



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1541

Introduced 2/18/2009, by Sen. Michael Bond

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1301.2
625 ILCS 5/11-1301.3

from Ch. 95 1/2, par. 11-1301.2
from Ch. 95 1/2, par. 11-1301.3

Amends the Illinois Vehicle Code. Provides that a special parking decal or device for a person with disabilities may be used by the authorized holder, rather than the special parking decal or device being the property of the person with disabilities. Removes language concerning the revocation or suspension of a person's driving privileges and revocation of disability license plates or parking decals or devices for violation of provisions concerning the unauthorized use of parking places reserved for persons with disabilities because similar language appears elsewhere in those provisions. Provides that a police officer may seize the parking decal or device from any person who commits a violation of the unauthorized use of parking places reserved for persons with disabilities provision, may request that the Secretary of State revoke the parking decal or device or the disability license plate of any person who commits a violation of that provision, and may seize the disability license plate upon authorization from the Secretary of State.

LRB096 07494 AJT 17587 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 changing
5 Sections 11-1301.2 and 11-1301.3 as follows:

6 (625 ILCS 5/11-1301.2) (from Ch. 95 1/2, par. 11-1301.2)
7 Sec. 11-1301.2. Special decals for a person with
8 disabilities parking.

9 (a) The Secretary of State shall provide for, by
10 administrative rules, the design, size, color, and placement of
11 a person with disabilities motorist decal or device and shall
12 provide for, by administrative rules, the content and form of
13 an application for a person with disabilities motorist decal or
14 device, which shall be used by local authorities in the
15 issuance thereof to a person with temporary disabilities,
16 provided that the decal or device is valid for no more than 90
17 days, subject to renewal for like periods based upon continued
18 disability, and further provided that the decal or device
19 clearly sets forth the date that the decal or device expires.
20 The application shall include the requirement of an Illinois
21 Identification Card number or a State of Illinois driver's
22 license number. This decal or device ~~shall be the property of~~
23 ~~such person with disabilities and~~ may be used by the authorized

1 holder ~~that person~~ to designate and identify a vehicle not
2 owned or displaying a registration plate as provided in
3 Sections 3-609, 3-609.01, and 3-616 of this Act to designate
4 when the vehicle is being used to transport said person or
5 persons with disabilities, and thus is entitled to enjoy all
6 the privileges that would be afforded a person with
7 disabilities licensed vehicle. Person with disabilities decals
8 or devices issued and displayed pursuant to this Section shall
9 be recognized and honored by all local authorities regardless
10 of which local authority 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 temporary disability as
14 defined in Section 1-159.1 of this Code.

15 (b) The local governing authorities shall be responsible
16 for the provision of such decal or device, its issuance and
17 designated placement within the vehicle. The cost of such decal
18 or device shall be at the discretion of such local governing
19 authority.

20 (c) The Secretary of State may, pursuant to Section
21 3-616(c), issue a person with disabilities parking decal or
22 device to a person with disabilities as defined by Section
23 1-159.1. Any person with disabilities parking decal or device
24 issued by the Secretary of State shall be registered to that
25 person with disabilities in the form to be prescribed by the
26 Secretary of State. The person with disabilities parking decal

1 or device shall not display that person's address. One
2 additional decal or device may be issued to an applicant upon
3 his or her written request and with the approval of the
4 Secretary of State. The written request must include a
5 justification of the need for the additional decal or device.

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

12 (Source: P.A. 95-167, eff. 1-1-08.)

