



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3246

Introduced 2/11/2020, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-404	from Ch. 95 1/2, par. 11-404
625 ILCS 5/11-408	from Ch. 95 1/2, par. 11-408
625 ILCS 5/11-409	from Ch. 95 1/2, par. 11-409
625 ILCS 5/11-411	from Ch. 95 1/2, par. 11-411
625 ILCS 5/11-412	from Ch. 95 1/2, par. 11-412
625 ILCS 5/11-414	from Ch. 95 1/2, par. 11-414
625 ILCS 5/11-415	from Ch. 95 1/2, par. 11-415
625 ILCS 5/11-416	from Ch. 95 1/2, par. 11-416
625 ILCS 5/11-417	

Amends the Illinois Vehicle Code. Requires motor vehicle accident reports and requests for motor vehicle accident reports to be electronic rather than written. Makes corresponding changes. Effective January 1, 2022.

LRB101 16612 LNS 65996 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 11-404, 11-408, 11-409, 11-411, 11-412, 11-414,
6 11-415, 11-416, and 11-417 as follows:

7 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

8 Sec. 11-404. Duty upon damaging unattended vehicle or other
9 property.

10 (a) The driver of any vehicle which collides with or is
11 involved in a motor vehicle accident with any vehicle which is
12 unattended, or other property, resulting in any damage to such
13 other vehicle or property shall immediately stop and shall then
14 and there either locate and notify the operator or owner of
15 such vehicle or other property of the driver's name, address,
16 registration number and owner of the vehicle the driver was
17 operating or shall attach securely in a conspicuous place on or
18 in the vehicle or other property struck a ~~written~~ notice giving
19 the driver's name, address, registration number and owner of
20 the vehicle the driver was driving and shall without
21 unnecessary delay notify the nearest office of a duly
22 authorized police authority and shall make a ~~written~~ report of
23 such accident when and as required in Section 11-406. Every

1 such stop shall be made without obstructing traffic more than
2 is necessary. If a damaged vehicle is obstructing traffic
3 lanes, the driver of the vehicle must make every reasonable
4 effort to move the vehicle or have it moved so as not to block
5 the traffic lanes.

6 (b) Any person failing to comply with this Section shall be
7 guilty of a Class A misdemeanor.

8 (c) If any peace officer or highway authority official
9 finds (i) a vehicle standing upon a highway or toll highway in
10 violation of a prohibition, limitation, or restriction on
11 stopping, standing, or parking imposed under this Code or (ii)
12 a disabled vehicle that obstructs the roadway of a highway or
13 toll highway, the peace officer or highway authority official
14 is authorized to move the vehicle or to require the operator of
15 the vehicle to move the vehicle to the shoulder of the road, to
16 a position where parking is permitted, or to public parking or
17 storage premises. The removal may be performed by, or under the
18 direction of, the peace officer or highway authority official
19 or may be contracted for by local authorities. After the
20 vehicle has been removed, the peace officer or highway
21 authority official shall follow appropriate procedures, as
22 provided in Section 4-203 of this Code.

23 (d) A towing service, its officers, and its employees are
24 not liable for loss of or damages to any real or personal
25 property that occurs as the result of the removal or towing of
26 any vehicle under subsection (c), as provided in subsection (b)

1 of Section 4-213.

2 (Source: P.A. 95-407, eff. 1-1-08.)

3 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

4 Sec. 11-408. Police to report motor vehicle accident
5 investigations.

6 (a) Every law enforcement officer who investigates a motor
7 vehicle accident for which a report is required by this Article
8 or who prepares an electronic ~~a written~~ report as a result of
9 an investigation either at the time and scene of such motor
10 vehicle accident or thereafter by interviewing participants or
11 witnesses shall forward an electronic ~~a written~~ report of such
12 motor vehicle accident to the Administrator on forms provided
13 by the Administrator under Section 11-411 within 10 days after
14 investigation of the motor vehicle accident, or within such
15 other time as is prescribed by the Administrator. Such ~~written~~
16 reports and the information contained in those reports required
17 to be forwarded by law enforcement officers shall not be held
18 confidential by the reporting law enforcement officer or
19 agency. The Secretary of State may also disclose notations of
20 accident involvement maintained on individual driving records.
21 However, the Administrator or the Secretary of State may
22 require a supplemental ~~written~~ report from the reporting law
23 enforcement officer.

24 (b) The Department at its discretion may require a
25 supplemental ~~written~~ report from the reporting law enforcement

1 officer on a form supplied by the Department to be submitted
2 directly to the Department. Such supplemental report may be
3 used only for accident studies and statistical or analytical
4 purposes under Section 11-412 or 11-414 of this Code.

