



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB4240

Introduced 11/14/2022, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-616	from Ch. 95 1/2, par. 3-616
625 ILCS 5/6-109	
625 ILCS 5/11-1301.2	from Ch. 95 1/2, par. 11-1301.2
625 ILCS 5/11-1301.4	from Ch. 95 1/2, par. 11-1301.4
625 ILCS 5/11-1301.5	

Amends the Illinois Vehicle Code. Provides that the examination of an applicant 79 years (instead of 75 years) or older for a driver's license or a permit or the renewal of a driver's license shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. Makes other changes concerning references to licensed medical professionals.

LRB102 29095 NLB 41029 b

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
5 changing Sections 3-616, 6-109, 11-1301.2, 11-1301.4, and
6 11-1301.5 as follows:

7 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)

8 Sec. 3-616. Disability license plates.

9 (a) Upon receiving an application for a certificate of
10 registration for a motor vehicle of the first division or for a
11 motor vehicle of the second division weighing no more than
12 8,000 pounds, accompanied with payment of the registration
13 fees required under this Code from a person with disabilities
14 or a person who is deaf or hard of hearing, the Secretary of
15 State, if so requested, shall issue to such person
16 registration plates as provided for in Section 3-611, provided
17 that the person with disabilities or person who is deaf or hard
18 of hearing must not be disqualified from obtaining a driver's
19 license under subsection 8 of Section 6-103 of this Code, and
20 further provided that any person making such a request must
21 submit a statement, certified by a licensed medical
22 professional physician, ~~by a licensed physician assistant, or~~
23 ~~by a licensed advanced practice registered nurse,~~ to the

1 effect that such person is a person with disabilities as
2 provided under ~~defined by~~ Section 1-159.1 of this Code, or
3 alternatively provide adequate documentation that such person
4 has a Class 1A, Class 2A or Type Four disability under the
5 provisions of Section 4A of the Illinois Identification Card
6 Act. For purposes of this Section, an Illinois Person with a
7 Disability Identification Card issued pursuant to the Illinois
8 Identification Card Act indicating that the person thereon
9 named has a disability shall be adequate documentation of such
10 a disability.

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

1 qualifying for issuance of special plates under this
2 subsection. An optometrist may certify a Class 2A Visual
3 Disability, as defined in Section 4A of the Illinois
4 Identification Card Act, for the purpose of qualifying a
5 person with disabilities for special plates under this
6 subsection.

7 (c) The Secretary may issue a parking decal or device to a
8 person with disabilities as defined by Section 1-159.1 without
9 regard to qualification of such person with disabilities for a
10 driver's license or registration of a vehicle by such person
11 with disabilities or such person's immediate family, provided
12 such person with disabilities making such a request has been
13 issued an Illinois Person with a Disability Identification
14 Card indicating that the person named thereon has a Class 1A or
15 Class 2A disability, or alternatively, submits a statement
16 certified by a licensed medical professional ~~physician, or by~~
17 ~~a licensed physician assistant or a licensed advanced practice~~
18 ~~registered nurse~~ as provided in subsection (a), to the effect
19 that such person is a person with disabilities as provided
20 under ~~defined by~~ Section 1-159.1. An optometrist may certify a
21 Class 2A Visual Disability as defined in Section 4A of the
22 Illinois Identification Card Act for the purpose of qualifying
23 a person with disabilities for a parking decal or device under
24 this subsection.

25 (d) The Secretary shall prescribe by rules and regulations
26 procedures to certify or re-certify as necessary the

1 eligibility of persons whose disabilities are other than
2 permanent for special plates or parking decals or devices
3 issued under subsections (a), (b) and (c). Except as provided
4 under subsection (f) of this Section, no such special plates,
5 decals or devices shall be issued by the Secretary of State to
6 or on behalf of any person with disabilities unless such
7 person is certified as meeting the definition of a person with
8 disabilities pursuant to Section 1-159.1 or meeting the
9 requirement of a Type Four disability as provided under
10 Section 4A of the Illinois Identification Card Act for the
11 period of time that the licensed medical professional,
12 ~~physician, or the physician assistant or advanced practice~~
13 ~~registered nurse~~ as provided in subsection (a), determines the
14 applicant will have the disability, but not to exceed 6 months
15 from the date of certification or recertification.