13 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

14 Sec. 11-1301.3. Unauthorized use of parking places
15 reserved for persons with disabilities.

16 (a) It shall be prohibited to park any motor vehicle which
17 is not properly displaying registration plates or decals issued
18 to a person with disabilities, as defined by Section 1-159.1,
19 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
20 disabled veteran pursuant to Section 3-609 or 3-609.01 of this
21 Act, as evidence that the vehicle is operated by or for a
22 person with disabilities or disabled veteran, in any parking
23 place, including any private or public offstreet parking
24 facility, specifically reserved, by the posting of an official
25 sign as designated under Section 11-301, for motor vehicles

1 displaying such registration plates. It shall be prohibited to
2 park any motor vehicle in a designated access aisle adjacent to
3 any parking place specifically reserved for persons with
4 disabilities, by the posting of an official sign as designated
5 under Section 11-301, for motor vehicles displaying such
6 registration plates. When using the parking privileges for
7 persons with disabilities, the parking decal or device must be
8 displayed properly in the vehicle where it is clearly visible
9 to law enforcement personnel, either hanging from the rearview
10 mirror or placed on the dashboard of the vehicle in clear view.
11 Disability license plates and parking decals and devices are
12 not transferable from person to person. Proper usage of the
13 disability license plate or parking decal or device requires
14 the authorized holder to be present and enter or exit the
15 vehicle at the time the parking privileges are being used. It
16 is a violation of this Section to park in a space reserved for
17 a person with disabilities if the authorized holder of the
18 disability license plate or parking decal or device does not
19 enter or exit the vehicle at the time the parking privileges
20 are being used. Any motor vehicle properly displaying a
21 disability license plate or a parking decal or device
22 containing the International symbol of access issued to persons
23 with disabilities by any local authority, state, district,
24 territory or foreign country shall be recognized by State and
25 local authorities as a valid license plate or device and
26 receive the same parking privileges as residents of this State.

1 (a-1) An individual with a vehicle displaying disability
2 license plates or a parking decal or device issued to a
3 qualified person with a disability under Sections 3-616,
4 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
5 3-609 or 3-609.01 is in violation of this Section if (i) the
6 person using the disability license plate or parking decal or
7 device is not the authorized holder of the disability license
8 plate or parking decal or device or is not transporting the
9 authorized holder of the disability license plate or parking
10 decal or device to or from the parking location and (ii) the
11 person uses the disability license plate or parking decal or
12 device to exercise any privileges granted through the
13 disability license plate or parking decals or devices under
14 this Code.

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

23 (c) Any person found guilty of violating the provisions of
24 subsection (a) shall be fined \$250 in addition to any costs or
25 charges connected with the removal or storage of any motor
26 vehicle authorized under this Section; but municipalities by

1 ordinance may impose a fine up to \$350 and shall display signs
2 indicating the fine imposed. If the amount of the fine is
3 subsequently changed, the municipality shall change the sign to
4 indicate the current amount of the fine. It shall not be a
5 defense to a charge under this Section that either the sign
6 posted pursuant to this Section or the intended accessible
7 parking place does not comply with the technical requirements
8 of Section 11-301, Department regulations, or local ordinance
9 if a reasonable person would be made aware by the sign or
10 notice on or near the parking place that the place is reserved
11 for a person with disabilities.

12 (c-1) Any person found guilty of violating the provisions
13 of subsection (a-1) a first time shall be fined \$500. Any
14 person found guilty of violating subsection (a-1) a second time
15 shall be fined \$750, and the Secretary of State may revoke the
16 person's driving privileges or suspend those privileges for a
17 period of time to be determined by the Secretary. Any person
18 found guilty of violating subsection (a-1) a third or
19 subsequent time shall be fined \$1,000, ~~and the Secretary of~~
20 ~~State may revoke the person's driving privileges or suspend~~
21 ~~those privileges for a period of time to be determined by the~~
22 ~~Secretary. The Secretary of State may also revoke the~~
23 ~~disability license plates or parking decal or device of a~~
24 ~~person violating subsection (a-1) a third or subsequent time or~~
25 ~~may suspend the person's disability license plates or parking~~
26 ~~decal or device for a period of time to be determined by the~~

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

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

14 (e) As used in this Section, "authorized holder" means an
15 individual issued a disability license plate under Section
16 3-616 of this Code, an individual issued a parking decal or
17 device under Section 11-1301.2 of this Code, or an individual
18 issued a disabled veteran's license plate under Section 3-609
19 or 3-609.01 of this Code.

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

26 (g) Any police officer may seize the parking decal or

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

7 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;
8 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876, eff.
9 8-21-08.)