



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB0495**

Introduced 2/1/2007, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

65 ILCS 5/1-2.2-45

625 ILCS 5/11-1301.3

from Ch. 95 1/2, par. 11-1301.3

Amends the Municipal Code. Provides that, in the case of a violation of a Section of the Vehicle Code that prohibits parking in a handicapped parking spot without a valid plate or decal, a municipal code hearing officer may not impose a monetary sanction that is less than the amount set forth in the Vehicle Code. Amends the Illinois Vehicle Code to make conforming changes. Effective immediately.

LRB095 05393 HLH 25482 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 1-2.2-45 as follows:

6 (65 ILCS 5/1-2.2-45)

7 Sec. 1-2.2-45. Findings, decision, and order. At the  
8 conclusion of the hearing, the hearing officer shall make a  
9 determination on the basis of the evidence presented at the  
10 hearing as to whether or not a code violation exists. The  
11 determination shall be in writing and shall be designated as  
12 findings, decision, and order. The findings, decision, and  
13 order shall include (i) the hearing officer's findings of fact;  
14 (ii) a decision of whether or not a code violation exists based  
15 upon the findings of fact; and (iii) an order that states the  
16 sanction or dismisses the case if a violation is not proved. A  
17 monetary sanction for a violation under this Division shall not  
18 exceed the amount provided for in Section 1-2-1 of this Act. In  
19 the event of a determination involving a violation of Section  
20 11-1301.3 of the Illinois Vehicle Code, the hearing officer may  
21 not impose a monetary sanction that is less than the amount set  
22 forth in subsections (c) and (c-1) of that Section. A copy of  
23 the findings, decision, and order shall be served on the

1 defendant within 5 days after it is issued. Service shall be in  
2 the same manner that the report form and summons are served  
3 under Section 1-2.2-20 of this Division. Payment of any penalty  
4 or fine and the disposition of fine money shall be in the same  
5 manner as set forth in the code, unless the corporate  
6 authorities adopting this Division provide otherwise.

7 (Source: P.A. 90-777, eff. 1-1-99.)

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Section 11-1301.3 as follows:

10 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

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

13 (a) It shall be prohibited to park any motor vehicle which  
14 is not properly displaying registration plates or decals issued  
15 to a person with disabilities, as defined by Section 1-159.1,  
16 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a  
17 disabled veteran pursuant to Section 3-609 of this Act, as  
18 evidence that the vehicle is operated by or for a person with  
19 disabilities or disabled veteran, in any parking place,  
20 including any private or public offstreet parking facility,  
21 specifically reserved, by the posting of an official sign as  
22 designated under Section 11-301, for motor vehicles displaying  
23 such registration plates. It shall be prohibited to park any  
24 motor vehicle in a designated access aisle adjacent to any

1 parking place specifically reserved for persons with  
2 disabilities, by the posting of an official sign as designated  
3 under Section 11-301, for motor vehicles displaying such  
4 registration plates. When using the parking privileges for  
5 persons with disabilities, the parking decal or device must be  
6 displayed properly in the vehicle where it is clearly visible  
7 to law enforcement personnel, either hanging from the rearview  
8 mirror or placed on the dashboard of the vehicle in clear view.  
9 Any motor vehicle properly displaying a disability license  
10 plate or a parking decal or device containing the International  
11 symbol of access issued to persons with disabilities by any  
12 local authority, state, district, territory or foreign country  
13 shall be recognized by State and local authorities as a valid  
14 license plate or device and receive the same parking privileges  
15 as residents of this State.

16 (a-1) An individual with a vehicle displaying disability  
17 license plates or a parking decal or device issued to a  
18 qualified person with a disability under Sections 3-616,  
19 11-1301.1, or 11-1301.2 or to a disabled veteran under Section  
20 3-609 is in violation of this Section if (i) the person using  
21 the disability license plate or parking decal or device is not  
22 the authorized holder of the disability license plate or  
23 parking decal or device or is not transporting the authorized  
24 holder of the disability license plate or parking decal or  
25 device to or from the parking location and (ii) the person uses  
26 the disability license plate or parking decal or device to

1 exercise any privileges granted through the disability license  
2 plate or parking decals or devices under this Code.

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

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

26 (c-1) Any person found guilty of violating the provisions

1 of subsection (a-1) shall be fined \$500. The circuit clerk  
2 shall distribute \$250 of the \$500 fine imposed on any person  
3 who is found guilty of or pleads guilty to violating this  
4 Section, including any person placed on court supervision for  
5 violating this Section, to the law enforcement agency that  
6 issued the citation or made the arrest. If more than one law  
7 enforcement agency is responsible for issuing the citation or  
8 making the arrest, the \$250 shall be shared equally.

9 (d) Local authorities shall impose fines as established in  
10 subsections (c) and (c-1) for violations of this Section. A  
11 municipal code hearing officer may not impose a monetary  
12 sanction that is less than the amount set forth in subsections  
13 (c) and (c-1) of this Section.

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

20 (f) Any person who commits a violation of subsection (a-1)  
21 may have his or her driving privileges suspended or revoked by  
22 the Secretary of State for a period of time determined by the  
23 Secretary of State. The Secretary of State may also suspend or  
24 revoke the disability license plates or parking decal or device  
25 for a period of time determined by the Secretary of State.

26 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06.)

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.