



Rep. Karen May

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LRB097 17394 HEP 68167 a

1 AMENDMENT TO HOUSE BILL 5624

2 AMENDMENT NO. _____. Amend House Bill 5624, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 11-1301.1, 11-1301.2, 11-1301.3, and
7 11-1301.5 as follows:

8 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

9 Sec. 11-1301.1. Persons with disabilities - Parking
10 privileges - Exemptions. A motor vehicle bearing registration
11 plates issued to a person with disabilities, as defined by
12 Section 1-159.1, pursuant to Section 3-616 or to a disabled
13 veteran pursuant to Section 3-609 or a special decal or device
14 issued pursuant to Section 3-616 or pursuant to Section
15 11-1301.2 of this Code or a motor vehicle registered in another
16 jurisdiction, state, district, territory or foreign country

1 upon which is displayed a registration plate, special decal or
2 device issued by the other jurisdiction designating the vehicle
3 is operated by or for a person with disabilities shall be
4 exempt from the payment of parking meter fees until January 1,
5 2014, and exempt from any statute or ordinance imposing time
6 limitations on parking, except limitations of one-half hour or
7 less, on any street or highway zone, a parking area subject to
8 regulation under subsection (a) of Section 11-209 of this Code,
9 or any parking lot or parking place which are owned, leased or
10 owned and leased by a municipality or a municipal parking
11 utility; and shall be recognized by state and local authorities
12 as a valid license plate or parking device and shall receive
13 the same parking privileges as residents of this State; but,
14 such vehicle shall be subject to the laws which prohibit
15 parking in "no stopping" and "no standing" zones in front of or
16 near fire hydrants, driveways, public building entrances and
17 exits, bus stops and loading areas, and is prohibited from
18 parking where the motor vehicle constitutes a traffic hazard,
19 whereby such motor vehicle shall be moved at the instruction
20 and request of a law enforcement officer to a location
21 designated by the officer. Any motor vehicle bearing
22 registration plates or a special decal or device specified in
23 this Section or in Section 3-616 of this Code or such parking
24 device as specifically authorized in Section 11-1301.2 as
25 evidence that the vehicle is operated by or for a person with
26 disabilities or disabled veteran may park, in addition to any

1 other lawful place, in any parking place specifically reserved
2 for such vehicles by the posting of an official sign as
3 provided under Section 11-301. Parking privileges granted by
4 this Section are strictly limited to the person to whom the
5 special registration plates, special decal or device were
6 issued and to qualified operators acting under his express
7 direction while the person with disabilities is present. A
8 person to whom privileges were granted shall, at the request of
9 a police officer or any other person invested by law with
10 authority to direct, control, or regulate traffic, present an
11 identification card with a picture as verification that the
12 person is the person to whom the special registration plates,
13 special decal or device was issued.

14 Such parking privileges granted by this Section are also
15 extended to motor vehicles of not-for-profit organizations
16 used for the transportation of persons with disabilities when
17 such motor vehicles display the decal or device issued pursuant
18 to Section 11-1301.2 of this Code.

19 No person shall use any area for the parking of any motor
20 vehicle pursuant to Section 11-1303 of this Code or where an
21 official sign controlling such area expressly prohibits
22 parking at any time or during certain hours.

23 Beginning January 1, 2014, a vehicle displaying a decal or
24 device issued under subsection (c-5) of Section 11-1301.2 of
25 this Code shall be exempt from the payment of fees generated by
26 parking in a metered space or in a publicly owned parking

1 structure or area.

2 (Source: P.A. 95-167, eff. 1-1-08; 96-79, eff. 1-1-10.)

3 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

4 Sec. 11-1301.2. Special decals for parking; persons with
5 disabilities.

6 (a) The Secretary of State shall provide for, by
7 administrative rules, the design, size, color, and placement of
8 a person with disabilities motorist decal or device and shall
9 provide for, by administrative rules, the content and form of
10 an application for a person with disabilities motorist decal or
11 device, which shall be used by local authorities in the
12 issuance thereof to a person with temporary disabilities,
13 provided that the decal or device is valid for no more than 90
14 days, subject to renewal for like periods based upon continued
15 disability, and further provided that the decal or device
16 clearly sets forth the date that the decal or device expires.
17 The application shall include the requirement of an Illinois
18 Identification Card number or a State of Illinois driver's
19 license number. This decal or device may be used by the
20 authorized holder to designate and identify a vehicle not owned
21 or displaying a registration plate as provided in Sections
22 3-609 and 3-616 of this Act to designate when the vehicle is
23 being used to transport said person or persons with
24 disabilities, and thus is entitled to enjoy all the privileges
25 that would be afforded a person with disabilities licensed

1 vehicle. Person with disabilities decals or devices issued and
2 displayed pursuant to this Section shall be recognized and
3 honored by all local authorities regardless of which local
4 authority issued such decal or device.

