

HB0694



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0694

Introduced 2/6/2007, by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1301.3

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

Amends the Illinois Vehicle Code. Provides that, if a person is charged with unauthorized use of a parking space reserved for a person with disabilities, the charges against the person shall be dismissed if he or she produces in court a device, issued to a person with disabilities under the Code, that the person was entitled to display at the time the citation was issued. Effective immediately.

LRB095 07269 DRH 27407 b

A BILL FOR

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 Section 11-1301.3 as follows:

6 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

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

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

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

13 A complaint charging a person with violating this
14 subsection (a) shall be dismissed if the person produces in
15 court a device, issued to a person with disabilities under
16 Section 11-1301.2 of this Code, that the person was entitled to
17 display at the time the citation was issued.

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

1 device to or from the parking location and (ii) the person uses
2 the disability license plate or parking decal or device to
3 exercise any privileges granted through the disability license
4 plate or parking decals or devices under this Code.

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

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

1 for a person with disabilities.

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

11 (d) Local authorities shall impose fines as established in
12 subsections (c) and (c-1) for violations of this Section.

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.