of the registration fees

1 required under this Code from a person with disabilities or a
2 person who is deaf or hard of hearing, the Secretary of State,
3 if so requested, shall issue to such person registration plates
4 as provided for in Section 3-611, provided that the person with
5 disabilities or person who is deaf or hard of hearing must not
6 be disqualified from obtaining a driver's license under
7 subsection 8 of Section 6-103 of this Code, and further
8 provided that any person making such a request must submit a
9 statement, certified by a licensed physician, by a physician
10 assistant who has been delegated the authority to make this
11 certification by his or her supervising physician, or by an
12 advanced practice nurse who has a written collaborative
13 agreement with a collaborating physician that authorizes the
14 advanced practice nurse to make this certification, to the
15 effect that such person is a person with disabilities as
16 defined by Section 1-159.1 of this Code, or alternatively
17 provide adequate documentation that such person has a Class 1A,
18 Class 2A or Type Four disability under the provisions of
19 Section 4A of the Illinois Identification Card Act. For
20 purposes of this Section, an Illinois Disabled Person
21 Identification Card issued pursuant to the Illinois
22 Identification Card Act indicating that the person thereon
23 named has a disability shall be adequate documentation of such
24 a disability.

25 (b) The Secretary shall issue plates under this Section to
26 a parent or legal guardian of a person with disabilities if the
27 person with disabilities has a Class 1A or Class 2A disability
28 as defined in Section 4A of the Illinois Identification Card
29 Act or is a person with disabilities as defined by Section
30 1-159.1 of this Code, and does not possess a vehicle registered
31 in his or her name, provided that the person with disabilities
32 relies frequently on the parent or legal guardian for
33 transportation. Only one vehicle per family may be registered
34 under this subsection, unless the applicant can justify in
35 writing the need for one additional set of plates. Any person
36 requesting special plates under this subsection shall submit

1 such documentation or such physician's, physician assistant's,
2 or advanced practice nurse's statement as is required in
3 subsection (a) and a statement describing the circumstances
4 qualifying for issuance of special plates under this
5 subsection.

6 (c) The Secretary may issue a ~~person with disabilities~~
7 parking decal or device to a person with disabilities as
8 defined by Section 1-159.1 without regard to qualification of
9 such person with disabilities for a driver's license or
10 registration of a vehicle by such person with disabilities or
11 such person's immediate family, provided such person with
12 disabilities making such a request has been issued a Disabled
13 Person Identification Card indicating that the person named
14 thereon has a Class 1A or Class 2A disability, or
15 alternatively, submits a statement certified by a licensed
16 physician, or by a physician assistant or an advanced practice
17 nurse as provided in subsection (a), to the effect that such
18 person is a person with disabilities as defined by Section
19 1-159.1.

20 (d) The Secretary shall prescribe by rules and regulations
21 procedures to certify or re-certify as necessary the
22 eligibility of persons whose disabilities are other than
23 permanent for special plates or ~~person with disabilities~~
24 parking decals or devices issued under subsections (a), (b) and
25 (c). Except as provided under subsection (f) of this Section,
26 no such special plates, decals or devices shall be issued by
27 the Secretary of State to or on behalf of any person with
28 disabilities unless such person is certified as meeting the
29 definition of a person with disabilities pursuant to Section
30 1-159.1 or meeting the requirement of a Type Four disability as
31 provided under Section 4A of the Illinois Identification Card
32 Act for the period of time that the physician, or the physician
33 assistant or advanced practice nurse as provided in subsection
34 (a), determines the applicant will have the disability, but not
35 to exceed 6 months from the date of certification or
36 recertification.

1 (e) Any person requesting special plates under this Section
2 may also apply to have the special plates personalized, as
3 provided under Section 3-405.1.

4 (f) The Secretary of State, upon application, shall issue
5 disability ~~person with disabilities~~ registration plates or a
6 ~~person with disabilities~~ parking decal to corporations, school
7 districts, State or municipal agencies, limited liability
8 companies, nursing homes, convalescent homes, or special
9 education cooperatives which will transport persons with
10 disabilities. The Secretary shall prescribe by rule a means to
11 certify or re-certify the eligibility of organizations to
12 receive disability ~~person with disabilities~~ plates or decals
13 and to designate which of the 2 person with disabilities
14 emblems shall be placed on qualifying vehicles.