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

19 (f) The Secretary of State, upon application, shall issue
20 disability registration plates or a parking decal to
21 corporations, school districts, State or municipal agencies,
22 limited liability companies, nursing homes, convalescent
23 homes, or special education cooperatives which will transport
24 persons with disabilities. The Secretary shall prescribe by
25 rule a means to certify or re-certify the eligibility of
26 organizations to receive disability plates or decals and to

1 designate which of the 2 person with disabilities emblems
2 shall be placed on qualifying vehicles.

3 (g) The Secretary of State, or his designee, may enter
4 into agreements with other jurisdictions, including foreign
5 jurisdictions, on behalf of this State relating to the
6 extension of parking privileges by such jurisdictions to
7 residents of this State with disabilities who display a
8 special license plate or parking device that contains the
9 International symbol of access on his or her motor vehicle,
10 and to recognize such plates or devices issued by such other
11 jurisdictions. This State shall grant the same parking
12 privileges which are granted to residents of this State with
13 disabilities to any non-resident whose motor vehicle is
14 licensed in another state, district, territory or foreign
15 country if such vehicle displays the international symbol of
16 access or a distinguishing insignia on license plates or
17 parking device issued in accordance with the laws of the
18 non-resident's state, district, territory or foreign country.

19 (h) For purposes of this Section, "licensed medical
20 professional" means any licensed professional specified under
21 Section 1-159.1 of this Code for purposes of determining or
22 certifying whether a person is a person with disabilities.

23 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;
24 99-642, eff. 7-28-16; 100-513, eff. 1-1-18.)

1 Sec. 6-109. Examination of applicants.

2 (a) The Secretary of State shall examine every applicant
3 for a driver's license or permit who has not been previously
4 licensed as a driver under the laws of this State or any other
5 state or country, or any applicant for renewal of such
6 driver's license or permit when such license or permit has
7 been expired for more than one year. The Secretary of State
8 shall, subject to the provisions of paragraph (c), examine
9 every licensed driver at least every 8 years, and may examine
10 or re-examine any other applicant or licensed driver, provided
11 that during the years 1984 through 1991 those drivers issued a
12 license for 3 years may be re-examined not less than every 7
13 years or more than every 10 years.

14 The Secretary of State shall require the testing of the
15 eyesight of any driver's license or permit applicant who has
16 not been previously licensed as a driver under the laws of this
17 State and shall promulgate rules and regulations to provide
18 for the orderly administration of all the provisions of this
19 Section.

20 The Secretary of State shall include at least one test
21 question that concerns the provisions of the Pedestrians with
22 Disabilities Safety Act in the question pool used for the
23 written portion of the driver's license examination within one
24 year after July 22, 2010 (the effective date of Public Act
25 96-1167).

26 The Secretary of State shall include, in the question pool

1 used for the written portion of the driver's license
2 examination, test questions concerning safe driving in the
3 presence of bicycles, of which one may be concerning the Dutch
4 Reach method as described in Section 2-112.

5 The Secretary of State shall include, in the question pool
6 used for the written portion of the driver's license
7 examination, at least one test question concerning driver
8 responsibilities when approaching a stationary emergency
9 vehicle as described in Section 11-907.

10 (b) Except as provided for those applicants in paragraph
11 (c), such examination shall include a test of the applicant's
12 eyesight, his or her ability to read and understand official
13 traffic control devices, his or her knowledge of safe driving
14 practices and the traffic laws of this State, and may include
15 an actual demonstration of the applicant's ability to exercise
16 ordinary and reasonable control of the operation of a motor
17 vehicle, and such further physical and mental examination as
18 the Secretary of State finds necessary to determine the
19 applicant's fitness to operate a motor vehicle safely on the
20 highways, except the examination of an applicant 79 ~~75~~ years
21 of age or older shall include an actual demonstration of the
22 applicant's ability to exercise ordinary and reasonable
23 control of the operation of a motor vehicle. All portions of
24 written and verbal examinations under this Section, excepting
25 where the English language appears on facsimiles of road
26 signs, may be given in the Spanish language and, at the

1 discretion of the Secretary of State, in any other language as
2 well as in English upon request of the examinee. Deaf persons
3 who are otherwise qualified are not prohibited from being
4 issued a license, other than a commercial driver's license,
5 under this Code.

6 (c) Re-examination for those applicants who at the time of
7 renewing their driver's license possess a driving record
8 devoid of any convictions of traffic violations or evidence of
9 committing an offense for which mandatory revocation would be
10 required upon conviction pursuant to Section 6-205 at the time
11 of renewal shall be in a manner prescribed by the Secretary in
12 order to determine an applicant's ability to safely operate a
13 motor vehicle, except that every applicant for the renewal of
14 a driver's license who is 79 ~~75~~ years of age or older must
15 prove, by an actual demonstration, the applicant's ability to
16 exercise reasonable care in the safe operation of a motor
17 vehicle.

