



Rep. Karen May

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LRB097 17394 HEP 67161 a

1 AMENDMENT TO HOUSE BILL 5624

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

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 11-1301.1, 11-1301.3, and 11-1301.5 and by
6 adding Section 11-1301.9 as follows:

7 (625 ILCS 5/11-1301.1) (from Ch. 95 1/2, par. 11-1301.1)

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

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

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

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

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

21 Beginning January 1, 2014, except as provided under Section
22 11-1301.9 of this Code, no person shall be exempt from the
23 payment of fees generated by parking in a metered space or in a
24 publicly owned parking structure or area or in a parking area
25 subject to paragraph (10) of subsection (a) of Section 11-209
26 of this Code.

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

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

3 Sec. 11-1301.3. Unauthorized use of parking places
4 reserved for persons with disabilities.

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

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

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

1 exercise any privileges granted through the disability license
2 plate or parking decals or devices under this Code.

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

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

26 (c-1) Any person found guilty of violating the provisions

1 of subsection (a-1) a first time shall be fined \$600 ~~\$500~~. Any
2 person found guilty of violating subsection (a-1) a second time
3 shall be fined \$750. Any person found guilty of violating
4 subsection (a-1) a third or subsequent time shall be fined
5 \$1,000. The circuit clerk shall distribute 50% of the fine
6 imposed on any person who is found guilty of or pleads guilty
7 to violating this Section, including any person placed on court
8 supervision for violating this Section, to the law enforcement
9 agency that issued the citation or made the arrest. If more
10 than one law enforcement agency is responsible for issuing the
11 citation or making the arrest, the 50% of the fine imposed
12 shall be shared equally. If an officer of the Secretary of
13 State Department of Police arrested a person for a violation of
14 this Section, 50% of the fine imposed shall be deposited into
15 the Secretary of State Police Services Fund.

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

18 (e) As used in this Section, "authorized holder" means an
19 individual issued a disability license plate under Section
20 3-616 of this Code, an individual issued a parking decal or
21 device under Section 11-1301.2 of this Code, or an individual
22 issued a disabled veteran's license plate under Section 3-609
23 of this Code.

24 (f) Any person who commits a violation of subsection (a-1)
25 may have his or her driving privileges suspended or revoked by
26 the Secretary of State for a period of time determined by the

1 Secretary of State. The Secretary of State may also suspend or
2 revoke the disability license plates or parking decal or device
3 for a period of time determined by the Secretary of State.

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

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

14 (625 ILCS 5/11-1301.5)

15 Sec. 11-1301.5. Fictitious or unlawfully altered
16 disability license plate or parking decal or device.

17 (a) As used in this Section:

18 "Fictitious disability license plate or parking decal or
19 device" means any issued disability license plate or parking
20 decal or device, or any license plate issued to a disabled
21 veteran under Section 3-609 of this Code or to certain persons
22 with disabilities under Section 11-1301.9 of this Code, that
23 has been issued by the Secretary of State or an authorized unit
24 of local government that was issued based upon false
25 information contained on the required application.

1 "False information" means any incorrect or inaccurate
2 information concerning the name, date of birth, social security
3 number, driver's license number, physician certification, or
4 any other information required on the Persons with Disabilities
5 Certification for Plate or Parking Placard, on the Application
6 for Replacement Disability Parking Placard, ~~or~~ on the
7 application for license plates issued to disabled veterans
8 under Section 3-609 of this Code, or on the application for
9 free parking privileges under Section 11-1301.9 of this Code,
10 that falsifies the content of the application.

11 "Unlawfully altered disability license plate or parking
12 permit or device" means any disability license plate or parking
13 permit or device, or any license plate issued to a disabled
14 veteran under Section 3-609 of this Code, or to certain persons
15 with disabilities under Section 11-1301.9 of this Code issued
16 by the Secretary of State or an authorized unit of local
17 government that has been physically altered or changed in such
18 manner that false information appears on the license plate or
19 parking decal or device.