15 (g) The Secretary of State, or his designee, may enter into
16 agreements with other jurisdictions, including foreign
17 jurisdictions, on behalf of this State relating to the
18 extension of parking privileges by such jurisdictions to
19 permanently disabled residents of this State who display a
20 special license plate or parking device that contains the
21 International symbol of access on his or her motor vehicle, and
22 to recognize such plates or devices issued by such other
23 jurisdictions. This State shall grant the same parking
24 privileges which are granted to disabled residents of this
25 State to any non-resident whose motor vehicle is licensed in
26 another state, district, territory or foreign country if such
27 vehicle displays the international symbol of access or a
28 distinguishing insignia on license plates or parking device
29 issued in accordance with the laws of the non-resident's state,
30 district, territory or foreign country.

31 (Source: P.A. 92-16, eff. 6-28-01; 92-411, eff. 1-1-02; 92-651,
32 eff. 7-11-02; 93-182, eff. 7-11-03.)

33 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

34 Sec. 3-704. Authority of Secretary of State to suspend or
35 revoke a registration or certificate of title; authority to

1 suspend or revoke the registration of a vehicle.

2 (a) The Secretary of State may suspend or revoke the
3 registration of a vehicle or a certificate of title,
4 registration card, registration sticker, registration plate,
5 disability ~~person with disabilities~~ parking decal or device, or
6 any nonresident or other permit in any of the following events:

7 1. When the Secretary of State is satisfied that such
8 registration or that such certificate, card, plate,
9 registration sticker or permit was fraudulently or
10 erroneously issued;

11 2. When a registered vehicle has been dismantled or
12 wrecked or is not properly equipped;

13 3. When the Secretary of State determines that any
14 required fees have not been paid to either the Secretary of
15 State or the Illinois Commerce Commission and the same are
16 not paid upon reasonable notice and demand;

17 4. When a registration card, registration plate,
18 registration sticker or permit is knowingly displayed upon
19 a vehicle other than the one for which issued;

20 5. When the Secretary of State determines that the
21 owner has committed any offense under this Chapter
22 involving the registration or the certificate, card,
23 plate, registration sticker or permit to be suspended or
24 revoked;

25 6. When the Secretary of State determines that a
26 vehicle registered not-for-hire is used or operated
27 for-hire unlawfully, or used or operated for purposes other
28 than those authorized;

29 7. When the Secretary of State determines that an owner
30 of a for-hire motor vehicle has failed to give proof of
31 financial responsibility as required by this Act;

32 8. When the Secretary determines that the vehicle is
33 not subject to or eligible for a registration;

34 9. When the Secretary determines that the owner of a
35 vehicle registered under the mileage weight tax option
36 fails to maintain the records specified by law, or fails to

1 file the reports required by law, or that such vehicle is
2 not equipped with an operable and operating speedometer or
3 odometer;

4 10. When the Secretary of State is so authorized under
5 any other provision of law;

6 11. When the Secretary of State determines that the
7 holder of a disability ~~person with disabilities~~ parking
8 decal or device has committed any offense under Chapter 11
9 of this Code involving the use of a disability ~~person with~~
10 ~~disabilities~~ parking decal or device.

11 (b) The Secretary of State may suspend or revoke the
12 registration of a vehicle as follows:

13 1. When the Secretary of State determines that the
14 owner of a vehicle has not paid a civil penalty or a
15 settlement agreement arising from the violation of rules
16 adopted under the Illinois Motor Carrier Safety Law or the
17 Illinois Hazardous Materials Transportation Act or that a
18 vehicle, regardless of ownership, was the subject of
19 violations of these rules that resulted in a civil penalty
20 or settlement agreement which remains unpaid.

21 2. When the Secretary of State determines that a
22 vehicle registered for a gross weight of more than 16,000
23 pounds within an affected area is not in compliance with
24 the provisions of Section 13-109.1 of the Illinois Vehicle
25 Code.

26 (Source: P.A. 92-437, eff. 8-17-01.)

