

1 AMENDMENT TO SENATE BILL 1147

2 AMENDMENT NO. _____. Amend Senate Bill 1147 by replacing
3 the title with the following:

4 "AN ACT concerning flags."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Condominium Property Act is amended by
8 adding Section 18.6 as follows:

9 (765 ILCS 605/18.6 new)

10 Sec. 18.6. Display of American flag or military flag.

11 (a) Notwithstanding any provision in the declaration,
12 bylaws, rules, regulations, or agreements or other
13 instruments of a condominium association or a master
14 association or a common interest community association or a
15 board's construction of any of those instruments, a board may
16 not prohibit the display of the American flag or a military
17 flag, or both, on or within the limited common areas and
18 facilities of a unit owner or on the immediately adjacent
19 exterior of the building in which the unit of a unit owner is
20 located. A board may adopt reasonable rules and regulations,
21 consistent with Sections 4 through 10 of Chapter 1 of Title 4

1 of the United States Code, regarding the placement and manner
2 of display of the American flag and a board may adopt
3 reasonable rules and regulations regarding the placement and
4 manner of display of a military flag. A board may not
5 prohibit the installation of a flagpole for the display of
6 the American flag or a military flag, or both, on or within
7 the limited common areas and facilities of a unit owner or on
8 the immediately adjacent exterior of the building in which
9 the unit of a unit owner is located, but a board may adopt
10 reasonable rules and regulations regarding the location and
11 size of flagpoles.

12 (b) As used in this Section:

13 "American flag" means the flag of the United States (as
14 defined in Section 1 of Chapter 1 of Title 4 of the United
15 States Code and the Executive Orders entered in connection
16 with that Section) made of fabric, cloth, or paper displayed
17 from a staff or flagpole or in a window, but "American flag"
18 does not include a depiction or emblem of the American flag
19 made of lights, paint, roofing, siding, paving materials,
20 flora, or balloons, or any other similar building,
21 landscaping, or decorative component.

22 "Board" includes a board of managers or a board of a
23 master association or a common interest community
24 association.

25 "Military flag" means a flag of any branch of the United
26 States armed forces or the Illinois National Guard made of
27 fabric, cloth, or paper displayed from a staff or flagpole or
28 in a window, but "military flag" does not include a depiction
29 or emblem of a military flag made of lights, paint, roofing,
30 siding, paving materials, flora, or balloons, or any other
31 similar building, landscaping, or decorative component.

32 Section 10. The General Not For Profit Corporation Act
33 of 1986 is amended by adding Section 103.30 as follows:

1 (805 ILCS 105/103.30 new)

2 Sec. 103.30. Homeowners' association; American flag or
3 military flag.

4 (a) Notwithstanding any provision in the association's
5 declaration, covenants, bylaws, rules, regulations, or other
6 instruments or any construction of any of those instruments
7 by an association's board of directors, a homeowners'
8 association incorporated under this Act may not prohibit the
9 outdoor display of the American flag or a military flag, or
10 both, by a homeowner on that homeowner's property if the
11 American flag is displayed in a manner consistent with
12 Sections 4 through 10 of Chapter 1 of Title 4 of the United
13 States Code and a military flag is displayed in accordance
14 with any reasonable rules and regulations adopted by the
15 association. An association may adopt reasonable rules and
16 regulations, consistent with Sections 4 through 10 of Chapter
17 1 of Title 4 of the United States Code, regarding the
18 placement and manner of display of the American flag and an
19 association may adopt reasonable rules and regulations
20 regarding the placement and manner of display of a military
21 flag. An association may not prohibit the installation of a
22 flagpole for the display of the American flag or a military
23 flag, or both, but the association may adopt reasonable rules
24 and regulations regarding the location and size of flagpoles.

25 (b) As used in this Section:

26 "American flag" means the flag of the United States (as
27 defined in Section 1 of Chapter 1 of Title 4 of the United
28 States Code and the Executive Orders entered in connection
29 with that Section) made of fabric, cloth, or paper displayed
30 from a staff or flagpole or in a window, but "American flag"
31 does not include a depiction or emblem of the American flag
32 made of lights, paint, roofing, siding, paving materials,
33 flora, or balloons, or any other similar building,
34 landscaping, or decorative component.

1 "Homeowners' association" includes a property owners'
2 association, townhome association, and any similar entity,
3 and "homeowner" includes a townhome owner.

4 "Military flag" means a flag of any branch of the United
5 States armed forces or the Illinois National Guard made of
6 fabric, cloth, or paper displayed from a staff or flagpole or
7 in a window, but "military flag" does not include a depiction
8 or emblem of a military flag made of lights, paint, roofing,
9 siding, paving materials, flora, or balloons, or any other
10 similar building, landscaping, or decorative component."