



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0052

Introduced 1/14/2009, by Rep. Timothy L. Schmitz - Tom Cross

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-604	from Ch. 95 1/2, par. 3-604
625 ILCS 5/3-609	from Ch. 95 1/2, par. 3-609
625 ILCS 5/11-209	from Ch. 95 1/2, par. 11-209
625 ILCS 5/11-1301.1	from Ch. 95 1/2, par. 11-1301.1
625 ILCS 5/11-1301.2	from Ch. 95 1/2, par. 11-1301.2
625 ILCS 5/11-1301.3	from Ch. 95 1/2, par. 11-1301.3
625 ILCS 5/11-1301.5	
625 ILCS 5/11-1301.6	
625 ILCS 5/3-609.01 rep.	

Amends the Illinois Vehicle Code. Deletes provisions requiring a 100% disability and eligibility for the purchase of a vehicle by the federal government as conditions for eligibility for disabled veterans' registration plates. Replaces the deleted provisions with provisions requiring that the veteran hold proof of a service-connected disability from the United States Department of Veterans Affairs and that a licensed physician, physician assistant, or advanced practice nurse has certified that the veteran qualifies for issuance of registration plates or decals to a person with disabilities. Repeals other provisions that authorized the issuance of handicapped veterans' registration plates to disabled veterans who have less than 100% disability and are eligible for the purchase of a vehicle by the federal government, and deletes cross-references to the repealed provisions.

LRB096 03893 AJT 13928 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 3-604, 3-609, 11-209, 11-1301.1, 11-1301.2,
6 11-1301.3, 11-1301.5, and 11-1301.6 as follows:

7 (625 ILCS 5/3-604) (from Ch. 95 1/2, par. 3-604)

8 Sec. 3-604. Expiration of special plates. Every special
9 plate issued, except those issued for dealers, manufacturers
10 and transporters under Section 3-602 and persons with
11 disabilities under Section ~~Sections~~ 3-609, ~~3-609.01~~, or 3-616,
12 or deaf or hard of hearing under Section 3-616 of this Code,
13 may be issued for a 2 year period beginning January 1st of each
14 odd-numbered year and ending December 31st of the subsequent
15 even-numbered year. The special plates issued to a person with
16 disabilities or a person who is deaf or hard of hearing shall
17 expire according to the multi-year procedure as established by
18 Section 3-414 of this Code.

19 Special plates issued to members of the General Assembly
20 under Section 3-606 shall expire at midnight on the 31st day of
21 January in odd-numbered years.

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

1 (625 ILCS 5/3-609) (from Ch. 95 1/2, par. 3-609)

2 Sec. 3-609. Disabled Veterans' Plates. Any ~~disabled~~
3 veteran may make application for the registration of one whose
4 ~~degree of disability has been declared to be 100% by the United~~
5 ~~States Department of Veterans Affairs and who has been or~~
6 ~~declared eligible for funds for the purchase of a motor vehicle~~
7 of the first division or one ~~for a~~ motor vehicle of the second
8 division weighing not more than 8,000 pounds ~~by the United~~
9 ~~States Federal Government because of his disability, may make~~
10 ~~application for the registration of one such vehicle,~~ to the
11 Secretary of State without the payment of any registration fee
12 if (i) the veteran holds proof of a service-connected
13 disability from the United States Department of Veterans
14 Affairs and (ii) a licensed physician, physician assistant, or
15 advanced practice nurse has certified in accordance with
16 Section 3-616 that because of the service-connected disability
17 the veteran qualifies for issuance of registration plates or
18 decals to a person with disabilities. The Secretary may, in his
19 or her discretion, allow the plates to be issued as vanity or
20 personalized plates in accordance with Section 3-405.1 of this
21 Code. Registration shall be for a multi-year period ~~effective~~
22 ~~in 1980~~ and may be issued staggered registration.