27 (625 ILCS 5/3-808.1) (from Ch. 95 1/2, par. 3-808.1)

28 Sec. 3-808.1. (a) Permanent vehicle registration plates
29 shall be issued, at no charge, to the following:

30 1. Vehicles, other than medical transport vehicles,
31 owned and operated by the State of Illinois or by any State
32 agency financed by funds appropriated by the General
33 Assembly;

34 2. Special disability ~~person with disabilities~~ plates
35 issued to vehicles owned and operated by the State of

1 Illinois or by any State agency financed by funds
2 appropriated by the General Assembly.

3 (b) Permanent vehicle registration plates shall be issued,
4 for a one time fee of \$8.00, to the following:

5 1. Vehicles, other than medical transport vehicles,
6 operated by or for any county, township or municipal
7 corporation;

8 2. Vehicles owned by counties, townships or municipal
9 corporations for persons with disabilities.

10 3. Beginning with the 1991 registration year,
11 county-owned vehicles operated by or for any county sheriff
12 and designated deputy sheriffs. These registration plates
13 shall contain the specific county code and unit number.

14 4. All-terrain vehicles owned by counties, townships,
15 or municipal corporations and used for law enforcement
16 purposes when the Manufacturer's Statement of Origin is
17 accompanied with a letter from the original manufacturer or
18 a manufacturer's franchised dealer stating that this
19 all-terrain vehicle has been converted to a street worthy
20 vehicle that meets the equipment requirements set forth in
21 Chapter 12 of this Code.

22 5. Beginning with the 2001 registration year,
23 municipally-owned vehicles operated by or for any police
24 department. These registration plates shall contain the
25 designation "municipal police" and shall be numbered and
26 distributed as prescribed by the Secretary of State.

27 (Source: P.A. 90-324, eff. 8-1-97; 91-383, eff. 7-30-99.)

28 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

29 Sec. 11-1301.3. Unauthorized use of parking places
30 reserved for persons with disabilities.

31 (a) It shall be prohibited to park any motor vehicle which
32 is not properly displaying registration plates or decals issued
33 to a person with disabilities, as defined by Section 1-159.1,
34 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
35 disabled veteran pursuant to Section 3-609 of this Act, as

1 evidence that the vehicle is operated by or for a person with
2 disabilities or disabled veteran, in any parking place,
3 including any private or public offstreet parking facility,
4 specifically reserved, by the posting of an official sign as
5 designated under Section 11-301, for motor vehicles displaying
6 such registration plates. It shall be prohibited to park any
7 motor vehicle in a designated access aisle adjacent to any
8 parking place specifically reserved for persons with
9 disabilities, by the posting of an official sign as designated
10 under Section 11-301, for motor vehicles displaying such
11 registration plates. When using the parking privileges for
12 persons with disabilities, the parking decal or device must be
13 displayed properly in the vehicle where it is clearly visible
14 to law enforcement personnel, either hanging from the rearview
15 mirror or placed on the dashboard of the vehicle in clear view.
16 ~~An individual with a vehicle properly displaying a person with~~
17 ~~disabilities license plate or parking decal or device issued to~~
18 ~~a disabled person under Sections 3-616, 11-1301.1, or 11-1301.2~~
19 ~~is in violation of this Section if the person is not the~~
20 ~~authorized holder of a person with disabilities license plate~~
21 ~~or parking decal or device and is not transporting the~~
22 ~~authorized holder of a person with disabilities license plate~~
23 ~~or parking decal or device to or from the parking location and~~
24 ~~the person uses the person with disabilities license plate or~~
25 ~~parking decal or device to exercise any privileges granted~~
26 ~~through the person with disabilities license plates or parking~~
27 ~~decal or devices under this Code.~~ Any motor vehicle properly
28 displaying a disability ~~person with disabilities~~ license plate
29 or a ~~person with disabilities~~ parking decal or device
30 containing the International symbol of access issued to persons
31 with disabilities by any local authority, state, district,
32 territory or foreign country shall be recognized by State and
33 local authorities as a valid license plate or device and
34 receive the same parking privileges as residents of this State.

35 (a-1) An individual with a vehicle displaying disability
36 license plates or a parking decal or device issued to a

1 qualified person with a disability under Sections 3-616,
2 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
3 3-609 is in violation of this Section if (i) the person using
4 the disability license plate or parking decal or device is not
5 the authorized holder of the disability license plate or
6 parking decal or device or is not transporting the authorized
7 holder of the disability license plate or parking decal or
8 device to or from the parking location and (ii) the person uses
9 the disability license plate or parking decal or device to
10 exercise any privileges granted through the disability license
11 plate or parking decals or devices under this Code.