18 (d) In the event the applicant is not ineligible under the
19 provisions of Section 6-103 to receive a driver's license, the
20 Secretary of State shall make provision for giving an
21 examination, either in the county where the applicant resides
22 or at a place adjacent thereto reasonably convenient to the
23 applicant, within not more than 30 days from the date said
24 application is received.

25 (e) The Secretary of State may adopt rules regarding the
26 use of foreign language interpreters during the application

1 and examination process.

2 (Source: P.A. 100-770, eff. 1-1-19; 100-962, eff. 1-1-19;
3 101-81, eff. 7-12-19; 101-174, eff. 1-1-20.)

4 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)

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

7 (a) The Secretary of State shall provide for, by
8 administrative rules, the design, size, color, and placement
9 of a person with disabilities motorist decal or device and
10 shall provide for, by administrative rules, the content and
11 form of an application for a person with disabilities motorist
12 decal or device, which shall be used by local authorities in
13 the issuance thereof to a person with temporary disabilities,
14 provided that the decal or device is valid for no more than 90
15 days, subject to renewal for like periods based upon continued
16 disability, and further provided that the decal or device
17 clearly sets forth the date that the decal or device expires.
18 The application shall include the requirement of an Illinois
19 Identification Card number or a State of Illinois driver's
20 license number or, if the applicant does not have an
21 identification card or driver's license number, then the
22 applicant may use a valid identification number issued by a
23 branch of the U.S. military or a federally issued Medicare or
24 Medicaid identification number. This decal or device may be
25 used by the authorized holder to designate and identify a

1 vehicle not owned or displaying a registration plate or
2 digital registration plate as provided in Sections 3-609 and
3 3-616 of this Act to designate when the vehicle is being used
4 to transport said person or persons with disabilities, and
5 thus is entitled to enjoy all the privileges that would be
6 afforded a person with disabilities licensed vehicle. Person
7 with disabilities decals or devices issued and displayed
8 pursuant to this Section shall be recognized and honored by
9 all local authorities regardless of which local authority
10 issued such decal or device.

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

15 (a-5) The Secretary may provide a disabilities motorist
16 decal or device to an expectant mother during her third
17 trimester. An application under this subsection is subject to
18 application requirements under subsection (a). The decal or
19 device shall be valid for no more than 90 days, and shall
20 clearly set forth the date that the decal or device expires.
21 The decal or device shall be issued only upon a showing by
22 adequate documentation that the expectant mother has entered
23 her third trimester.

24 (b) The local governing authorities shall be responsible
25 for the provision of such decal or device, its issuance and
26 designated placement within the vehicle. The cost of such

1 decal or device shall be at the discretion of such local
2 governing authority.

3 (c) The Secretary of State may, pursuant to Section
4 3-616(c), issue a person with disabilities parking decal or
5 device to a person with disabilities as defined by Section
6 1-159.1. Any person with disabilities parking decal or device
7 issued by the Secretary of State shall be registered to that
8 person with disabilities in the form to be prescribed by the
9 Secretary of State. The person with disabilities parking decal
10 or device shall not display that person's address. One
11 additional decal or device may be issued to an applicant upon
12 his or her written request and with the approval of the
13 Secretary of State. The written request must include a
14 justification of the need for the additional decal or device.

15 (c-5) Beginning January 1, 2014, the Secretary shall
16 provide by administrative rule for the issuance of a separate
17 and distinct parking decal or device for persons with
18 disabilities as defined by Section 1-159.1 of this Code and
19 who meet the qualifications under this subsection. The
20 authorized holder of a decal or device issued under this
21 subsection (c-5) shall be exempt from the payment of fees
22 generated by parking in a metered space, a parking area
23 subject to paragraph (10) of subsection (a) of Section 11-209
24 of this Code, or a publicly owned parking area.

25 The Secretary shall issue a meter-exempt decal or device
26 to a person with disabilities who: (i) has been issued

1 registration plates or digital registration plates under
2 subsection (a) of Section 3-609 or Section 3-616 of this Code
3 or a special decal or device under this Section, (ii) holds a
4 valid Illinois driver's license, and (iii) is unable to do one
5 or more of the following:

6 (1) manage, manipulate, or insert coins, or obtain
7 tickets or tokens in parking meters or ticket machines in
8 parking lots, due to the lack of fine motor control of both
9 hands;

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

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

15 (4) walk more than 20 feet due to an orthopedic,
16 neurological, cardiovascular, or lung condition in which
17 the degree of debilitation is so severe that it almost
18 completely impedes the ability to walk.