23 ~~Any disabled veteran of World War I, of World War II, of~~
24 ~~the National Emergency between June 25, 1950 and January 31,~~
25 ~~1955 or of the period beginning February 1, 1955 and ending on~~
26 ~~the day before the first day thereafter in which individuals~~

1 ~~(other than individuals liable for induction by reason of prior~~
2 ~~deferment) are no longer liable for induction for training and~~
3 ~~service into the armed forces under the Military Selective~~
4 ~~Service Act of 1967, or of any armed conflict involving the~~
5 ~~armed forces of the United States, who has a service connected~~
6 ~~disability of such a nature that it would, if it had been~~
7 ~~incurred in World War II, have entitled him to be awarded an~~
8 ~~automobile by the United States Federal Government, or who is~~
9 ~~receiving compensation from the Veterans Administration for~~
10 ~~total service connected disability, may make application to~~
11 ~~the Secretary of State for the registration of one motor~~
12 ~~vehicle of the first division without accompanying such~~
13 ~~application with the payment of any fee.~~

14 Renewal of such registration must be accompanied with
15 documentation for eligibility of registration without fee
16 unless the applicant has a permanent qualifying disability, and
17 such registration plates may not be issued to any person not
18 eligible therefor.

19 The Illinois Department of Veterans' Affairs ~~Veterans~~
20 ~~Commission~~ may assist in providing the documentation of
21 disability.

22 Commencing with the 2009 registration year, any person
23 eligible to receive license plates under this Section who has
24 been approved for benefits under the Senior Citizens and
25 Disabled Persons Property Tax Relief and Pharmaceutical
26 Assistance Act, or who has claimed and received a grant under

1 that Act, shall pay a fee of \$24 instead of the fee otherwise
2 provided in this Code for passenger cars displaying standard
3 multi-year registration plates issued under Section 3-414.1,
4 for motor vehicles registered at 8,000 pounds or less under
5 Section 3-815(a), or for recreational vehicles registered at
6 8,000 pounds or less under Section 3-815(b), for a second set
7 of plates under this Section.

8 (Source: P.A. 95-157, eff. 1-1-08; 95-167, eff. 1-1-08; 95-353,
9 eff. 1-1-08; 95-876, eff. 8-21-08.)

10 (625 ILCS 5/11-209) (from Ch. 95 1/2, par. 11-209)

11 Sec. 11-209. Powers of municipalities and counties -
12 Contract with school boards, hospitals, churches, condominium
13 complex unit owners' associations, and commercial and
14 industrial facility, shopping center, and apartment complex
15 owners for regulation of traffic.

16 (a) The corporate authorities of any municipality or the
17 county board of any county, and a school board, hospital,
18 church, condominium complex unit owners' association, or owner
19 of any commercial and industrial facility, shopping center, or
20 apartment complex which controls a parking area located within
21 the limits of the municipality, or outside the limits of the
22 municipality and within the boundaries of the county, may, by
23 contract, empower the municipality or county to regulate the
24 parking of automobiles and the traffic at such parking area.
25 Such contract shall empower the municipality or county to

1 accomplish all or any part of the following:

2 1. The erection of stop signs, flashing signals, person
3 with disabilities parking area signs or yield signs at
4 specified locations in a parking area and the adoption of
5 appropriate regulations thereto pertaining, or the
6 designation of any intersection in the parking area as a
7 stop intersection or as a yield intersection and the
8 ordering of like signs or signals at one or more entrances
9 to such intersection, subject to the provisions of this
10 Chapter.

11 2. The prohibition or regulation of the turning of
12 vehicles or specified types of vehicles at intersections or
13 other designated locations in the parking area.

14 3. The regulation of a crossing of any roadway in the
15 parking area by pedestrians.

16 4. The designation of any separate roadway in the
17 parking area for one-way traffic.

18 5. The establishment and regulation of loading zones.

19 6. The prohibition, regulation, restriction or
20 limitation of the stopping, standing or parking of vehicles
21 in specified areas of the parking area.

22 7. The designation of safety zones in the parking area
23 and fire lanes.

24 8. Providing for the removal and storage of vehicles
25 parked or abandoned in the parking area during snowstorms,
26 floods, fires, or other public emergencies, or found

1 unattended in the parking area, (a) where they constitute
2 an obstruction to traffic, or (b) where stopping, standing
3 or parking is prohibited, and for the payment of reasonable
4 charges for such removal and storage by the owner or
5 operator of any such vehicle.

