



Rep. Karen May

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LRB097 17394 HEP 67962 a

1 AMENDMENT TO HOUSE BILL 5624

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

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 11-1301.1, 11-1301.2, 11-1301.3, and
7 11-1301.5 as follows:

8 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

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

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

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

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

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

22 Beginning January 1, 2014, a vehicle displaying a decal or
23 device issued under subsection (c-5) of Section 11-1301.2 of
24 this Code shall be exempt from the payment of fees generated by
25 parking in a metered space or in a publicly owned parking
26 structure or area.

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

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

3 Sec. 11-1301.2. Special decals for parking; persons with
4 disabilities.

5 (a) The Secretary of State shall provide for, by
6 administrative rules, the design, size, color, and placement of
7 a person with disabilities motorist decal or device and shall
8 provide for, by administrative rules, the content and form of
9 an application for a person with disabilities motorist decal or
10 device, which shall be used by local authorities in the
11 issuance thereof to a person with temporary disabilities,
12 provided that the decal or device is valid for no more than 90
13 days, subject to renewal for like periods based upon continued
14 disability, and further provided that the decal or device
15 clearly sets forth the date that the decal or device expires.
16 The application shall include the requirement of an Illinois
17 Identification Card number or a State of Illinois driver's
18 license number. This decal or device may be used by the
19 authorized holder to designate and identify a vehicle not owned
20 or displaying a registration plate as provided in Sections
21 3-609 and 3-616 of this Act to designate when the vehicle is
22 being used to transport said person or persons with
23 disabilities, and thus is entitled to enjoy all the privileges
24 that would be afforded a person with disabilities licensed
25 vehicle. Person with disabilities decals or devices issued and

1 displayed pursuant to this Section shall be recognized and
2 honored by all local authorities regardless of which local
3 authority issued such decal or device.

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

8 (b) The local governing authorities shall be responsible
9 for the provision of such decal or device, its issuance and
10 designated placement within the vehicle. The cost of such decal
11 or device shall be at the discretion of such local governing
12 authority.

13 (c) The Secretary of State may, pursuant to Section
14 3-616(c), issue a person with disabilities parking decal or
15 device to a person with disabilities as defined by Section
16 1-159.1. Any person with disabilities parking decal or device
17 issued by the Secretary of State shall be registered to that
18 person with disabilities in the form to be prescribed by the
19 Secretary of State. The person with disabilities parking decal
20 or device shall not display that person's address. One
21 additional decal or device may be issued to an applicant upon
22 his or her written request and with the approval of the
23 Secretary of State. The written request must include a
24 justification of the need for the additional decal or device.

25 (c-5) Beginning January 1, 2014, the Secretary shall
26 provide by administrative rule for the issuance of a separate

1 and distinct parking decal or device for persons with
2 disabilities as defined by Section 1-159.1 of this Code. The
3 authorized holder of a decal or device issued under this
4 subsection (c-5) shall be exempt from the payment of fees
5 generated by parking in a metered space, a parking area subject
6 to paragraph (10) of subsection (a) of Section 11-209 of this
7 Code, or a publicly owned parking structure or area.

8 The Secretary shall issue a meter-exempt decal or device to
9 a person with disabilities who: (i) has been issued
10 registration plates under Section 3-609 or 3-616 of this Code
11 or a special decal or device under this Section, (ii) holds a
12 valid Illinois driver's license; and (iii) is unable to do one
13 or more of the following:

14 (1) manage, manipulate, or insert coins, or obtain
15 tickets or tokens in parking meters or ticket machines in
16 parking lots or parking structures, due to the lack of fine
17 motor control of both hands;

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

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

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

1 The application for a meter-exempt parking decal or device
2 shall contain a statement certified by a licensed physician,
3 physician assistant, or advanced practice nurse attesting to
4 the nature and estimated duration of the applicant's condition
5 and verifying that the applicant meets the physical
6 qualifications specified in this subsection (c-5).

7 Notwithstanding the requirements of this subsection (c-5),
8 the Secretary shall issue a meter-exempt decal or device to a
9 person who has been issued registration plates under Section
10 3-616 of this Code or a special decal or device under this
11 Section, if the applicant is the parent or guardian of a person
12 with disabilities who is under 18 years of age and incapable of
13 driving.

14 (d) Replacement decals or devices may be issued for lost,
15 stolen, or destroyed decals upon application and payment of a
16 \$10 fee. The replacement fee may be waived for individuals that
17 have claimed and received a grant under the Senior Citizens and
18 Disabled Persons Property Tax Relief and Pharmaceutical
19 Assistance Act.

20 (Source: P.A. 95-167, eff. 1-1-08; 96-72, eff. 1-1-10; 96-79,
21 eff. 1-1-10; 96-1000, eff. 7-2-10.)

22 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)
23 Sec. 11-1301.3. Unauthorized use of parking places
24 reserved for persons with disabilities.

25 (a) It shall be prohibited to park any motor vehicle which

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

1 disability license plate or parking decal or device does not
2 enter or exit the vehicle at the time the parking privileges
3 are being used. Any motor vehicle properly displaying a
4 disability license plate or a parking decal or device
5 containing the International symbol of access issued to persons
6 with disabilities by any local authority, state, district,
7 territory or foreign country shall be recognized by State and
8 local authorities as a valid license plate or device and
9 receive the same parking privileges as residents of this State.

