



Rep. Karen May

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LRB097 17394 HEP 66697 a

1 AMENDMENT TO HOUSE BILL 5624

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

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-1301.1, 11-1301.3, and 11-1301.5 and by
6 adding Section 11-1301.9 as follows:

7 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

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

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

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

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

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

21 Except as provided under Section 11-1301.9 of this Code, no
22 person shall be exempt from the payment of fees generated by
23 parking in a metered space or in a publicly owned parking
24 structure or area.

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

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

2 Sec. 11-1301.3. Unauthorized use of parking places
3 reserved for persons with disabilities.

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

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

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

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

9 (c) Any person found guilty of violating the provisions of
10 subsection (a) shall be fined \$300 ~~\$250~~ in addition to any
11 costs or charges connected with the removal or storage of any
12 motor vehicle authorized under this Section; but
13 municipalities by ordinance may impose a fine up to \$350 and
14 shall display signs indicating the fine imposed. If the amount
15 of the fine is subsequently changed, the municipality shall
16 change the sign to indicate the current amount of the fine. It
17 shall not be a defense to a charge under this Section that
18 either the sign posted pursuant to this Section or the intended
19 accessible parking place does not comply with the technical
20 requirements of Section 11-301, Department regulations, or
21 local ordinance if a reasonable person would be made aware by
22 the sign or notice on or near the parking place that the place
23 is reserved for a person with disabilities.

24 (c-1) Any person found guilty of violating the provisions
25 of subsection (a-1) a first time shall be fined \$600 ~~\$500~~. Any
26 person found guilty of violating subsection (a-1) a second time

1 shall be fined \$750. Any person found guilty of violating
2 subsection (a-1) a third or subsequent time shall be fined
3 \$1,000. The circuit clerk shall distribute 50% of the fine
4 imposed on any person who is found guilty of or pleads guilty
5 to violating this Section, including any person placed on court
6 supervision for violating this Section, to the law enforcement
7 agency that issued the citation or made the arrest. If more
8 than one law enforcement agency is responsible for issuing the
9 citation or making the arrest, the 50% of the fine imposed
10 shall be shared equally. If an officer of the Secretary of
11 State Department of Police arrested a person for a violation of
12 this Section, 50% of the fine imposed shall be deposited into
13 the Secretary of State Police Services Fund.

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

16 (e) As used in this Section, "authorized holder" means an
17 individual issued a disability license plate under Section
18 3-616 of this Code, an individual issued a parking decal or
19 device under Section 11-1301.2 of this Code, or an individual
20 issued a disabled veteran's license plate under Section 3-609
21 of this Code.

22 (f) Any person who commits a violation of subsection (a-1)
23 may have his or her driving privileges suspended or revoked by
24 the Secretary of State for a period of time determined by the
25 Secretary of State. The Secretary of State may also suspend or
26 revoke the disability license plates or parking decal or device

1 for a period of time determined by the Secretary of State.

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

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

12 (625 ILCS 5/11-1301.5)

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

15 (a) As used in this Section:

16 "Fictitious disability license plate or parking decal or
17 device" means any issued disability license plate or parking
18 decal or device, ~~or~~ any license plate issued to a disabled
19 veteran under Section 3-609 of this Code, or a free parking
20 sticker issued under Section 11-1301.9 of this Code, that has
21 been issued by the Secretary of State or an authorized unit of
22 local government that was issued based upon false information
23 contained on the required application.

24 "False information" means any incorrect or inaccurate
25 information concerning the name, date of birth, social security

1 number, driver's license number, physician certification, or
2 any other information required on the Persons with Disabilities
3 Certification for Plate or Parking Placard, on the Application
4 for Replacement Disability Parking Placard, ~~or~~ on the
5 application for license plates issued to disabled veterans
6 under Section 3-609 of this Code, or on the application for a
7 free parking sticker under Section 11-1301.9 of this Code, that
8 falsifies the content of the application.

9 "Unlawfully altered disability license plate or parking
10 permit or device" means any disability license plate or parking
11 permit or device, ~~or~~ any license plate issued to a disabled
12 veteran under Section 3-609 of this Code, or a free parking
13 sticker issued under Section 11-1301.9 of this Code issued by
14 the Secretary of State or an authorized unit of local
15 government that has been physically altered or changed in such
16 manner that false information appears on the license plate or
17 parking decal or device.

18 "Authorized holder" means an individual issued a
19 disability license plate under Section 3-616 of this Code or an
20 individual issued a parking decal or device under Section
21 11-1301.2 of this Code, ~~or~~ an individual issued a disabled
22 veteran's license plate under Section 3-609 of this Code, or an
23 individual issued a free parking sticker under Section
24 11-1301.9 of this Code.