6 9. Providing that the cost of planning, installation,
7 maintenance and enforcement of parking and traffic
8 regulations pursuant to any contract entered into under the
9 authority of this paragraph (a) of this Section be borne by
10 the municipality or county, or by the school board,
11 hospital, church, property owner, apartment complex owner,
12 or condominium complex unit owners' association, or that a
13 percentage of the cost be shared by the parties to the
14 contract.

15 10. Causing the installation of parking meters on the
16 parking area and establishing whether the expense of
17 installing said parking meters and maintenance thereof
18 shall be that of the municipality or county, or that of the
19 school board, hospital, church, condominium complex unit
20 owners' association, shopping center or apartment complex
21 owner. All moneys obtained from such parking meters as may
22 be installed on any parking area shall belong to the
23 municipality or county.

24 11. Causing the installation of parking signs in
25 accordance with Section 11-301 in areas of the parking lots
26 covered by this Section and where desired by the person

1 contracting with the appropriate authority listed in
2 paragraph (a) of this Section, indicating that such parking
3 spaces are reserved for persons with disabilities.

4 12. Contracting for such additional reasonable rules
5 and regulations with respect to traffic and parking in a
6 parking area as local conditions may require for the safety
7 and convenience of the public or of the users of the
8 parking area.

9 (b) No contract entered into pursuant to this Section shall
10 exceed a period of 20 years. No lessee of a shopping center or
11 apartment complex shall enter into such a contract for a longer
12 period of time than the length of his lease.

13 (c) Any contract entered into pursuant to this Section
14 shall be recorded in the office of the recorder in the county
15 in which the parking area is located, and no regulation made
16 pursuant to the contract shall be effective or enforceable
17 until 3 days after the contract is so recorded.

18 (d) At such time as parking and traffic regulations have
19 been established at any parking area pursuant to the contract
20 as provided for in this Section, then it shall be a petty
21 offense for any person to do any act forbidden or to fail to
22 perform any act required by such parking or traffic regulation.
23 If the violation is the parking in a parking space reserved for
24 persons with disabilities under paragraph (11) of this Section,
25 by a person without special registration plates issued to a
26 person with disabilities, as defined by Section 1-159.1,

1 pursuant to Section 3-616 of this Code, or to a disabled
2 veteran pursuant to Section 3-609 ~~or 3-609.01~~ of this Code, the
3 local police of the contracting corporate municipal
4 authorities shall issue a parking ticket to such parking
5 violator and issue a fine in accordance with Section 11-1301.3.

6 (e) The term "shopping center", as used in this Section,
7 means premises having one or more stores or business
8 establishments in connection with which there is provided on
9 privately-owned property near or contiguous thereto an area, or
10 areas, of land used by the public as the means of access to and
11 egress from the stores and business establishments on such
12 premises and for the parking of motor vehicles of customers and
13 patrons of such stores and business establishments on such
14 premises.

15 (f) The term "parking area", as used in this Section, means
16 an area, or areas, of land near or contiguous to a school,
17 church, or hospital building, shopping center, apartment
18 complex, or condominium complex, but not the public highways or
19 alleys, and used by the public as the means of access to and
20 egress from such buildings and the stores and business
21 establishments at a shopping center and for the parking of
22 motor vehicles.

23 (g) The terms "owner", "property owner", "shopping center
24 owner", and "apartment complex owner", as used in this Section,
25 mean the actual legal owner of the shopping center parking area
26 or apartment complex, the trust officer of a banking

1 institution having the right to manage and control such
2 property, or a person having the legal right, through lease or
3 otherwise, to manage or control the property.

4 (g-5) The term "condominium complex unit owners'
5 association", as used in this Section, means a "unit owners'
6 association" as defined in Section 2 of the Condominium
7 Property Act.

8 (h) The term "fire lane", as used in this Section, means
9 travel lanes for the fire fighting equipment upon which there
10 shall be no standing or parking of any motor vehicle at any
11 time so that fire fighting equipment can move freely thereon.