12 (b) Any person or local authority owning or operating any
13 public or private offstreet parking facility may, after
14 notifying the police or sheriff's department, remove or cause
15 to be removed to the nearest garage or other place of safety
16 any vehicle parked within a stall or space reserved for use by
17 a person with disabilities which does not display person with
18 disabilities registration plates or a special decal or device
19 as required under this Section.

20 (c) Any person found guilty of violating the provisions of
21 subsection (a) ~~this Section~~ shall be fined \$250 ~~\$100~~ in
22 addition to any costs or charges connected with the removal or
23 storage of any motor vehicle authorized under this Section; but
24 municipalities by ordinance may impose a fine up to \$350 ~~\$200~~
25 and shall display signs indicating the fine imposed. If the
26 amount of the fine is subsequently changed, the municipality
27 shall change the sign to indicate the current amount of the
28 fine. It shall not be a defense to a charge under this Section
29 that either the sign posted pursuant to this Section or the
30 intended accessible parking place does not comply with the
31 technical requirements of Section 11-301, Department
32 regulations, or local ordinance if a reasonable person would be
33 made aware by the sign or notice on or near the parking place
34 that the place is reserved for a person with disabilities.

35 (c-1) Any person found guilty of violating the provisions
36 of subsection (a-1) shall be fined \$500 and may have his or her

1 driving privileges suspended or revoked by the Secretary of
2 State for a period of time determined by the Secretary of
3 State. The Secretary of State may also suspend or revoke the
4 disability license plates or parking decal or device for a
5 period of time determined by the Secretary of State. The
6 circuit clerk shall distribute \$250 of the \$500 fine imposed on
7 any person who is found guilty of or pleads guilty to violating
8 this Section, including any person placed on court supervision
9 for violating this Section, to the law enforcement agency that
10 issued the citation or made the arrest. If more than one law
11 enforcement agency is responsible for issuing the citation or
12 making the arrest, the \$250 shall be shared equally.

13 (d) Local authorities shall impose fines as established in
14 subsections ~~subsection~~ (c) and (c-1) for violations of this
15 Section.

16 (e) As used in this Section, "authorized holder" means an
17 individual issued a disability ~~person with disabilities~~
18 license plate under Section 3-616 of this Code, ~~or~~ an
19 individual issued a ~~person with disabilities~~ parking decal or
20 device under Section 11-1301.2 of this Code, or an individual
21 issued a disabled veteran's license plate under Section 3-609
22 of this Code.

23 (Source: P.A. 91-427, eff. 8-6-99; 92-411, eff. 1-1-02; 92-637,
24 eff. 1-1-03.)

25 (625 ILCS 5/11-1301.5)

26 Sec. 11-1301.5. Fictitious or unlawfully altered
27 disability ~~person with disabilities~~ license plate or parking
28 decal or device.

29 (a) As used in this Section:

30 "Fictitious disability ~~person with disabilities~~ license
31 plate or parking decal or device" means any issued disability
32 ~~person with disabilities~~ license plate or parking decal or
33 device, or any license plate issued to a disabled veteran under
34 Section 3-609 of this Code, that has been issued by the
35 Secretary of State or an authorized unit of local government

1 that was issued based upon false information contained on the
2 required application.

3 "False information" means any incorrect or inaccurate
4 information concerning the name, date of birth, social security
5 number, driver's license number, physician certification, or
6 any other information required on the Persons with Disabilities
7 Certification for Plate or Parking Placard, on the Application
8 for Replacement Disability Parking Placard, or on the
9 application for license plates issued to disabled veterans
10 under Section 3-609 of this Code, a person with disabilities
11 license plate or parking permit or device that falsifies the
12 content of the application.

13 "Unlawfully altered disability person with disabilities
14 license plate or parking permit or device" means any disability
15 person with disabilities license plate or parking permit or
16 device, or any license plate issued to a disabled veteran under
17 Section 3-609 of this Code, issued by the Secretary of State or
18 an authorized unit of local government that has been physically
19 altered or changed in such manner that false information
20 appears on the license plate or parking decal or device.

21 "Authorized holder" means an individual issued a
22 disability person with disabilities license plate under
23 Section 3-616 of this Code or an individual issued a ~~person~~
24 ~~with disabilities~~ parking decal or device under Section
25 11-1301.2 of this Code, or an individual issued a disabled
26 veteran's license plate under Section 3-609 of this Code.