5 The decal or device shall be issued only upon a showing by
6 adequate documentation that the person for whose benefit the
7 decal or device is to be used has a temporary disability as
8 defined in Section 1-159.1 of this Code.

9 (b) The local governing authorities shall be responsible
10 for the provision of such decal or device, its issuance and
11 designated placement within the vehicle. The cost of such decal
12 or device shall be at the discretion of such local governing
13 authority.

14 (c) The Secretary of State may, pursuant to Section
15 3-616(c), issue a person with disabilities parking decal or
16 device to a person with disabilities as defined by Section
17 1-159.1. Any person with disabilities parking decal or device
18 issued by the Secretary of State shall be registered to that
19 person with disabilities in the form to be prescribed by the
20 Secretary of State. The person with disabilities parking decal
21 or device shall not display that person's address. One
22 additional decal or device may be issued to an applicant upon
23 his or her written request and with the approval of the
24 Secretary of State. The written request must include a
25 justification of the need for the additional decal or device.

26 (c-5) Beginning January 1, 2014, the Secretary shall

1 provide by administrative rule for the issuance of a separate
2 and distinct parking decal or device for persons with
3 disabilities as defined by Section 1-159.1 of this Code. The
4 authorized holder of a decal or device issued under this
5 subsection (c-5) shall be exempt from the payment of fees
6 generated by parking in a metered space, a parking area subject
7 to paragraph (10) of subsection (a) of Section 11-209 of this
8 Code, or a publicly owned parking structure or area.

9 The Secretary shall issue a meter-exempt decal or device to
10 a person with disabilities who: (i) has been issued
11 registration plates under Section 3-609 or 3-616 of this Code
12 or a special decal or device under this Section, (ii) holds a
13 valid Illinois driver's license; and (iii) is unable to do one
14 or more of the following:

15 (1) manage, manipulate, or insert coins, or obtain
16 tickets or tokens in parking meters or ticket machines in
17 parking lots or parking structures, due to the lack of fine
18 motor control of both hands;

19 (2) reach above his or her head to a height of 42
20 inches from the ground, due to a lack of finger, hand, or
21 upper extremity strength or mobility;

22 (3) approach a parking meter due to his or her use of a
23 wheelchair or other device for mobility; or

24 (4) walk more than 20 feet due to an orthopedic,
25 neurological, cardiovascular, or lung condition in which
26 the degree of debilitation is so severe that it almost

1 completely impedes the ability to walk.

2 The application for a meter-exempt parking decal or device
3 shall contain a statement certified by a licensed physician,
4 physician assistant, or advanced practice nurse attesting to
5 the nature and estimated duration of the applicant's condition
6 and verifying that the applicant meets the physical
7 qualifications specified in this subsection (c-5).

8 Notwithstanding the requirements of this subsection (c-5),
9 the Secretary shall issue a meter-exempt decal or device to a
10 person who has been issued registration plates under Section
11 3-616 of this Code or a special decal or device under this
12 Section, if the applicant is the parent or guardian of a person
13 with disabilities who is under 18 years of age and incapable of
14 driving.

15 (d) Replacement decals or devices may be issued for lost,
16 stolen, or destroyed decals upon application and payment of a
17 \$10 fee. The replacement fee may be waived for individuals that
18 have claimed and received a grant under the Senior Citizens and
19 Disabled Persons Property Tax Relief and Pharmaceutical
20 Assistance Act.

21 (Source: P.A. 95-167, eff. 1-1-08; 96-72, eff. 1-1-10; 96-79,
22 eff. 1-1-10; 96-1000, eff. 7-2-10.)