12 (i) The term "apartment complex", as used in this Section,
13 means premises having one or more apartments in connection with
14 which there is provided on privately-owned property near or
15 contiguous thereto an area, or areas, of land used by occupants
16 of such apartments or their guests as a means of access to and
17 egress from such apartments or for the parking of motor
18 vehicles of such occupants or their guests.

19 (j) The term "condominium complex", as used in this
20 Section, means the units, common elements, and limited common
21 elements that are located on the parcels, as those terms are
22 defined in Section 2 of the Condominium Property Act.

23 (k) The term "commercial and industrial facility", as used
24 in this Section, means a premises containing one or more
25 commercial and industrial facility establishments in
26 connection with which there is provided on privately-owned

1 property near or contiguous to the premises an area or areas of
2 land used by the public as the means of access to and egress
3 from the commercial and industrial facility establishment on
4 the premises and for the parking of motor vehicles of
5 customers, patrons, and employees of the commercial and
6 industrial facility establishment on the premises.

7 (1) The provisions of this Section shall not be deemed to
8 prevent local authorities from enforcing, on private property,
9 local ordinances imposing fines, in accordance with Section
10 11-1301.3, as penalties for use of any parking place reserved
11 for persons with disabilities, as defined by Section 1-159.1,
12 or disabled veterans by any person using a motor vehicle not
13 bearing registration plates specified in Section 11-1301.1 or a
14 special decal or device as defined in Section 11-1301.2 as
15 evidence that the vehicle is operated by or for a person with
16 disabilities or disabled veteran.

17 This amendatory Act of 1972 is not a prohibition upon the
18 contractual and associational powers granted by Article VII,
19 Section 10 of the Illinois Constitution.

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

21 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

22 Sec. 11-1301.1. Persons with disabilities - Parking
23 privileges - Exemptions. A motor vehicle bearing registration
24 plates issued to a person with disabilities, as defined by
25 Section 1-159.1, pursuant to Section 3-616 or to a disabled

1 veteran pursuant to Section 3-609 ~~or 3-609.01~~ or a special
2 decal or device issued pursuant to Section 3-616 or pursuant to
3 Section 11-1301.2 of this Code or a motor vehicle registered in
4 another jurisdiction, state, district, territory or foreign
5 country upon which is displayed a registration plate, special
6 decal or device issued by the other jurisdiction designating
7 the vehicle is operated by or for a person with disabilities
8 shall be exempt from the payment of parking meter fees and
9 exempt from any statute or ordinance imposing time limitations
10 on parking, except limitations of one-half hour or less, on any
11 street or highway zone, or any parking lot or parking place
12 which are owned, leased or owned and leased by a municipality
13 or a municipal parking utility; and shall be recognized by
14 state and local authorities as a valid license plate or parking
15 device and shall receive the same parking privileges as
16 residents of this State; but, such vehicle shall be subject to
17 the laws which prohibit parking in "no stopping" and "no
18 standing" zones in front of or near fire hydrants, driveways,
19 public building entrances and exits, bus stops and loading
20 areas, and is prohibited from parking where the motor vehicle
21 constitutes a traffic hazard, whereby such motor vehicle shall
22 be moved at the instruction and request of a law enforcement
23 officer to a location designated by the officer. Any motor
24 vehicle bearing registration plates or a special decal or
25 device specified in this Section or in Section 3-616 of this
26 Code or such parking device as specifically authorized in

1 Section 11-1301.2 as evidence that the vehicle is operated by
2 or for a person with disabilities or disabled veteran may park,
3 in addition to any other lawful place, in any parking place
4 specifically reserved for such vehicles by the posting of an
5 official sign as provided under Section 11-301. Parking
6 privileges granted by this Section are strictly limited to the
7 person to whom the special registration plates, special decal
8 or device were issued and to qualified operators acting under
9 his express direction while the person with disabilities is
10 present. A person to whom privileges were granted shall, at the
11 request of a police officer or any other person invested by law
12 with authority to direct, control, or regulate traffic, present
13 an identification card with a picture as verification that the
14 person is the person to whom the special registration plates,
15 special decal or device was issued.