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

26 (1) to knowingly possess any fictitious or unlawfully

1 altered disability license plate or parking decal or
2 device;

3 (2) to knowingly issue or assist in the issuance of, by
4 the Secretary of State or unit of local government, any
5 fictitious disability license plate or parking decal or
6 device;

7 (3) to knowingly alter any disability license plate or
8 parking decal or device;

9 (4) to knowingly manufacture, possess, transfer, or
10 provide any documentation used in the application process
11 whether real or fictitious, for the purpose of obtaining a
12 fictitious disability license plate or parking decal or
13 device;

14 (5) to knowingly provide any false information to the
15 Secretary of State or a unit of local government in order
16 to obtain a disability license plate or parking decal or
17 device; ~~or~~

18 (6) to knowingly transfer a disability license plate or
19 parking decal or device for the purpose of exercising the
20 privileges granted to an authorized holder of a disability
21 license plate or parking decal or device under this Code in
22 the absence of the authorized holder; or.

23 (7) for a physician to knowingly falsify a
24 certification that a person is a person with disabilities
25 as defined by Section 1-159.1 of this Code.

26 (c) Sentence.

1 (1) Any person convicted of a violation of paragraph
2 (1), (2), (3), (4), or (5) of subsection (b) of this
3 Section shall be guilty of a Class A misdemeanor and fined
4 not less than \$1,000 ~~\$500~~ for a first offense and shall be
5 guilty of a Class 4 felony and fined not less than \$2,000
6 ~~\$1,000~~ for a second or subsequent offense. Any person
7 convicted of a violation of subdivision (b)(6) of this
8 Section is guilty of a Class A misdemeanor and shall be
9 fined not less than \$1,000 ~~\$500~~ for a first offense and not
10 less than \$2,000 ~~\$1,000~~ for a second or subsequent offense.
11 A person convicted of a violation of paragraph (7) of
12 subsection (b) of this Section shall be guilty of a Class A
13 misdemeanor and fined not less than \$2,000 for a first
14 offense and shall be guilty of a Class 4 felony and fined
15 not less than \$4,000 for a second or subsequent offense.
16 The circuit clerk shall distribute one-half of any fine
17 imposed on any person who is found guilty of or pleads
18 guilty to violating this Section, including any person
19 placed on court supervision for violating this Section, to
20 the law enforcement agency that issued the citation or made
21 the arrest. If more than one law enforcement agency is
22 responsible for issuing the citation or making the arrest,
23 one-half of the fine imposed shall be shared equally.

24 (2) Any person who commits a violation of this Section
25 may have his or her driving privileges suspended or revoked
26 by the Secretary of State for a period of time determined

1 by the Secretary of State. The Secretary of State may
2 suspend or revoke the parking decal or device or the
3 disability license plate of any person who commits a
4 violation of this Section.

5 (3) Any police officer may seize the parking decal or
6 device from any person who commits a violation of this
7 Section. Any police officer may seize the disability
8 license plate upon authorization from the Secretary of
9 State. Any police officer may request that the Secretary of
10 State revoke the parking decal or device or the disability
11 license plate of any person who commits a violation of this
12 Section.

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

14 (625 ILCS 5/11-1301.9 new)

15 Sec. 11-1301.9. Free parking for certain persons with
16 disabilities.

17 (a) To be entitled to free parking in a metered space, a
18 parking area subject to regulation under subsection (a) of
19 Section 11-209 of this Code, or in a publicly owned parking
20 structure or area, a vehicle must properly display a free
21 parking sticker issued under this Section. The Secretary of
22 State shall issue a free parking sticker to any person who
23 meets the eligibility criteria contained in this Section.

24 (b) The Secretary shall issue a free parking sticker to any
25 person with disabilities, as defined by Section 1-159.1, who

1 has been issued registration plates under Section 3-616 or
2 3-609 of this Code or a special decal or device under Section
3 3-616 or 11-1301.2 of this Code, who is unable to do one or
4 more of the following:

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

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

12 (3) approach a parking meter due to his or her use of a
13 wheelchair or other device; and

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

18 (c) An application for a free parking sticker based upon
19 the physical conditions listed in subsection (b) shall contain
20 a statement, certified by a licensed physician, attesting to
21 the nature and estimated duration of the applicant's disabling
22 condition and verifying that the applicant qualifies for a free
23 parking sticker.

24 (d) The Secretary may issue to a person with a temporary
25 disability a temporary windshield placard that is valid for a
26 period of not more than 6 months. The Secretary may issue to a

1 person with a permanent disability an original or renewal
2 permanent windshield placard that is valid for 4 years.".