5 (c) The Department at its discretion may provide for
6 in-depth investigations of accidents involving Department
7 employees or other motor vehicle accidents by individuals or
8 special investigation groups, including but not limited to
9 police officers, photographers, engineers, doctors, mechanics,
10 and as a result of the investigation may require the submission
11 of electronic ~~written~~ reports, photographs, charts, sketches,
12 graphs, or a combination of all. Such individual ~~written~~
13 reports, photographs, charts, sketches, or graphs may be used
14 only for accident studies and statistical or analytical
15 purposes under Section 11-412 or 11-414 of this Code.

16 (d) On and after July 1, 1997, law enforcement officers who
17 have reason to suspect that the motor vehicle accident was the
18 result of a driver's loss of consciousness due to a medical
19 condition, as defined by the Driver's License Medical Review
20 Law of 1992, or the result of any medical condition that
21 impaired the driver's ability to safely operate a motor vehicle
22 shall notify the Secretary of this determination. The
23 Secretary, in conjunction with the Driver's License Medical
24 Advisory Board, shall determine by administrative rule the
25 temporary conditions not required to be reported under the
26 provisions of this Section. The Secretary shall, in conjunction

1 with the Illinois State Police and representatives of local and
2 county law enforcement agencies, promulgate any rules
3 necessary and develop the procedures and documents that may be
4 required to obtain ~~written~~, electronic, or other agreed upon
5 methods of notification to implement the provisions of this
6 Section.

7 (e) Law enforcement officers reporting under the
8 provisions of subsection (d) of this Section shall enjoy the
9 same immunities granted members of the Driver's License Medical
10 Advisory Board under Section 6-910 of this Code.

11 (f) All information furnished to the Secretary under
12 subsection (d) of this Section shall be deemed confidential and
13 for the privileged use of the Secretary in accordance with the
14 provisions of subsection (j) of Section 2-123 of this Code.

15 (Source: P.A. 100-96, eff. 1-1-18.)

16 (625 ILCS 5/11-409) (from Ch. 95 1/2, par. 11-409)

17 Sec. 11-409. False motor vehicle accident reports or
18 notices. Any person who provides information ~~in an oral or~~
19 ~~written report~~ required by this Code with knowledge or reason
20 to believe that such information is false shall be guilty of a
21 Class C misdemeanor.

22 (Source: P.A. 83-831.)

23 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

24 Sec. 11-411. Accident report forms.

1 (a) The Administrator must prepare and upon request supply
2 to police departments, sheriffs and other appropriate agencies
3 or individuals, forms for electronic ~~written~~ accident reports
4 as required hereunder, suitable with respect to the persons
5 required to make such reports and the purposes to be served.
6 The ~~written~~ reports must call for sufficiently detailed
7 information to disclose with reference to a vehicle accident
8 the cause, conditions then existing, and the persons and
9 vehicles involved or any other data concerning such accident
10 that may be required for a complete analysis of all related
11 circumstances and events leading to the accident or subsequent
12 to the occurrence.

13 (b) Every accident report required to be made ~~in writing~~
14 must be made ~~on an approved form or~~ in an approved electronic
15 format provided by the Administrator and must contain all the
16 information required therein unless that information is not
17 available. The Department shall adopt any rules necessary to
18 implement this subsection (b).

19 (c) Should special accident studies be required by the
20 Administrator, the Administrator may provide the electronic
21 supplemental forms for the special studies.

22 (Source: P.A. 100-96, eff. 1-1-18.)

23 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

24 Sec. 11-412. Motor vehicle accident reports confidential.

25 (a) All required ~~written~~ motor vehicle accident reports and

1 supplemental reports shall be without prejudice to the
2 individual so reporting and shall be for the confidential use
3 of the Department and the Secretary of State and, in the case
4 of second division vehicles operated under certificate of
5 convenience and necessity issued by the Illinois Commerce
6 Commission, of the Commission, except that the Administrator or
7 the Secretary of State or the Commission may disclose the
8 identity of a person involved in a motor vehicle accident when
9 such identity is not otherwise known or when such person denies
10 his presence at such motor vehicle accident and the Department
11 shall disclose the identity of the insurance carrier, if any,
12 upon demand. The Secretary of State may also disclose notations
13 of accident involvement maintained on individual driving
14 records.

15 (b) Upon ~~written~~ request, the Department shall furnish
16 copies of its ~~written~~ accident reports or any supplemental
17 reports to federal, State, and local agencies that are engaged
18 in highway safety research and studies and to any person or
19 entity that has a contractual agreement with the Department or
20 a federal, State, or local agency to complete a highway safety
21 research and study for the Department or the federal, State, or
22 local agency. Reports furnished to any agency, person, or
23 entity other than the Secretary of State or the Illinois
24 Commerce Commission may be used only for statistical or
25 analytical purposes and shall be held confidential by that
26 agency, person, or entity. These reports shall be exempt from

1 inspection and copying under the Freedom of Information Act and
2 shall not be used as evidence in any trial, civil or criminal,
3 arising out of a motor vehicle accident, except that the
4 Administrator shall furnish upon demand of any person who has,
5 or claims to have, made such an electronic ~~a written~~ or
6 supplemental report, or upon demand of any court, a certificate
7 showing that a specified ~~written~~ accident report or
8 supplemental report has or has not been made to the
9 Administrator solely to prove a compliance or a failure to
10 comply with the requirement that such an electronic ~~a written~~
11 or supplemental report be made to the Administrator.