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

23 (b) Any person or local authority owning or operating any
24 public or private offstreet parking facility may, after
25 notifying the police or sheriff's department, remove or cause
26 to be removed to the nearest garage or other place of safety

1 any vehicle parked within a stall or space reserved for use by
2 a person with disabilities which does not display person with
3 disabilities registration plates or a special decal or device
4 as required under this Section.

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

20 (c-1) Any person found guilty of violating the provisions
21 of subsection (a-1) a first time shall be fined \$600 ~~\$500~~. Any
22 person found guilty of violating subsection (a-1) a second time
23 shall be fined \$750. Any person found guilty of violating
24 subsection (a-1) a third or subsequent time shall be fined
25 \$1,000. The circuit clerk shall distribute 50% of the fine
26 imposed on any person who is found guilty of or pleads guilty

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

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

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

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

24 (g) Any police officer may seize the parking decal or
25 device from any person who commits a violation of this Section.
26 Any police officer may seize the disability license plate upon

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

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

8 (625 ILCS 5/11-1301.5)

9 Sec. 11-1301.5. Fictitious or unlawfully altered
10 disability license plate or parking decal or device.

11 (a) As used in this Section:

12 "Fictitious disability license plate or parking decal or
13 device" means any issued disability license plate or parking
14 decal or device, or any license plate issued to a disabled
15 veteran under Section 3-609 of this Code, that has been issued
16 by the Secretary of State or an authorized unit of local
17 government that was issued based upon false information
18 contained on the required application.

19 "False information" means any incorrect or inaccurate
20 information concerning the name, date of birth, social security
21 number, driver's license number, physician certification, or
22 any other information required on the Persons with Disabilities
23 Certification for Plate or Parking Placard, on the Application
24 for Replacement Disability Parking Placard, or on the
25 application for license plates issued to disabled veterans

1 under Section 3-609 of this Code, that falsifies the content of
2 the application.

3 "Unlawfully altered disability license plate or parking
4 permit or device" means any disability license plate or parking
5 permit or device, or any license plate issued to a disabled
6 veteran under Section 3-609 of this Code, issued by the
7 Secretary of State or an authorized unit of local government
8 that has been physically altered or changed in such manner that
9 false information appears on the license plate or parking decal
10 or device.

11 "Authorized holder" means an individual issued a
12 disability license plate under Section 3-616 of this Code or an
13 individual issued a parking decal or device under Section
14 11-1301.2 of this Code, or an individual issued a disabled
15 veteran's license plate under Section 3-609 of this Code.

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

17 (1) to knowingly possess any fictitious or unlawfully
18 altered disability license plate or parking decal or
19 device;

20 (2) to knowingly issue or assist in the issuance of, by
21 the Secretary of State or unit of local government, any
22 fictitious disability license plate or parking decal or
23 device;

24 (3) to knowingly alter any disability license plate or
25 parking decal or device;

26 (4) to knowingly manufacture, possess, transfer, or

1 provide any documentation used in the application process
2 whether real or fictitious, for the purpose of obtaining a
3 fictitious disability license plate or parking decal or
4 device;

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

9 (6) to knowingly transfer a disability license plate or
10 parking decal or device for the purpose of exercising the
11 privileges granted to an authorized holder of a disability
12 license plate or parking decal or device under this Code in
13 the absence of the authorized holder; or ~~or~~

14 (7) for a physician, physician assistant, or advanced
15 practice nurse to knowingly falsify a certification that a
16 person is a person with disabilities as defined by Section
17 1-159.1 of this Code.

18 (c) Sentence.

19 (1) Any person convicted of a violation of paragraph
20 (1), (2), (3), (4), ~~or~~ (5), or (7) of subsection (b) of
21 this Section shall be guilty of a Class A misdemeanor and
22 fined not less than \$1,000 ~~\$500~~ for a first offense and
23 shall be guilty of a Class 4 felony and fined not less than
24 \$2,000 ~~\$1,000~~ for a second or subsequent offense. Any
25 person convicted of a violation of subdivision (b)(6) of
26 this Section is guilty of a Class A misdemeanor and shall

1 be fined not less than \$1,000 ~~\$500~~ for a first offense and
2 not less than \$2,000 ~~\$1,000~~ for a second or subsequent
3 offense. The circuit clerk shall distribute one-half of any
4 fine imposed on any person who is found guilty of or pleads
5 guilty to violating this Section, including any person
6 placed on court supervision for violating this Section, to
7 the law enforcement agency that issued the citation or made
8 the arrest. If more than one law enforcement agency is
9 responsible for issuing the citation or making the arrest,
10 one-half of the fine imposed shall be shared equally.

11 (2) Any person who commits a violation of this Section
12 may have his or her driving privileges suspended or revoked
13 by the Secretary of State for a period of time determined
14 by the Secretary of State. The Secretary of State may
15 suspend or revoke the parking decal or device or the
16 disability license plate of any person who commits a
17 violation of this Section.

18 (3) Any police officer may seize the parking decal or
19 device from any person who commits a violation of this
20 Section. Any police officer may seize the disability
21 license plate upon authorization from the Secretary of
22 State. Any police officer may request that the Secretary of
23 State revoke the parking decal or device or the disability
24 license plate of any person who commits a violation of this
25 Section.

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