

# SB1860



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1860

Introduced 2/15/2013, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

815 ILCS 365/2

from Ch. 121 1/2, par. 1502

Amends the Motor Fuel Sales Act. Provides that gasoline stations and service stations must provide a minimum of one fueling site with a calling device that allows the disabled operator of a motor vehicle to request refueling assistance; sets forth minimum specifications for such a calling device. Provides that gasoline stations and service stations also must let patrons know, through appropriate signs, that customers with disabilities can obtain refueling assistance by using the calling device. Removes provisions providing civil penalties enforced by the Department of Agriculture.

LRB098 08229 JLS 38327 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning sales.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Motor Fuel Sales Act is amended by changing  
5 Section 2 as follows:

6 (815 ILCS 365/2) (from Ch. 121 1/2, par. 1502)

7 (Text of Section after amendment by P.A. 97-1152)

8 Sec. 2. Assistance at stations with self-service and  
9 full-service islands.

10 (a) Any attendant on duty at a gasoline station or service  
11 station offering to the public retail sales of motor fuel at  
12 both self-service and full-service islands shall, upon  
13 request, dispense motor fuel for the driver of a car which is  
14 parked at a self-service island and displays: (1) registration  
15 plates issued to a physically disabled person pursuant to  
16 Section 3-616 of the Illinois Vehicle Code; (2) registration  
17 plates issued to a disabled veteran pursuant to Section 3-609  
18 or 3-609.01 of such Code; or (3) a special decal or device  
19 issued pursuant to Section 11-1301.2 of such Code; and shall  
20 only charge such driver prices as offered to the general public  
21 for motor fuel dispensed at the self-service island. However,  
22 such attendant shall not be required to perform other services  
23 which are offered at the full-service island.

1 (b) Gasoline stations and service stations in this State  
2 are subject to the federal Americans with Disabilities Act and  
3 must:

4 (1) provide refueling assistance upon the request of an  
5 individual with a disability (A gasoline station or service  
6 station is not required to provide such service at any time  
7 that it is operating on a remote control basis with a  
8 single employee ~~on duty at the motor fuel site~~, but is  
9 encouraged to do so, if feasible.);

10 (1.5) provide a minimum of one fueling site with a  
11 calling device that allows the disabled operator of a motor  
12 vehicle to request refueling assistance; the calling  
13 device must meet the following minimum specifications:

14 (A) it must provide a recognizable signal inside  
15 the retail establishment that a driver needs  
16 assistance operating the pump;

17 (B) it must be able to be operated from the vehicle  
18 by a person with limited manual dexterity using only  
19 one hand without requiring tight grasping or pinching;

20 (C) it must be mounted at a height between 34 and  
21 48 inches from the ground; and

22 (D) it must be operable from the vehicle in  
23 accordance with all requirements of the Americans with  
24 Disabilities Act Accessibility Guidelines;

25 (2) let patrons know, through appropriate signs, that  
26 customers with disabilities can obtain refueling

1 ~~assistance by using the calling device by January 1, 2014,~~  
2 ~~provide and display at least one ADA compliant motor fuel~~  
3 ~~dispenser with a direct telephone number to the station~~  
4 ~~that allows a disabled operator of a motor vehicle to~~  
5 ~~request refueling assistance, with the telephone number~~  
6 ~~posted in close proximity to the International Symbol of~~  
7 ~~Accessibility required by the federal Americans with~~  
8 ~~Disabilities Act, however, if the station does not have at~~  
9 ~~least one ADA compliant motor fuel dispenser, the station~~  
10 ~~must display on at least one motor fuel dispenser a direct~~  
11 ~~telephone number to the station that allows a disabled~~  
12 ~~operator of a motor vehicle to request refueling~~  
13 ~~assistance; and~~

14 (3) provide the refueling assistance without any  
15 charge beyond the self-serve price.

16 (c) The signage required under paragraph (2) of subsection  
17 (b) shall be designated by the station owner and shall be  
18 posted in a prominently visible place. The sign shall be  
19 clearly visible to customers.

20 (d) The Secretary of State shall provide to persons with  
21 disabilities information regarding the availability of  
22 refueling assistance under this Section by the following  
23 methods:

24 (1) by posting information about that availability on  
25 the Secretary of State's Internet website, along with a  
26 link to the Department of Human Services website; and

1           (2) by publishing a brochure containing information  
2           about that availability, which shall be made available at  
3           all Secretary of State offices throughout the State.

4           (e) The Department of Human Services shall post on its  
5           Internet website information regarding the availability of  
6           refueling assistance for persons with disabilities and the  
7           addresses and telephone numbers of all gasoline and service  
8           stations in Illinois.

9           (f) A person commits a Class C misdemeanor if he or she  
10          telephones a gasoline station or service station to request  
11          refueling assistance and he or she:

12                 (1) is not actually physically present at the gasoline  
13                 or service station; or

14                 (2) is physically present at the gasoline or service  
15                 station but does not actually require refueling  
16                 assistance.

17          (g) The Department of Transportation shall work in  
18          cooperation with appropriate representatives of gasoline and  
19          service station trade associations and the petroleum industry  
20          to increase the signage at gasoline and service stations on  
21          interstate highways in this State with regard to the  
22          availability of refueling assistance for persons with  
23          disabilities.

24          ~~(h) If an owner of a gas station or service station is~~  
25          ~~found by the Illinois Department of Agriculture, Bureau of~~  
26          ~~Weights and Measures, to be in violation of this Act, the owner~~

1 ~~shall pay an administrative fine of \$250. Any moneys collected~~  
2 ~~by the Department shall be deposited into the Motor Fuel and~~  
3 ~~Petroleum Standards Fund. The Department of Agriculture shall~~  
4 ~~have the same authority and powers as provided for in the Motor~~  
5 ~~Fuel and Petroleum Standards Act in enforcing this Act.~~

6 (Source: P.A. 97-1152, eff. 6-1-13.)