12 (c) Upon ~~written~~ request, the Department shall furnish
13 motor vehicle accident data to a federal, State, or local
14 agency, the Secretary of State, the Illinois Commerce
15 Commission, or any other person or entity under Section 11-417
16 of this Code.

17 (d) The Department at its discretion may provide for
18 in-depth investigations of accidents involving Department
19 employees or other motor vehicle accidents. A ~~written~~ report
20 describing the preventability of such an accident may be
21 prepared to enhance the safety of Department employees or the
22 traveling public. Such reports and the information contained in
23 those reports and any opinions expressed in the review of the
24 accident as to the preventability of the accident shall be for
25 the privileged use of the Department and held confidential and
26 shall not be obtainable or used in any civil or criminal

1 proceeding.

2 (Source: P.A. 100-96, eff. 1-1-18.)

3 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

4 Sec. 11-414. Department to tabulate and analyze motor
5 vehicle accident reports. The Department shall tabulate and may
6 analyze all ~~written~~ motor vehicle accident reports received in
7 compliance with this Code and shall publish annually or at more
8 frequent intervals motor vehicle accident data. The
9 Department:

10 1. (blank);

11 2. shall, upon ~~written~~ request, make available to the
12 public motor vehicle accident data that shall be
13 distributed under Sections 11-412 and 11-417 of this Code;

14 3. may conduct special investigations of motor vehicle
15 accidents and may solicit supplementary reports from
16 drivers, owners, police departments, sheriffs, coroners,
17 or any other individual. Failure of any individual to
18 submit a supplementary report subjects such individual to
19 the same penalties for failure to report as designated
20 under Section 11-406.

21 (Source: P.A. 100-96, eff. 1-1-18.)

22 (625 ILCS 5/11-415) (from Ch. 95 1/2, par. 11-415)

23 Sec. 11-415. Municipalities may require traffic accident
24 reports. Municipalities may by ordinance require that the

1 driver or owner of a vehicle involved in a traffic accident
2 file with the designated municipal office an electronic ~~a~~
3 ~~written~~ report of such accident. All such reports shall be for
4 the confidential use of the municipal office and subject to the
5 provisions of Section 11-412.

6 (Source: P.A. 83-831.)

7 (625 ILCS 5/11-416) (from Ch. 95 1/2, par. 11-416)

8 Sec. 11-416. Furnishing copies - Fees. The Department of
9 State Police may furnish copies of an Illinois State Police
10 Traffic Accident Report that has been investigated by the State
11 Police and shall be paid a fee of \$5 for each such copy, or in
12 the case of an accident which was investigated by an accident
13 reconstruction officer or accident reconstruction team, a fee
14 of \$20 shall be paid. These fees shall be deposited into the
15 State Police Services Fund.

16 Other State law enforcement agencies or law enforcement
17 agencies of local authorities may furnish copies of traffic
18 accident reports prepared by such agencies and may receive a
19 fee not to exceed \$5 for each copy or in the case of an accident
20 which was investigated by an accident reconstruction officer or
21 accident reconstruction team, the State or local law
22 enforcement agency may receive a fee not to exceed \$20.

23 Any ~~written~~ accident report required or requested to be
24 furnished the Administrator shall be provided without cost or
25 fee charges authorized under this Section or any other

1 provision of law.

2 (Source: P.A. 101-571, eff. 8-23-19.)

3 (625 ILCS 5/11-417)

4 Sec. 11-417. Motor vehicle accident report and motor
5 vehicle accident data.

6 (a) Upon ~~written~~ request and payment of the required fee,
7 the Department shall make available to the public motor vehicle
8 accident data received in compliance with this Code. The
9 Department shall adopt any rules necessary to establish a fee
10 schedule for motor vehicle accident data made available under
11 Section 11-414 of this Code.

12 (b) The Department shall provide copies of a ~~written~~ motor
13 vehicle accident report or motor vehicle accident data without
14 any cost or fees authorized under any provision of law to a
15 federal, State, or local agency, the Secretary of State, the
16 Illinois Commerce Commission, or any other person or entity
17 that has a contractual agreement with the Department or a
18 federal, State, or local agency to complete a highway safety
19 research and study for the Department or the federal, State, or
20 local agency.

21 (c) All fees collected under this Section shall be placed
22 in the Road Fund to be used, subject to appropriation, for the
23 costs associated with motor vehicle accident records and motor
24 vehicle accident data.

25 (Source: P.A. 100-96, eff. 1-1-18.)

1 Section 99. Effective date. This Act takes effect January
2 1, 2022.