23 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

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

1 (a) It shall be prohibited to park any motor vehicle which
2 is not properly displaying registration plates or decals issued
3 to a person with disabilities, as defined by Section 1-159.1,
4 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
5 disabled veteran pursuant to Section 3-609 of this Act, as
6 evidence that the vehicle is operated by or for a person with
7 disabilities or disabled veteran, in any parking place,
8 including any private or public offstreet parking facility,
9 specifically reserved, by the posting of an official sign as
10 designated under Section 11-301, for motor vehicles displaying
11 such registration plates. It shall be prohibited to park any
12 motor vehicle in a designated access aisle adjacent to any
13 parking place specifically reserved for persons with
14 disabilities, by the posting of an official sign as designated
15 under Section 11-301, for motor vehicles displaying such
16 registration plates. When using the parking privileges for
17 persons with disabilities, the parking decal or device must be
18 displayed properly in the vehicle where it is clearly visible
19 to law enforcement personnel, either hanging from the rearview
20 mirror or placed on the dashboard of the vehicle in clear view.
21 Disability license plates and parking decals and devices are
22 not transferable from person to person. Proper usage of the
23 disability license plate or parking decal or device requires
24 the authorized holder to be present and enter or exit the
25 vehicle at the time the parking privileges are being used. It
26 is a violation of this Section to park in a space reserved for

1 a person with disabilities if the authorized holder of the
2 disability license plate or parking decal or device does not
3 enter or exit the vehicle at the time the parking privileges
4 are being used. Any motor vehicle properly displaying a
5 disability license plate or a parking decal or device
6 containing the International symbol of access issued to persons
7 with disabilities by any local authority, state, district,
8 territory or foreign country shall be recognized by State and
9 local authorities as a valid license plate or device and
10 receive the same parking privileges as residents of this State.

11 (a-1) An individual with a vehicle displaying disability
12 license plates or a parking decal or device issued to a
13 qualified person with a disability under Sections 3-616,
14 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
15 3-609 is in violation of this Section if (i) the person using
16 the disability license plate or parking decal or device is not
17 the authorized holder of the disability license plate or
18 parking decal or device or is not transporting the authorized
19 holder of the disability license plate or parking decal or
20 device to or from the parking location and (ii) the person uses
21 the disability license plate or parking decal or device to
22 exercise any privileges granted through the disability license
23 plate or parking decals or devices under this Code.

24 (b) Any person or local authority owning or operating any
25 public or private offstreet parking facility may, after
26 notifying the police or sheriff's department, remove or cause

1 to be removed to the nearest garage or other place of safety
2 any vehicle parked within a stall or space reserved for use by
3 a person with disabilities which does not display person with
4 disabilities registration plates or a special decal or device
5 as required under this Section.

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

21 (c-1) Any person found guilty of violating the provisions
22 of subsection (a-1) a first time shall be fined \$600 ~~\$500~~. Any
23 person found guilty of violating subsection (a-1) a second time
24 shall be fined \$750. Any person found guilty of violating
25 subsection (a-1) a third or subsequent time shall be fined
26 \$1,000. The circuit clerk shall distribute 50% of the fine

1 imposed on any person who is found guilty of or pleads guilty
2 to violating this Section, including any person placed on court
3 supervision for violating this Section, to the law enforcement
4 agency that issued the citation or made the arrest. If more
5 than one law enforcement agency is responsible for issuing the
6 citation or making the arrest, the 50% of the fine imposed
7 shall be shared equally. If an officer of the Secretary of
8 State Department of Police arrested a person for a violation of
9 this Section, 50% of the fine imposed shall be deposited into
10 the Secretary of State Police Services Fund.

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 (g) Any police officer may seize the parking decal or
26 device from any person who commits a violation of this Section.

1 Any police officer may seize the disability license plate upon
2 authorization from the Secretary of State. Any police officer
3 may request that the Secretary of State revoke the parking
4 decal or device or the disability license plate of any person
5 who commits a violation of this Section.

6 (Source: P.A. 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876,
7 eff. 8-21-08; 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-962,
8 eff. 7-2-10; 96-1000, eff. 7-2-10.)

9 (625 ILCS 5/11-1301.5)

10 Sec. 11-1301.5. Fictitious or unlawfully altered
11 disability license plate or parking decal or device.

12 (a) As used in this Section:

13 "Fictitious disability license plate or parking decal or
14 device" means any issued disability license plate or parking
15 decal or device, or any license plate issued to a disabled
16 veteran under Section 3-609 of this Code, that has been issued
17 by the Secretary of State or an authorized unit of local
18 government that was issued based upon false information
19 contained on the required application.

