



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4428

Introduced 1/6/2006, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

815 ILCS 365/2 from Ch. 121 1/2, par. 1502
815 ILCS 365/2.5 new
815 ILCS 365/1 rep.

Amends the Motor Fuel Sales Act. Repeals language providing that the Act does not apply to gasoline or service stations offering motor fuel for sale only at self-service islands. Requires a station that offers motor fuel for sale only at self-service islands to provide at one or more islands a calling device that allows a person with a decal, a device, or registration plates issued to a person with disabilities to request assistance in dispensing motor fuel. Sets forth requirements for the calling device and signage. Provides that the station may not impose an additional charge for the assistance in dispensing motor fuel. Sets forth circumstances under which: (i) a station is not required to provide a calling device or (ii) a station is required to provide a calling device only during certain hours. Provides that the requirements of the Act do not apply if the driver or a passenger is reasonably capable of dispensing motor fuel. Provides that a gasoline station owner who violates either of these provisions is guilty of a petty offense and subject to a fine of not less than \$300 and not more than \$600.

LRB094 15618 DRH 50823 b

1 AN ACT concerning business.

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

4 Section 5. The Motor Fuel Sales Act is amended by changing
5 Section 2 and by adding Section 2.5 as follows:

6 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

7 Sec. 2. Assistance at stations with self-service and
8 full-service islands. Any attendant on duty at a gasoline
9 station or service station offering to the public retail sales
10 of motor fuel at both self-service and full-service islands
11 ~~described in Section 1~~ shall, upon request, dispense motor fuel
12 for the driver of a car which is parked at a self-service
13 island and displays: (a) registration plates issued to a
14 physically disabled person pursuant to Section 3-616 of the
15 Illinois Vehicle Code; or (b) registration plates issued to a
16 disabled veteran pursuant to Section 3-609 of such Code; or (c)
17 a special decal or device issued pursuant to Section 11-1301.2
18 of such Code; and shall only charge such driver prices as
19 offered to the general public for motor fuel dispensed at the
20 self-service island. However, such attendant shall not be
21 required to perform other services which are offered at the
22 full-service island. This Section does not apply if the driver
23 or a passenger in the vehicle is reasonably capable of
24 dispensing motor fuel.

25 A gasoline station owner who violates this Section is
26 guilty of a petty offense and subject to a fine of not less
27 than \$300 and not more than \$600.

28 (Source: P.A. 84-877.)

29 (815 ILCS 365/2.5 new)

30 Sec. 2.5. Assistance at stations with self-service
31 islands.

1 (a) Any gasoline station offering to the public retail
2 sales of motor fuel only at self-service islands shall provide
3 a minimum of one self-service island with a calling device that
4 allows a driver parked at that self-service island in a vehicle
5 that displays registration plates issued under Section 3-609 or
6 Section 3-616 of the Illinois Vehicle Code or a special decal
7 or device issued under Section 11-1301.2 of that Code to signal
8 an employee that the driver requires assistance in dispensing
9 motor fuel.

10 (b) An attendant at any gasoline station to which this
11 Section applies must dispense motor fuel without a charge
12 beyond the price at which the motor fuel is offered to the
13 general public. A gasoline station, however, is not required to
14 provide this service (i) during those times that the customer
15 fueling facility is being operated on a remote control basis by
16 only one employee or (ii) if the driver or a passenger in the
17 vehicle is reasonably capable of dispensing motor fuel.

18 (c) A calling device described in subsection (a) of this
19 Section must:

20 (1) provide, inside the retail establishment, a
21 recognizable signal indicating that a driver needs
22 assistance operating the pump;

23 (2) be operable from the vehicle by a person using only
24 one hand, without requiring tight grasping or pinching;

25 (3) be mounted at a height between 34 and 48 inches
26 from the ground;

27 (4) be accompanied by at least one sign at the
28 self-service island identifying the calling device and the
29 hours when assistance is available; and

30 (5) be operable from the vehicle in accordance with all
31 requirements of the Americans with Disabilities Act
32 Accessibility Guidelines.

33 (c) This Section does not apply to a gasoline station that
34 is operated by one cashier and has remotely controlled
35 equipment for dispensing motor fuel.

36 (d) If an owner owns in this State only one gasoline

1 station to which this Section applies, the station must be in
2 compliance with this Section within one year of the effective
3 date of this amendatory Act of the 94th General Assembly. If an
4 owner owns in this State more than one gas station to which
5 this Section applies, at least 50% of those stations must be in
6 compliance with this Section within one year of the effective
7 date of this amendatory Act of the 94th General Assembly and
8 all of those stations must be in compliance with this Section
9 within 3 years of the effective of this amendatory Act of the
10 94th General Assembly.

11 (e) A gasoline station owner who violates this Section is
12 guilty of a petty offense and subject to a fine of not less
13 than \$300 and not more than \$600.

14 (815 ILCS 365/1 rep.)

15 Section 10. The Motor Fuel Sales Act is amended by
16 repealing Section 1.