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

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

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

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

2 Sec. 11-1301.2. Special decals for a person with
3 disabilities parking.

4 (a) The Secretary of State shall provide for, by
5 administrative rules, the design, size, color, and placement of
6 a person with disabilities motorist decal or device and shall
7 provide for, by administrative rules, the content and form of
8 an application for a person with disabilities motorist decal or
9 device, which shall be used by local authorities in the
10 issuance thereof to a person with temporary disabilities,
11 provided that the decal or device is valid for no more than 90
12 days, subject to renewal for like periods based upon continued
13 disability, and further provided that the decal or device
14 clearly sets forth the date that the decal or device expires.
15 The application shall include the requirement of an Illinois
16 Identification Card number or a State of Illinois driver's
17 license number. This decal or device shall be the property of
18 such person with disabilities and may be used by that person to
19 designate and identify a vehicle not owned or displaying a
20 registration plate as provided in Sections 3-609, ~~3-609.01~~, and
21 3-616 of this Act to designate when the vehicle is being used
22 to transport said person or persons with disabilities, and thus
23 is entitled to enjoy all the privileges that would be afforded
24 a person with disabilities licensed vehicle. Person with
25 disabilities decals or devices issued and displayed pursuant to
26 this Section shall be recognized and honored by all local

1 authorities regardless of which local authority issued such
2 decal or device.

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

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

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

24 (d) Replacement decals or devices may be issued for lost,
25 stolen, or destroyed decals upon application and payment of a
26 \$10 fee. The replacement fee may be waived for individuals that

1 have claimed and received a grant under the Senior Citizens and
2 Disabled Persons Property Tax Relief and Pharmaceutical
3 Assistance Act.

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

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

6 Sec. 11-1301.3. Unauthorized use of parking places
7 reserved for persons with disabilities.

8 (a) It shall be prohibited to park any motor vehicle which
9 is not properly displaying registration plates or decals issued
10 to a person with disabilities, as defined by Section 1-159.1,
11 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
12 disabled veteran pursuant to Section 3-609 ~~or 3-609.01~~ of this
13 Act, as evidence that the vehicle is operated by or for a
14 person with disabilities or disabled veteran, in any parking
15 place, including any private or public offstreet parking
16 facility, specifically reserved, by the posting of an official
17 sign as designated under Section 11-301, for motor vehicles
18 displaying such registration plates. It shall be prohibited to
19 park any motor vehicle in a designated access aisle adjacent to
20 any parking place specifically reserved for persons with
21 disabilities, by the posting of an official sign as designated
22 under Section 11-301, for motor vehicles displaying such
23 registration plates. When using the parking privileges for
24 persons with disabilities, the parking decal or device must be
25 displayed properly in the vehicle where it is clearly visible

1 to law enforcement personnel, either hanging from the rearview
2 mirror or placed on the dashboard of the vehicle in clear view.
3 Disability license plates and parking decals and devices are
4 not transferable from person to person. Proper usage of the
5 disability license plate or parking decal or device requires
6 the authorized holder to be present and enter or exit the
7 vehicle at the time the parking privileges are being used. It
8 is a violation of this Section to park in a space reserved for
9 a person with disabilities if the authorized holder of the
10 disability license plate or parking decal or device does not
11 enter or exit the vehicle at the time the parking privileges
12 are being used. Any motor vehicle properly displaying a
13 disability license plate or a parking decal or device
14 containing the International symbol of access issued to persons
15 with disabilities by any local authority, state, district,
16 territory or foreign country shall be recognized by State and
17 local authorities as a valid license plate or device and
18 receive the same parking privileges as residents of this State.

19 (a-1) An individual with a vehicle displaying disability
20 license plates or a parking decal or device issued to a
21 qualified person with a disability under Sections 3-616,
22 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
23 3-609 ~~or 3-609.01~~ is in violation of this Section if (i) the
24 person using the disability license plate or parking decal or
25 device is not the authorized holder of the disability license
26 plate or parking decal or device or is not transporting the

1 authorized holder of the disability license plate or parking
2 decal or device to or from the parking location and (ii) the
3 person uses the disability license plate or parking decal or
4 device to exercise any privileges granted through the
5 disability license plate or parking decals or devices under
6 this Code.

