



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB1318

Introduced 2/9/2007, by Sen. Antonio Munoz

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 disability license plates and parking decals and devices are not transferable from person to person. Provides that it is a violation of Code to park in a space reserved for persons with disabilities if the authorized holder of a disability license plate or parking decal or device does not enter or exit the vehicle at the time the special parking privileges are being used. Provides that a person who violates the provision a second time shall be fined \$750 and may have his or her driving privileges revoked or suspended for a period of time to be determined by the Secretary of State. Provides that a person who violates the provision a third or subsequent time shall be fined \$1,000 and may have his or her driving privileges, and the disability license plates or parking decal or device, revoked or suspended. Provides that 50% of the fine collected shall be distributed to the law enforcement agency or agencies that issued the citation or made the arrest. Provides that, if an officer of the Secretary of State Department of Police made the arrest, 50% of the fine shall be deposited into the Secretary of State Police Services Fund.

LRB095 10698 DRH 31262 b

FISCAL NOTE ACT
MAY APPLY

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 issued
11 to a person with disabilities, as defined by Section 1-159.1,
12 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
13 disabled veteran pursuant to Section 3-609 of this Act, as
14 evidence that the vehicle is operated by or for a person with
15 disabilities or disabled veteran, in any parking place,
16 including any private or public offstreet parking facility,
17 specifically reserved, by the posting of an official sign as
18 designated under Section 11-301, for motor vehicles displaying
19 such registration plates. It shall be prohibited to park any
20 motor vehicle in a designated access aisle adjacent to any
21 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 Disability license plates and parking decals and devices are
7 not transferable from person to person. Proper usage of the
8 disability license plate or parking decal or device requires
9 the authorized holder to be present and enter or exit the
10 vehicle at the time the parking privileges are being used. It
11 is a violation of this Section to park in a space reserved for
12 a person with disabilities if the authorized holder of the
13 disability license plate or parking decal or device does not
14 enter or exit the vehicle at the time the parking privileges
15 are being used. Any motor vehicle properly displaying a
16 disability license plate or a parking decal or device
17 containing the International symbol of access issued to persons
18 with disabilities by any local authority, state, district,
19 territory or foreign country shall be recognized by State and
20 local authorities as a valid license plate or device and
21 receive the same parking privileges as residents of this State.

22 (a-1) An individual with a vehicle displaying disability
23 license plates or a parking decal or device issued to a
24 qualified person with a disability under Sections 3-616,
25 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
26 3-609 is in violation of this Section if (i) the person using

1 the disability license plate or parking decal or device is not
2 the authorized holder of the disability license plate or
3 parking decal or device or is not transporting the authorized
4 holder of the disability license plate or parking decal or
5 device to or from the parking location and (ii) the person uses
6 the disability license plate or parking decal or device to
7 exercise any privileges granted through the disability license
8 plate or parking decals or devices under this Code.

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

17 (c) Any person found guilty of violating the provisions of
18 subsection (a) shall be fined \$250 in addition to any costs or
19 charges connected with the removal or storage of any motor
20 vehicle authorized under this Section; but municipalities by
21 ordinance may impose a fine up to \$350 and shall display signs
22 indicating the fine imposed. If the amount of the fine is
23 subsequently changed, the municipality shall change the sign to
24 indicate the current amount of the fine. It shall not be a
25 defense to a charge under this Section that either the sign
26 posted pursuant to this Section or the intended accessible

1 parking place does not comply with the technical requirements
2 of Section 11-301, Department regulations, or local ordinance
3 if a reasonable person would be made aware by the sign or
4 notice on or near the parking place that the place is reserved
5 for a person with disabilities.

6 (c-1) Any person found guilty of violating the provisions
7 of subsection (a-1) a first time shall be fined \$500. Any
8 person found guilty of violating subsection (a-1) a second time
9 shall be fined \$750, and the Secretary of State may revoke the
10 person's driving privileges or suspend those privileges for a
11 period of time to be determined by the Secretary. Any person
12 found guilty of violating subsection (a-1) a third or
13 subsequent time shall be fined \$1,000, and the Secretary of
14 State may revoke the person's driving privileges or suspend
15 those privileges for a period of time to be determined by the
16 Secretary. The Secretary of State may also revoke the
17 disability license plates or parking decal or device of a
18 person violating subsection (a-1) a third or subsequent time or
19 may suspend the person's disability license plates or parking
20 decal or device for a period of time to be determined by the
21 Secretary of State. The circuit clerk shall distribute 50% ~~\$250~~
22 of the ~~\$500~~ fine imposed on any person who is found guilty of
23 or pleads guilty to violating this Section, including any
24 person placed on court supervision for violating this Section,
25 to the law enforcement agency that issued the citation or made
26 the arrest. If more than one law enforcement agency is

1 responsible for issuing the citation or making the arrest, the
2 50% of the fine imposed \$250 shall be shared equally. If an
3 officer of the Secretary of State Department of Police arrested
4 a person for a violation of this Section, 50% of the fine
5 imposed shall be deposited into the Secretary of State Police
6 Services Fund.

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

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

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

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