20 "Authorized holder" means an individual issued a
21 disability license plate under Section 3-616 of this Code or an
22 individual issued a parking decal or device under Section
23 11-1301.2 of this Code, ~~or~~ an individual issued a disabled
24 veteran's license plate under Section 3-609 of this Code, or an
25 individual granted free parking privileges under Section
26 11-1301.9 of this Code.

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

2 (1) to knowingly possess any fictitious or unlawfully
3 altered disability license plate or parking decal or
4 device;

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

9 (3) to knowingly alter any disability license plate or
10 parking decal or device;

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

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

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

25 (7) for a physician to knowingly falsify a
26 certification that a person is a person with disabilities

1 as defined by Section 1-159.1 of this Code.

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 \$1,000 ~~\$500~~ for a first offense and shall be
7 guilty of a Class 4 felony and fined not less than \$2,000
8 ~~\$1,000~~ for a second or subsequent offense. Any person
9 convicted of a violation of subdivision (b)(6) of this
10 Section is guilty of a Class A misdemeanor and shall be
11 fined not less than \$1,000 ~~\$500~~ for a first offense and not
12 less than \$2,000 ~~\$1,000~~ for a second or subsequent offense.

13 A person convicted of a violation of paragraph (7) of
14 subsection (b) of this Section shall be guilty of a Class A
15 misdemeanor and fined not less than \$2,000 for a first
16 offense and shall be guilty of a Class 4 felony and fined
17 not less than \$4,000 for a second or subsequent offense.

18 The circuit clerk shall distribute one-half of any fine
19 imposed on any person who is found guilty of or pleads
20 guilty to violating this Section, including any person
21 placed on court supervision for violating this Section, to
22 the law enforcement agency that issued the citation or made
23 the arrest. If more than one law enforcement agency is
24 responsible for issuing the citation or making the arrest,
25 one-half of the fine imposed shall be shared equally.

26 (2) Any person who commits a violation of this Section

1 may have his or her driving privileges suspended or revoked
2 by the Secretary of State for a period of time determined
3 by the Secretary of State. The Secretary of State may
4 suspend or revoke the parking decal or device or the
5 disability license plate of any person who commits a
6 violation of this Section.

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

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

16 (625 ILCS 5/11-1301.9 new)

17 Sec. 11-1301.9. Free parking for certain persons with
18 disabilities.

19 (a) Beginning January 1, 2014, to be entitled to free
20 parking in a metered space, a parking area subject to paragraph
21 (10) of subsection (a) of Section 11-209 of this Code, or in a
22 publicly owned parking structure or area, a vehicle must
23 properly display on the vehicle's disability license plate or
24 parking decal or device the insignia issued by the Secretary of
25 State showing that the person is eligible for free parking

1 under this Section. The Secretary shall issue the insignia to
2 any person who meets the eligibility criteria contained in this
3 Section.

4 (b) The Secretary shall issue free parking insignia to any
5 person with disabilities, as defined by Section 1-159.1, who
6 has been issued registration plates under Section 3-616 or
7 3-609 of this Code or a special decal or device under Section
8 3-616 or 11-1301.2 of this Code, who is unable to do one or
9 more of the following:

10 (1) manage, manipulate, or insert coins, or obtain
11 tickets or tokens in parking meters or ticket machines in
12 parking lots or parking structures, due to the lack of fine
13 motor control of both hands;

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

17 (3) approach a parking meter due to his or her use of a
18 wheelchair or other device; and

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

23 (c) An application for free parking insignia based upon the
24 physical conditions listed in subsection (b) shall contain a
25 statement, certified by a licensed physician, attesting to the
26 nature and estimated duration of the applicant's disabling

1 condition and verifying that the applicant qualifies for free
2 parking.

3 (d) The Secretary may issue to a person with a temporary
4 disability temporary insignia that is valid for a period of not
5 more than 6 months. The Secretary may issue to a person with a
6 permanent disability original or renewal permanent insignia
7 that is valid for 4 years.

8 (e) The Secretary shall adopt rules to implement this
9 Section."