

HB5655



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5655

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4
625 ILCS 5/3-616

from Ch. 124, par. 24
from Ch. 95 1/2, par. 3-616

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that an optometrist may determine visual disability for purposes of issuing a Disabled Person Identification Card or disability license plates or decals.

LRB095 19166 RCE 45401 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning disabilities.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof, or who applies for a standard Illinois Identification
12 Card upon release as a committed person on parole, mandatory
13 supervised release, final discharge, or pardon from the
14 Department of Corrections by submitting an identification card
15 issued by the Department of Corrections under Section 3-14-1 of
16 the Unified Code of Corrections, together with the prescribed
17 fees. No identification card shall be issued to any person who
18 holds a valid foreign state identification card, license, or
19 permit unless the person first surrenders to the Secretary of
20 State the valid foreign state identification card, license, or
21 permit. The card shall be prepared and supplied by the
22 Secretary of State and shall include a photograph of the
23 applicant. The applicant, upon receipt of a card and prior to

1 its use for any purpose, shall affix his signature thereon in
2 the space provided therefor. The Illinois Identification Card
3 may be used for identification purposes in any lawful situation
4 only by the person to whom it was issued. As used in this Act,
5 "photograph" means any color photograph or digitally produced
6 and captured image of an applicant for an identification card.
7 As used in this Act, "signature" means the name of a person as
8 written by that person and captured in a manner acceptable to
9 the Secretary of State.

10 (b) The Secretary of State shall issue a special Illinois
11 Identification Card, which shall be known as an Illinois
12 Disabled Person Identification Card, to any natural person who
13 is a resident of the State of Illinois, who is a disabled
14 person as defined in Section 4A of this Act, who applies for
15 such card, or renewal thereof. No Disabled Person
16 Identification Card shall be issued to any person who holds a
17 valid foreign state identification card, license, or permit
18 unless the person first surrenders to the Secretary of State
19 the valid foreign state identification card, license, or
20 permit. The Secretary of State shall charge no fee to issue
21 such card. The card shall be prepared and supplied by the
22 Secretary of State, and shall include a photograph of the
23 applicant, a designation indicating that the card is an
24 Illinois Disabled Person Identification Card, and shall
25 include a comprehensible designation of the type and
26 classification of the applicant's disability as set out in

1 Section 4A of this Act. If the applicant so requests, the card
2 shall include a description of the applicant's disability and
3 any information about the applicant's disability or medical
4 history which the Secretary determines would be helpful to the
5 applicant in securing emergency medical care. The applicant,
6 upon receipt of such a card and prior to its use for any
7 purpose, shall have affixed thereon in the space provided
8 therefor his signature or mark. If a mark is used in lieu of a
9 signature, such mark shall be affixed to the card in the
10 presence of two witnesses who attest to the authenticity of the
11 mark. The Illinois Disabled Person Identification Card may be
12 used for identification purposes in any lawful situation by the
13 person to whom it was issued.

14 The Illinois Disabled Person Identification Card may be
15 used as adequate documentation of disability in lieu of a
16 physician's determination of disability, a determination of
17 disability from a physician assistant who has been delegated
18 the authority to make this determination by his or her
19 supervising physician, a determination of disability from an
20 advanced practice nurse who has a written collaborative
21 agreement with a collaborating physician that authorizes the
22 advanced practice nurse to make this determination, or any
23 other documentation of disability whenever any State law
24 requires that a disabled person provide such documentation of
25 disability, however an Illinois Disabled Person Identification
26 Card shall not qualify the cardholder to participate in any

1 program or to receive any benefit which is not available to all
2 persons with like disabilities. Notwithstanding any other
3 provisions of law, an Illinois Disabled Person Identification
4 Card, or evidence that the Secretary of State has issued an
5 Illinois Disabled Person Identification Card, shall not be used
6 by any person other than the person named on such card to prove
7 that the person named on such card is a disabled person or for
8 any other purpose unless the card is used for the benefit of
9 the person named on such card, and the person named on such
10 card consents to such use at the time the card is so used.

11 An optometrist's determination of a visual disability
12 under Section 4A of this Act is acceptable as documentation for
13 the purpose of issuing an Illinois Disabled Person
14 Identification Card.

15 When medical information is contained on an Illinois
16 Disabled Person Identification Card, the Office of the
17 Secretary of State shall not be liable for any actions taken
18 based upon that medical information.

19 (c) Beginning January 1, 1986, the Secretary of State shall
20 provide that each original or renewal Illinois Identification
21 Card or Illinois Disabled Person Identification Card issued to
22 a person under the age of 21, shall be of a distinct nature
23 from those Illinois Identification Cards or Illinois Disabled
24 Person Identification Cards issued to individuals 21 years of
25 age or older. The color designated for Illinois Identification
26 Cards or Illinois Disabled Person Identification Cards for

1 persons under the age of 21 shall be at the discretion of the
2 Secretary of State.

3 (c-1) Beginning January 1, 2003, each original or renewal
4 Illinois Identification Card or Illinois Disabled Person
5 Identification Card issued to a person under the age of 21
6 shall display the date upon which the person becomes 18 years
7 of age and the date upon which the person becomes 21 years of
8 age.

9 (d) The Secretary of State may issue a Senior Citizen
10 discount card, to any natural person who is a resident of the
11 State of Illinois who is 60 years of age or older and who
12 applies for such a card or renewal thereof. The Secretary of
13 State shall charge no fee to issue such card. The card shall be
14 issued in every county and applications shall be made available
15 at, but not limited to, nutrition sites, senior citizen centers
16 and Area Agencies on Aging. The applicant, upon receipt of such
17 card and prior to its use for any purpose, shall have affixed
18 thereon in the space provided therefor his signature or mark.