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

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

1 if a reasonable person would be made aware by the sign or
2 notice on or near the parking place that the place is reserved
3 for a person with disabilities.

4 (c-1) Any person found guilty of violating the provisions
5 of subsection (a-1) a first time shall be fined \$500. Any
6 person found guilty of violating subsection (a-1) a second time
7 shall be fined \$750, and the Secretary of State may revoke the
8 person's driving privileges or suspend those privileges for a
9 period of time to be determined by the Secretary. Any person
10 found guilty of violating subsection (a-1) a third or
11 subsequent time shall be fined \$1,000, and the Secretary of
12 State may revoke the person's driving privileges or suspend
13 those privileges for a period of time to be determined by the
14 Secretary. The Secretary of State may also revoke the
15 disability license plates or parking decal or device of a
16 person violating subsection (a-1) a third or subsequent time or
17 may suspend the person's disability license plates or parking
18 decal or device for a period of time to be determined by the
19 Secretary of State. The circuit clerk shall distribute 50% of
20 the fine imposed on any person who is found guilty of or pleads
21 guilty to violating this Section, including any person placed
22 on court supervision for violating this Section, to the law
23 enforcement agency that issued the citation or made the arrest.
24 If more than one law enforcement agency is responsible for
25 issuing the citation or making the arrest, the 50% of the fine
26 imposed shall be shared equally. If an officer of the Secretary

1 of State Department of Police arrested a person for a violation
2 of this Section, 50% of the fine imposed shall be deposited
3 into the Secretary of State Police Services Fund.

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

6 (e) As used in this Section, "authorized holder" means an
7 individual issued a disability license plate under Section
8 3-616 of this Code, an individual issued a parking decal or
9 device under Section 11-1301.2 of this Code, or an individual
10 issued a disabled veteran's license plate under Section 3-609
11 ~~or 3-609.01~~ of this Code.

12 (f) Any person who commits a violation of subsection (a-1)
13 may have his or her driving privileges suspended or revoked by
14 the Secretary of State for a period of time determined by the
15 Secretary of State. The Secretary of State may also suspend or
16 revoke the disability license plates or parking decal or device
17 for a period of time determined by the Secretary of State.

18 (Source: P.A. 94-619, eff. 1-1-06; 94-930, eff. 6-26-06;
19 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876, eff.
20 8-21-08.)

21 (625 ILCS 5/11-1301.5)

22 Sec. 11-1301.5. Fictitious or unlawfully altered
23 disability license plate or parking decal or device.

24 (a) As used in this Section:

25 "Fictitious disability license plate or parking decal or

1 device" means any issued disability license plate or parking
2 decal or device, or any license plate issued to a disabled
3 veteran under Section 3-609 ~~or 3-609.01~~ of this Code, that has
4 been issued by the Secretary of State or an authorized unit of
5 local government that was issued based upon false information
6 contained on the required application.

7 "False information" means any incorrect or inaccurate
8 information concerning the name, date of birth, social security
9 number, driver's license number, physician certification, or
10 any other information required on the Persons with Disabilities
11 Certification for Plate or Parking Placard, on the Application
12 for Replacement Disability Parking Placard, or on the
13 application for license plates issued to disabled veterans
14 under Section 3-609 ~~or 3-609.01~~ of this Code, that falsifies
15 the content of the application.

16 "Unlawfully altered disability license plate or parking
17 permit or device" means any disability license plate or parking
18 permit or device, or any license plate issued to a disabled
19 veteran under Section 3-609 ~~or 3-609.01~~ of this Code, issued by
20 the Secretary of State or an authorized unit of local
21 government that has been physically altered or changed in such
22 manner that false information appears on the license plate or
23 parking decal or device.

24 "Authorized holder" means an individual issued a
25 disability license plate under Section 3-616 of this Code or an
26 individual issued a parking decal or device under Section

1 11-1301.2 of this Code, or an individual issued a disabled
2 veteran's license plate under Section 3-609 ~~or 3-609.01~~ of this
3 Code.