20 "False information" means any incorrect or inaccurate
21 information concerning the name, date of birth, social security
22 number, driver's license number, physician certification, or
23 any other information required on the Persons with Disabilities
24 Certification for Plate or Parking Placard, on the Application
25 for Replacement Disability Parking Placard, or on the

1 application for license plates issued to disabled veterans
2 under Section 3-609 of this Code, that falsifies the content of
3 the application.

4 "Unlawfully altered disability license plate or parking
5 permit or device" means any disability license plate or parking
6 permit or device, or any license plate issued to a disabled
7 veteran under Section 3-609 of this Code, issued by the
8 Secretary of State or an authorized unit of local government
9 that has been physically altered or changed in such manner that
10 false information appears on the license plate or parking decal
11 or device.

12 "Authorized holder" means an individual issued a
13 disability license plate under Section 3-616 of this Code or an
14 individual issued a parking decal or device under Section
15 11-1301.2 of this Code, or an individual issued a disabled
16 veteran's license plate under Section 3-609 of this Code.

17 (b) It is a violation of this Section for any person:

18 (1) to knowingly possess any fictitious or unlawfully
19 altered disability license plate or parking decal or
20 device;

21 (2) to knowingly issue or assist in the issuance of, by
22 the Secretary of State or unit of local government, any
23 fictitious disability license plate or parking decal or
24 device;

25 (3) to knowingly alter any disability license plate or
26 parking decal or device;

1 (4) to knowingly manufacture, possess, transfer, or
2 provide any documentation used in the application process
3 whether real or fictitious, for the purpose of obtaining a
4 fictitious disability license plate or parking decal or
5 device;

6 (5) to knowingly provide any false information to the
7 Secretary of State or a unit of local government in order
8 to obtain a disability license plate or parking decal or
9 device; ~~or~~

10 (6) to knowingly transfer a disability license plate or
11 parking decal or device for the purpose of exercising the
12 privileges granted to an authorized holder of a disability
13 license plate or parking decal or device under this Code in
14 the absence of the authorized holder; or.

15 (7) for a physician, physician assistant, or advanced
16 practice nurse to knowingly falsify a certification that a
17 person is a person with disabilities as defined by Section
18 1-159.1 of this Code.

19 (c) Sentence.

20 (1) Any person convicted of a violation of paragraph
21 (1), (2), (3), (4), ~~or~~ (5), or (7) of subsection (b) of
22 this Section shall be guilty of a Class A misdemeanor and
23 fined not less than \$1,000 ~~\$500~~ for a first offense and
24 shall be guilty of a Class 4 felony and fined not less than
25 \$2,000 ~~\$1,000~~ for a second or subsequent offense. Any
26 person convicted of a violation of subdivision (b) (6) of

1 this Section is guilty of a Class A misdemeanor and shall
2 be fined not less than \$1,000 ~~\$500~~ for a first offense and
3 not less than \$2,000 ~~\$1,000~~ for a second or subsequent
4 offense. The circuit clerk shall distribute one-half of any
5 fine imposed on any person who is found guilty of or pleads
6 guilty to violating this Section, including any person
7 placed on court supervision for violating this Section, to
8 the law enforcement agency that issued the citation or made
9 the arrest. If more than one law enforcement agency is
10 responsible for issuing the citation or making the arrest,
11 one-half of the fine imposed shall be shared equally.

12 (2) Any person who commits a violation of this Section
13 may have his or her driving privileges suspended or revoked
14 by the Secretary of State for a period of time determined
15 by the Secretary of State. The Secretary of State may
16 suspend or revoke the parking decal or device or the
17 disability license plate of any person who commits a
18 violation of this Section.

19 (3) Any police officer may seize the parking decal or
20 device from any person who commits a violation of this
21 Section. Any police officer may seize the disability
22 license plate upon authorization from the Secretary of
23 State. Any police officer may request that the Secretary of
24 State revoke the parking decal or device or the disability
25 license plate of any person who commits a violation of this
26 Section.

1 (Source: P.A. 95-167, eff. 1-1-08; 96-79, eff. 1-1-10.)".