27 (b) It is a violation of this Section for any person:

28 (1) to knowingly possess any fictitious or unlawfully
29 altered disability person with disabilities license plate
30 or parking decal or device;

31 (2) to knowingly issue or assist in the issuance of, by
32 the Secretary of State or unit of local government, any
33 fictitious disability person with disabilities license
34 plate or parking decal or device;

35 (3) to knowingly alter any disability person with
36 disabilities license plate or parking decal or device;

1 (4) to knowingly manufacture, possess, transfer, or
2 provide any documentation used in the application process
3 whether real or fictitious, for the purpose of obtaining a
4 fictitious disability ~~person with disabilities~~ license
5 plate or parking decal or device;

6 (5) to knowingly provide any false information to the
7 Secretary of State or a unit of local government in order
8 to obtain a disability ~~person with disabilities~~ license
9 plate or parking decal or device; or

10 (6) to knowingly transfer a disability ~~person with~~
11 ~~disabilities~~ license plate or parking decal or device for
12 the purpose of exercising the privileges granted to an
13 authorized holder of a disability ~~person with disabilities~~
14 license plate or parking decal or device under this Code in
15 the absence of the authorized holder.

16 (c) Sentence.

17 (1) Any person convicted of a violation of paragraph
18 (1), (2), (3), (4), or (5) of subsection (b) of this
19 Section shall be guilty of a Class A misdemeanor and fined
20 not less than \$500 for a first offense and shall be guilty
21 of a Class 4 felony and fined not less than \$1,000 for a
22 second or subsequent offense. The circuit clerk shall
23 distribute one-half of any fine imposed on any person who
24 is found guilty of or pleads guilty to violating this
25 Section, including any person placed on court supervision
26 for violating this Section, to the law enforcement agency
27 that issued the citation or made the arrest. If more than
28 one law enforcement agency is responsible for issuing the
29 citation or making the arrest, one-half of the fine imposed
30 shall be shared equally.

31 (2) Any person who commits a violation of this Section
32 may have his or her driving privileges suspended or revoked
33 by the Secretary of State for a period of time determined
34 by the Secretary of State. The Secretary of State may
35 suspend or revoke the parking decal or device or the
36 disability license plate of any person who commits a

1 violation of this Section.

2 (3) Any police officer may seize the parking decal or
3 device from any person who commits a violation of this
4 Section. Any police officer may seize the disability person
5 ~~with disabilities~~ license plate upon authorization from
6 the Secretary of State. Any police officer may request that
7 the Secretary of State revoke the parking decal or device
8 or the disability person ~~with disabilities~~ license plate of
9 any person who commits a violation of this Section.

10 (Source: P.A. 92-411, eff. 1-1-02.)

11 (625 ILCS 5/11-1301.6)

12 Sec. 11-1301.6. Fraudulent disability person ~~with~~
13 ~~disabilities~~ license plate or parking decal or device.

14 (a) As used in this Section:

15 "Fraudulent disability person ~~with disabilities~~
16 license plate or parking decal or device" means any
17 disability person ~~with disabilities~~ license plate or
18 parking decal or device that purports to be an official
19 disability person ~~with disabilities~~ license plate or
20 parking decal or device and that has not been issued by the
21 Secretary of State or an authorized unit of local
22 government.

23 "Disability Person ~~with disabilities~~ license plate or
24 parking decal or device-making implement" means any
25 implement specially designed or primarily used in the
26 manufacture, assembly, or authentication of a disability
27 ~~person with disabilities~~ license plate or parking decal or
28 device, or a license plate issued to a disabled veteran
29 under Section 3-609 of this Code, issued by the Secretary
30 of State or a unit of local government.

31 (b) It is a violation of this Section for any person:

32 (1) to knowingly possess any fraudulent disability
33 ~~person with disabilities~~ license plate or parking decal;

34 (2) to knowingly possess without authority any
35 disability person ~~with disabilities~~ license plate or

1 parking decal or device-making implement;

2 (3) to knowingly duplicate, manufacture, sell, or
3 transfer any fraudulent or stolen disability person with
4 ~~disabilities~~ license plate or parking decal or device;

5 (4) to knowingly assist in the duplication,
6 manufacturing, selling, or transferring of any fraudulent,
7 ~~or stolen, or reported lost or damaged disability person~~
8 ~~with disabilities~~ license plate or parking decal or device;
9 or

10 (5) to advertise or distribute a fraudulent disability
11 ~~person with disabilities~~ license plate or parking decal or
12 device.