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

5 (1) to knowingly possess any fictitious or unlawfully
6 altered disability license plate or parking decal or
7 device;

8 (2) to knowingly issue or assist in the issuance of, by
9 the Secretary of State or unit of local government, any
10 fictitious disability license plate or parking decal or
11 device;

12 (3) to knowingly alter any disability license plate or
13 parking decal or device;

14 (4) to knowingly manufacture, possess, transfer, or
15 provide any documentation used in the application process
16 whether real or fictitious, for the purpose of obtaining a
17 fictitious disability license plate or parking decal or
18 device;

19 (5) to knowingly provide any false information to the
20 Secretary of State or a unit of local government in order
21 to obtain a disability license plate or parking decal or
22 device; or

23 (6) to knowingly transfer a disability license plate or
24 parking decal or device for the purpose of exercising the
25 privileges granted to an authorized holder of a disability
26 license plate or parking decal or device under this Code in

1 the absence of the authorized holder.

2 (c) Sentence.

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

21 (2) Any person who commits a violation of this Section
22 may have his or her driving privileges suspended or revoked
23 by the Secretary of State for a period of time determined
24 by the Secretary of State. The Secretary of State may
25 suspend or revoke the parking decal or device or the
26 disability license plate of any person who commits a

1 violation of this Section.

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

10 (Source: P.A. 94-619, eff. 1-1-06; 95-167, eff. 1-1-08.)

11 (625 ILCS 5/11-1301.6)

12 Sec. 11-1301.6. Fraudulent disability license plate or
13 parking decal or device.

14 (a) As used in this Section:

15 "Fraudulent disability license plate or parking decal
16 or device" means any disability license plate or parking
17 decal or device that purports to be an official disability
18 license plate or parking decal or device and that has not
19 been issued by the Secretary of State or an authorized unit
20 of local government.

21 "Disability license plate or parking decal or
22 device-making implement" means any implement specially
23 designed or primarily used in the manufacture, assembly, or
24 authentication of a disability license plate or parking
25 decal or device, or a license plate issued to a disabled

1 veteran under Section 3-609 ~~or 3-609.01~~ of this Code,
2 issued by the Secretary of State or a unit of local
3 government.

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

5 (1) to knowingly possess any fraudulent disability
6 license plate or parking decal;

7 (2) to knowingly possess without authority any
8 disability license plate or parking decal or device-making
9 implement;

10 (3) to knowingly duplicate, manufacture, sell, or
11 transfer any fraudulent or stolen disability license plate
12 or parking decal or device;

13 (4) to knowingly assist in the duplication,
14 manufacturing, selling, or transferring of any fraudulent,
15 stolen, or reported lost or damaged disability license
16 plate or parking decal or device; or

17 (5) to advertise or distribute a fraudulent disability
18 license plate or parking decal or device.

19 (c) Sentence.

20 (1) Any person convicted of a violation of this Section
21 shall be guilty of a Class A misdemeanor and fined not less
22 than \$1,000 for a first offense and shall be guilty of a
23 Class 4 felony and fined not less than \$2,000 for a second
24 or subsequent offense. The circuit clerk shall distribute
25 half of any fine imposed on any person who is found guilty
26 of or pleads guilty to violating this Section, including

1 any person placed on court supervision for violating this
2 Section, to the law enforcement agency that issued the
3 citation or made the arrest. If more than one law
4 enforcement agency is responsible for issuing the citation
5 or making the arrest, one-half of the fine imposed shall be
6 shared equally.

7 (2) Any person who commits a violation of this Section
8 may have his or her driving privileges suspended or revoked
9 by the Secretary of State for a period of time determined
10 by the Secretary of State.

11 (3) Any police officer may seize the parking decal or
12 device from any person who commits a violation of this
13 Section. Any police officer may seize the disability
14 license plate upon authorization from the Secretary of
15 State. Any police officer may request that the Secretary of
16 State revoke the parking decal or device or the disability
17 license plate of any person who commits a violation of this
18 Section.

19 (Source: P.A. 94-619, eff. 1-1-06; 95-167, eff. 1-1-08.)

20 (625 ILCS 5/3-609.01 rep.)

21 Section 10. The Illinois Vehicle Code is amended by
22 repealing Section 3-609.01.