19 The application for a meter-exempt parking decal or device
20 shall contain a statement certified by a licensed medical
21 professional, as specified under Section 1-159.1 of this Code,
22 ~~physician, physician assistant, or advanced practice~~
23 ~~registered nurse~~ attesting to the permanent nature of the
24 applicant's condition and verifying that the applicant meets
25 the physical qualifications specified in this subsection
26 (c-5).

1 Notwithstanding the requirements of this subsection (c-5),
2 the Secretary shall issue a meter-exempt decal or device to a
3 person who has been issued registration plates or digital
4 registration plates under Section 3-616 of this Code or a
5 special decal or device under this Section, if the applicant
6 is the parent or guardian of a person with disabilities who is
7 under 18 years of age and incapable of driving.

8 (d) Replacement decals or devices may be issued for lost,
9 stolen, or destroyed decals upon application and payment of a
10 \$10 fee. The replacement fee may be waived for individuals
11 that have claimed and received a grant under the Senior
12 Citizens and Persons with Disabilities Property Tax Relief
13 Act.

14 (e) A person classified as a veteran under subsection (e)
15 of Section 6-106 of this Code that has been issued a decal or
16 device under this Section shall not be required to submit
17 evidence of disability in order to renew that decal or device
18 if, at the time of initial application, he or she submitted
19 evidence from his or her physician or the Department of
20 Veterans' Affairs that the disability is of a permanent
21 nature. However, the Secretary shall take reasonable steps to
22 ensure the veteran still resides in this State at the time of
23 the renewal. These steps may include requiring the veteran to
24 provide additional documentation or to appear at a Secretary
25 of State facility. To identify veterans who are eligible for
26 this exemption, the Secretary shall compare the list of the

1 persons who have been issued a decal or device to the list of
2 persons who have been issued a vehicle registration plate or
3 digital registration plate for veterans with disabilities
4 under Section 3-609 of this Code, or who are identified as a
5 veteran on their driver's license under Section 6-110 of this
6 Code or on their identification card under Section 4 of the
7 Illinois Identification Card Act.

8 (Source: P.A. 101-395, eff. 8-16-19; 102-453, eff. 1-1-22.)

9 (625 ILCS 5/11-1301.4) (from Ch. 95 1/2, par. 11-1301.4)

10 Sec. 11-1301.4. Reciprocal agreements with other
11 jurisdictions; temporary decal.

12 (a) The Secretary of State, or his designee, may enter
13 into agreements with other jurisdictions, including foreign
14 jurisdictions, on behalf of this State relating to the
15 extension of parking privileges by such jurisdictions to
16 residents of this State with disabilities who display a
17 special license plate or parking device that contains the
18 International symbol of access on his or her motor vehicle,
19 and to recognize such plates or devices issued by such other
20 jurisdictions. This State shall grant the same parking
21 privileges which are granted to residents of this State with
22 disabilities to any non-resident whose motor vehicle is
23 licensed in another state, district, territory or foreign
24 country if such vehicle displays the International symbol of
25 access or a distinguishing insignia on license plates or

1 parking device issued in accordance with the laws of the
2 non-resident's state, district, territory or foreign country.

3 (b) The Secretary may issue a one-time decal or device to
4 any non-resident of this State who is a person with
5 disabilities and who is displaced from another jurisdiction
6 due to a national disaster as declared by the federal
7 government. The person shall provide the Secretary proof that
8 he or she is residing at an Illinois residence for the duration
9 of his or her time in this State and proof of disability,
10 including, but not limited to, a device or decal issued by
11 another jurisdiction, a designation on a driver's license or
12 identification card issued by another jurisdiction, or a
13 medical certification by an Illinois licensed medical
14 professional, as specified under Section 1-159.1 of this Code
15 ~~physician, physician assistant, or advanced practice~~
16 ~~registered nurse~~. A device or decal issued under this
17 subsection (b) shall be valid for a period not to exceed 6
18 months.

19 (Source: P.A. 99-143, eff. 7-27-15; 100-702, eff. 1-1-19.)

