



Rep. Tom Cross

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LRB096 16170 AJ0 38073 a

1 AMENDMENT TO HOUSE BILL 5095

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5095, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Pedestrians with Disabilities Safety Act.

7 Section 5. Definitions. For purposes of this Act,

8 "Mobility device" means a support cane, walker, crutches,  
9 wheelchair, scooter, or other device, which may be necessary  
10 for use by a pedestrian with a disability when traveling.

11 "Pedestrian with a disability" means a person with a  
12 disability, as defined by the Americans with Disabilities Act,  
13 who may require the use of a mobility device, service animal,  
14 or White cane to travel on the streets, sidewalks, highways,  
15 and walkways of this State.

16 "Service animal" means a service animal as defined by the

1 Code of Federal Regulations (28 CFR 36.104).

2 "White cane" means a cane that is predominantly white or  
3 metallic in color, with or without a red tip, that is held in  
4 an extended or raised position.

5 Section 10. Rights of pedestrians with disabilities.

6 (a) A pedestrian with a disability has the same rights as  
7 any other pedestrian to equal access and use of the streets,  
8 sidewalks, highways, and walkways of this State.

9 (b) These rights are subject only to the conditions and  
10 limitations established by law and applicable alike to all  
11 persons.

12 (c) Any person who denies or interferes with the rights of  
13 a pedestrian with a disability under this Act, shall be guilty  
14 of a Class A misdemeanor with a mandatory minimum fine of \$500  
15 for each violation.

16 Section 15. Mobility device; service animal; white cane.

17 (a) An operator of a vehicle shall stop the vehicle before  
18 approaching closer than 10 feet to a pedestrian with a  
19 disability who is using a mobility device, accompanied by a  
20 visibly identifiable service animal, or carrying or using a  
21 white cane, and shall take all precautions that may be  
22 necessary to avoid an accident or injury to the pedestrian with  
23 a disability. Any vehicle operator who fails to take such  
24 precautions shall be liable for damages for any injury caused

1 to the pedestrian with a disability.

2 (b) Nothing in this Act shall be construed to deprive any  
3 person with a disability who is not using a mobility device,  
4 not accompanied by a visibly identifiable service animal, or  
5 not carrying or using a white cane of the rights of other  
6 pedestrians, nor shall such an occurrence be conclusively held  
7 to constitute evidence of contributory negligence.

8 (c) Qualified professionals involved in the training of  
9 visibly identifiable service animals including training a  
10 person with a disability in the use of an animal, orientation  
11 and mobility instructors who are providing instruction to  
12 persons with disabilities or receiving training to enable them  
13 to provide that instruction, or any otherwise qualified person  
14 providing instruction to a person with a disability in the  
15 proper use of a mobility device or white cane shall be covered  
16 by the provisions of this Section.

17 Section 20. Proclamation. Each year, the Governor is  
18 authorized and requested to designate and take suitable public  
19 notice of Pedestrians with Disabilities Safety Day (October 15)  
20 and to issue a proclamation which:

21 (1) comments upon the necessity for and significance of  
22 the Pedestrians with Disabilities Safety Act;

23 (2) calls upon the citizens of the State to observe the  
24 provisions of the Pedestrians with Disabilities Safety Act  
25 and to take precautions necessary for the safety of

1 pedestrians with disabilities;

2 (3) reminds the citizens of the State of the policies  
3 with respect to persons with disabilities and urges all  
4 citizens to ensure that the policies are upheld; and

5 (4) emphasizes the need of all citizens to be aware of  
6 the presence of persons with disabilities in the community  
7 and to keep safe and functional for persons with  
8 disabilities the streets, sidewalks, highways, and  
9 walkways of this State.

10 Section 80. The Illinois Vehicle Code is amended by  
11 changing Sections 2-112 and 6-109 as follows:

12 (625 ILCS 5/2-112) (from Ch. 95 1/2, par. 2-112)

13 Sec. 2-112. Distribution of synopsis laws.

14 (a) The Secretary of State may publish a synopsis or  
15 summary of the laws of this State regulating the operation of  
16 vehicles and may deliver a copy thereof without charge with  
17 each original vehicle registration and with each original  
18 driver's license.

19 (b) The Secretary of State shall make any necessary  
20 revisions in its publications including, but not limited to,  
21 the Illinois Rules of the Road, to accurately conform its  
22 publications to the provisions of the Pedestrians with  
23 Disabilities Safety Act.

24 (Source: P.A. 76-1586.)

1 (625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

2 Sec. 6-109. Examination of Applicants.

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

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

21 The Secretary of State shall include at least one test  
22 question that concerns the provisions of the Pedestrians with  
23 Disabilities Safety Act in the question pool used for the  
24 written portion of the drivers license examination within one  
25 year after the effective date of this amendatory Act of the

1 96th General Assembly.

2 (b) Except as provided for those applicants in paragraph  
3 (c), such examination shall include a test of the applicant's  
4 eyesight, his ability to read and understand official traffic  
5 control devices, his knowledge of safe driving practices and  
6 the traffic laws of this State, and may include an actual  
7 demonstration of the applicant's ability to exercise ordinary  
8 and reasonable control of the operation of a motor vehicle, and  
9 such further physical and mental examination as the Secretary  
10 of State finds necessary to determine the applicant's fitness  
11 to operate a motor vehicle safely on the highways, except the  
12 examination of an applicant 75 years of age or older shall  
13 include an actual demonstration of the applicant's ability to  
14 exercise ordinary and reasonable control of the operation of a  
15 motor vehicle. All portions of written and verbal examinations  
16 under this Section, excepting where the English language  
17 appears on facsimiles of road signs, may be given in the  
18 Spanish language and, at the discretion of the Secretary of  
19 State, in any other language as well as in English upon request  
20 of the examinee. Deaf persons who are otherwise qualified are  
21 not prohibited from being issued a license, other than a  
22 commercial driver's license, under this Code.

23 (c) Re-examination for those applicants who at the time of  
24 renewing their driver's license possess a driving record devoid  
25 of any convictions of traffic violations or evidence of  
26 committing an offense for which mandatory revocation would be

1 required upon conviction pursuant to Section 6-205 at the time  
2 of renewal shall be in a manner prescribed by the Secretary in  
3 order to determine an applicant's ability to safely operate a  
4 motor vehicle, except that every applicant for the renewal of a  
5 driver's license who is 75 years of age or older must prove, by  
6 an actual demonstration, the applicant's ability to exercise  
7 reasonable care in the safe operation of a motor vehicle.

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

15 (Source: P.A. 91-350, eff. 7-29-99.)

16 Section 99. Effective date. This Act takes effect July 1,  
17 2010.".