19 (Source: P.A. 92-240, eff. 1-1-02; 92-689, eff. 1-1-03; 93-182,
20 eff. 7-11-03; 93-895, eff. 1-1-05.)

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Section 3-616 as follows:

23 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

24 Sec. 3-616. Disability license plates.

1 (a) Upon receiving an application for a certificate of
2 registration for a motor vehicle of the first division or for a
3 motor vehicle of the second division weighing no more than
4 8,000 pounds, accompanied with payment of the registration fees
5 required under this Code from a person with disabilities or a
6 person who is deaf or hard of hearing, the Secretary of State,
7 if so requested, shall issue to such person registration plates
8 as provided for in Section 3-611, provided that the person with
9 disabilities or person who is deaf or hard of hearing must not
10 be disqualified from obtaining a driver's license under
11 subsection 8 of Section 6-103 of this Code, and further
12 provided that any person making such a request must submit a
13 statement, certified by a licensed physician, by a physician
14 assistant who has been delegated the authority to make this
15 certification by his or her supervising physician, or by an
16 advanced practice nurse who has a written collaborative
17 agreement with a collaborating physician that authorizes the
18 advanced practice nurse to make this certification, to the
19 effect that such person is a person with disabilities as
20 defined by Section 1-159.1 of this Code, or alternatively
21 provide adequate documentation that such person has a Class 1A,
22 Class 2A or Type Four disability under the provisions of
23 Section 4A of the Illinois Identification Card Act. For
24 purposes of this Section, an Illinois Disabled Person
25 Identification Card issued pursuant to the Illinois
26 Identification Card Act indicating that the person thereon

1 named has a disability shall be adequate documentation of such
2 a disability.

3 (b) The Secretary shall issue plates under this Section to
4 a parent or legal guardian of a person with disabilities if the
5 person with disabilities has a Class 1A or Class 2A disability
6 as defined in Section 4A of the Illinois Identification Card
7 Act or is a person with disabilities as defined by Section
8 1-159.1 of this Code, and does not possess a vehicle registered
9 in his or her name, provided that the person with disabilities
10 relies frequently on the parent or legal guardian for
11 transportation. Only one vehicle per family may be registered
12 under this subsection, unless the applicant can justify in
13 writing the need for one additional set of plates. Any person
14 requesting special plates under this subsection shall submit
15 such documentation or such physician's, physician assistant's,
16 or advanced practice nurse's statement as is required in
17 subsection (a) and a statement describing the circumstances
18 qualifying for issuance of special plates under this
19 subsection. An optometrist may certify a Class 2A Visual
20 Disability, as defined in Section 4A of the Illinois
21 Identification Card Act, for the purpose of qualifying a person
22 with disabilities for special plates under this subsection.

23 (c) The Secretary may issue a parking decal or device to a
24 person with disabilities as defined by Section 1-159.1 without
25 regard to qualification of such person with disabilities for a
26 driver's license or registration of a vehicle by such person

1 with disabilities or such person's immediate family, provided
2 such person with disabilities making such a request has been
3 issued a Disabled Person Identification Card indicating that
4 the person named thereon has a Class 1A or Class 2A disability,
5 or alternatively, submits a statement certified by a licensed
6 physician, or by a physician assistant or an advanced practice
7 nurse as provided in subsection (a), to the effect that such
8 person is a person with disabilities as defined by Section
9 1-159.1. An optometrist may certify a Class 2A Visual
10 Disability as defined in Section 4A of the Illinois
11 Identification Card Act for the purpose of qualifying a person
12 with disabilities for a parking decal or device under this
13 subsection.

14 (d) The Secretary shall prescribe by rules and regulations
15 procedures to certify or re-certify as necessary the
16 eligibility of persons whose disabilities are other than
17 permanent for special plates or parking decals or devices
18 issued under subsections (a), (b) and (c). Except as provided
19 under subsection (f) of this Section, no such special plates,
20 decals or devices shall be issued by the Secretary of State to
21 or on behalf of any person with disabilities unless such person
22 is certified as meeting the definition of a person with
23 disabilities pursuant to Section 1-159.1 or meeting the
24 requirement of a Type Four disability as provided under Section
25 4A of the Illinois Identification Card Act for the period of
26 time that the physician, or the physician assistant or advanced

1 practice nurse as provided in subsection (a), determines the
2 applicant will have the disability, but not to exceed 6 months
3 from the date of certification or recertification.

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

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

17 (g) The Secretary of State, or his designee, may enter into
18 agreements with other jurisdictions, including foreign
19 jurisdictions, on behalf of this State relating to the
20 extension of parking privileges by such jurisdictions to
21 permanently disabled residents of this State who display a
22 special license plate or parking device that contains the
23 International symbol of access on his or her motor vehicle, and
24 to recognize such plates or devices issued by such other
25 jurisdictions. This State shall grant the same parking
26 privileges which are granted to disabled residents of this

1 State to any non-resident whose motor vehicle is licensed in
2 another state, district, territory or foreign country if such
3 vehicle displays the international symbol of access or a
4 distinguishing insignia on license plates or parking device
5 issued in accordance with the laws of the non-resident's state,
6 district, territory or foreign country.

7 (Source: P.A. 93-182, eff. 7-11-03; 94-619, eff. 1-1-06.)