13 (c) Sentence.

14 (1) Any person convicted of a violation of this Section
15 shall be guilty of a Class A misdemeanor and fined not less
16 than \$1,000 for a first offense and shall be guilty of a
17 Class 4 felony and fined not less than \$2,000 for a second
18 or subsequent offense. The circuit clerk shall distribute
19 half of any fine imposed on any person who is found guilty
20 of or pleads guilty to violating this Section, including
21 any person placed on court supervision for violating this
22 Section, to the law enforcement agency that issued the
23 citation or made the arrest. If more than one law
24 enforcement agency is responsible for issuing the citation
25 or making the arrest, one-half of the fine imposed shall be
26 shared equally.

27 (2) Any person who commits a violation of this Section
28 may have his or her driving privileges suspended or revoked
29 by the Secretary of State for a period of time determined
30 by the Secretary of State.

31 (3) Any police officer may seize the parking decal or
32 device from any person who commits a violation of this
33 Section. Any police officer may seize the disability person
34 ~~with disabilities~~ license plate upon authorization from
35 the Secretary of State. Any police officer may request that
36 the Secretary of State revoke the parking decal or device

1 or the disability ~~person with disabilities~~ license plate of
2 any person who commits a violation of this Section.

3 (Source: P.A. 92-411, eff. 1-1-02.)

4 (625 ILCS 5/12-401) (from Ch. 95 1/2, par. 12-401)

5 Sec. 12-401. Restriction as to tire equipment. No metal
6 tired vehicle, including tractors, motor vehicles of the second
7 division, traction engines and other similar vehicles, shall be
8 operated over any improved highway of this State, if such
9 vehicle has on the periphery of any of the road wheels any
10 block, stud, flange, cleat, ridge, lug or any projection of
11 metal or wood which projects radially beyond the tread or
12 traffic surface of the tire. This prohibition does not apply to
13 pneumatic tires with metal studs used on vehicles operated by
14 rural letter carriers who are employed or enjoy a contract with
15 the United States Postal Service for the purpose of delivering
16 mail if such vehicle is actually used for such purpose during
17 operations between November 15 of any year and April 1 of the
18 following year, or to motor vehicles displaying a disability
19 ~~person with disabilities~~ or disabled veteran license plate
20 whose owner resides in an unincorporated area located upon a
21 county or township highway or road and possesses a valid
22 driver's license and operates the vehicle with such tires only
23 during the period heretofore described, or to tracked type
24 motor vehicles when that part of the vehicle coming in contact
25 with the road surface does not contain any projections of any
26 kind likely to injure the surface of the road; however,
27 tractors, traction engines, and similar vehicles may be
28 operated which have upon their road wheels V-shaped, diagonal
29 or other cleats arranged in such a manner as to be continuously
30 in contact with the road surface, provided that the gross
31 weight upon such wheels per inch of width of such cleats in
32 contact with the road surface, when measured in the direction
33 of the axle of the vehicle, does not exceed 800 pounds.

34 All motor vehicles and all other vehicles in tow thereof,
35 or thereunto attached, operating upon any roadway, shall have

1 tires of rubber or some material of equal resiliency. Solid
2 tires shall be considered defective and shall not be permitted
3 to be used if the rubber or other material has been worn or
4 otherwise reduced to a thickness of less than three-fourths of
5 an undue vibration when the vehicle is in motion or to cause
6 undue concentration of the wheel load on the surface of the
7 road. The requirements of this Section do not apply to
8 agricultural tractors or traction engines or to agricultural
9 machinery, including wagons being used for agricultural
10 purposes in tow thereof, or to road rollers or road building
11 machinery operated at a speed not in excess of 10 miles per
12 hour. All motor vehicles of the second division, operating upon
13 any roadway shall have pneumatic tires, unless exempted herein.

14 Nothing in this Section shall be deemed to prohibit the use
15 of tire chains of reasonable proportion upon any vehicle when
16 required for safety because of snow, ice or other conditions
17 tending to cause a vehicle to skid.

18 (Source: P.A. 88-685, eff. 1-24-95.)