20 (625 ILCS 5/11-1301.5)

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

23 (a) As used in this Section:

24 "Fictitious disability license plate or parking decal or
25 device" means any issued disability license plate or parking

1 decal or device, or any license plate issued to a veteran with
2 a disability under Section 3-609 of this Code, that has been
3 issued by the Secretary of State or an authorized unit of local
4 government that was issued based upon false information
5 contained on the required application.

6 "False information" means any incorrect or inaccurate
7 information concerning the name, date of birth, social
8 security number, driver's license number, military
9 identification number, Medicaid or Medicare identification
10 number, medical professional ~~physician~~ certification, or any
11 other information required on the Persons with Disabilities
12 Certification for Plate or Parking Placard, on the Application
13 for Replacement Disability Parking Placard, or on the
14 application for license plates issued to veterans with
15 disabilities under Section 3-609 of this Code, that falsifies
16 the content of the application.

17 "Unlawfully altered disability license plate or parking
18 permit or device" means any disability license plate or
19 parking permit or device, or any license plate issued to a
20 veteran with a disability under Section 3-609 of this Code,
21 issued by the Secretary of State or an authorized unit of local
22 government that has been physically altered or changed in such
23 manner that false information appears on the license plate or
24 parking decal or device.

25 "Authorized holder" means an individual issued a
26 disability license plate under Section 3-616 of this Code or

1 an individual issued a parking decal or device under Section
2 11-1301.2 of this Code, or an individual issued a license
3 plate for veterans with disabilities under Section 3-609 of
4 this Code.

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

6 (1) to knowingly possess any fictitious or unlawfully
7 altered disability license plate or parking decal or
8 device;

9 (2) to knowingly issue or assist in the issuance of,
10 by the Secretary of State or unit of local government, any
11 fictitious disability license plate or parking decal or
12 device;

13 (3) to knowingly alter any disability license plate or
14 parking decal or device;

15 (4) to knowingly manufacture, possess, transfer, or
16 provide any documentation used in the application process
17 whether real or fictitious, for the purpose of obtaining a
18 fictitious disability license plate or parking decal or
19 device;

20 (5) to knowingly provide any false information to the
21 Secretary of State or a unit of local government in order
22 to obtain a disability license plate or parking decal or
23 device;

24 (6) to knowingly transfer a disability license plate
25 or parking decal or device for the purpose of exercising
26 the privileges granted to an authorized holder of a

1 disability license plate or parking decal or device under
2 this Code in the absence of the authorized holder; or

3 (7) who is a licensed medical professional, as
4 specified under Section 1-159.1 of this Code, ~~physician,~~
5 ~~physician assistant, or advanced practice registered nurse~~
6 to knowingly falsify a certification that a person is a
7 person with disabilities as defined by Section 1-159.1 of
8 this Code.

9 (c) Sentence.

10 (1) Any person convicted of a violation of paragraph
11 (1), (2), (3), (4), (5), or (7) of subsection (b) of this
12 Section shall be guilty of a Class A misdemeanor and fined
13 not less than \$1,000 for a first offense and shall be
14 guilty of a Class 4 felony and fined not less than \$2,000
15 for a second or subsequent offense. Any person convicted
16 of a violation of subdivision (b)(6) of this Section is
17 guilty of a Class A misdemeanor and shall be fined not less
18 than \$1,000 for a first offense and not less than \$2,000
19 for a second or subsequent offense. The circuit clerk
20 shall distribute one-half of any fine imposed on any
21 person who is found guilty of or pleads guilty to
22 violating this Section, including any person placed on
23 court supervision for violating this Section, to the law
24 enforcement agency that issued the citation or made the
25 arrest. If more than one law enforcement agency is
26 responsible for issuing the citation or making the arrest,

1 one-half of the fine imposed shall be shared equally.

2 (2) Any person who commits a violation of this Section
3 or a similar provision of a local ordinance may have his or
4 her driving privileges suspended or revoked by the
5 Secretary of State for a period of time determined by the
6 Secretary of State. The Secretary of State may suspend or
7 revoke the parking decal or device or the disability
8 license plate of any person who commits a violation of
9 this Section.

10 (3) Any police officer may seize the parking decal or
11 device from any person who commits a violation of this
12 Section. Any police officer may seize the disability
13 license plate upon authorization from the Secretary of
14 State. Any police officer may request that the Secretary
15 of State revoke the parking decal or device or the
16 disability license plate of any person who commits a
17 violation of this Section.

18 (Source: P.A. 99-143, eff. 7-27-15; 100-513, eff. 1-1-18;
19 100-702, eff. 1-1-19.)