



Rep. Sidney H. Mathias

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09700HB4866ham001

LRB097 17218 JLS 67345 a

1 AMENDMENT TO HOUSE BILL 4866

2 AMENDMENT NO. _____. Amend House Bill 4866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Motor Fuel Sales Act is amended by changing
5 Section 2 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.

9 (a) Any attendant on duty at a gasoline station or service
10 station offering to the public retail sales of motor fuel at
11 both self-service and full-service islands shall, upon
12 request, dispense motor fuel for the driver of a car which is
13 parked at a self-service island and displays: (1) registration
14 plates issued to a physically disabled person pursuant to
15 Section 3-616 of the Illinois Vehicle Code; (2) registration
16 plates issued to a disabled veteran pursuant to Section 3-609

1 or 3-609.01 of such Code; or (3) a special decal or device
2 issued pursuant to Section 11-1301.2 of such Code; and shall
3 only charge such driver prices as offered to the general public
4 for motor fuel dispensed at the self-service island. However,
5 such attendant shall not be required to perform other services
6 which are offered at the full-service island.

7 (b) Gasoline stations and service stations in this State
8 are subject to the federal Americans with Disabilities Act and
9 must:

10 (1) provide refueling assistance upon the request of an
11 individual with a disability (A gasoline station or service
12 station is not required to provide such service at any time
13 that it is operating on a remote control basis with a
14 single employee, but is encouraged to do so, if feasible.);

15 (1.5) provide, by June 1, 2013, a minimum of 2 calling
16 devices, one on each side of a fueling site, that allow the
17 disabled operator of a motor vehicle to request refueling
18 assistance and provide by June 1 of each subsequent year 2
19 more calling devices until a calling device is provided for
20 each fueling pump; the calling device must meet the
21 following minimum specifications:

22 (A) it must provide a recognizable signal inside
23 the retail establishment that a driver needs
24 assistance operating the pump;

25 (B) it must be able to be operated from the vehicle
26 by a person with limited manual dexterity using only

1 one hand without requiring tight grasping or pinching;

2 (C) it must be mounted at a height between 34 and
3 48 inches from the ground;

4 (D) it must be operable from the vehicle in
5 accordance with all requirements of the Americans with
6 Disabilities Act Accessibility Guidelines; and

7 (E) it must display the telephone number of the
8 gasoline station or service station;

9 (2) let patrons know, through signs that designate
10 hours of service, a telephone number the customers may
11 call, and the times that ~~appropriate signs, that~~ customers
12 with disabilities can obtain refueling assistance by using
13 the calling device or by using a mobile phone either
14 ~~honking or otherwise signaling an employee; and~~

15 (3) provide the refueling assistance without any
16 charge beyond the self-serve price.

17 (c) The signage required under paragraph (2) of subsection
18 (b) shall be designated by the station owner and shall be
19 posted in a prominently visible place. The sign shall be
20 clearly visible to customers.

21 (d) The Secretary of State shall provide to persons with
22 disabilities information regarding the availability of
23 refueling assistance under this Section by the following
24 methods:

25 (1) by posting information about that availability on
26 the Secretary of State's Internet website, along with a

1 link to the Department of Human Services website; and

2 (2) by publishing a brochure containing information
3 about that availability, which shall be made available at
4 all Secretary of State offices throughout the State.

5 (e) The Department of Human Services shall post on its
6 Internet website information regarding the availability of
7 refueling assistance for persons with disabilities and the
8 addresses and telephone numbers of all gasoline and service
9 stations in Illinois.

10 (f) A person commits a Class C misdemeanor if he or she
11 telephones a gasoline station or service station to request
12 refueling assistance and he or she:

13 (1) is not actually physically present at the gasoline
14 or service station; or

15 (2) is physically present at the gasoline or service
16 station but does not actually require refueling
17 assistance.

18 (g) The Department of Transportation shall work in
19 cooperation with appropriate representatives of gasoline and
20 service station trade associations and the petroleum industry
21 to increase the signage at gasoline and service stations on
22 interstate highways in this State with regard to the
23 availability of refueling assistance for persons with
24 disabilities.

25 (h) An owner who owns a gas station or service station, a
26 landlord who owns the land or facility that houses a gas

1 station or service station, a tenant who owns or operates the
2 gas station or service station (collectively "owner or
3 operator"), and a franchisor or other parent entity
4 ("franchisor") are all jointly and severally subject to the
5 requirements of this Act. An owner or operator who fails to
6 comply with this Act is guilty of a Class C misdemeanor and
7 shall pay a fine of not less than \$300 nor more than \$600 per
8 violation per location. A franchisor who fails to comply with
9 this Act is guilty of a Class C misdemeanor and shall pay a
10 fine of not less than \$200 nor more than \$400 per violation per
11 location.

12 (Source: P.A. 95-167, eff. 1-1-08; 95-193, eff. 1-1-08; 95-876,
13 eff. 8-21-08.)".