



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2754

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
625 ILCS 5/1-146.5 new	
625 ILCS 5/11-408	from Ch. 95 1/2, par. 11-408
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 5/11-417 new	

Amends the Illinois Vehicle Code. Removes provisions providing that a written motor vehicle accident report is privileged as to the Secretary of State and the Department of Transportation and shall be held confidential. Provides that the Department may provide for in-depth investigations of accidents involving Department employees or other motor vehicle accidents (rather than investigations of only motor vehicle accidents) by individuals or special investigation groups. Provides that an accident report required to be made in writing shall be made on an approved (rather than appropriate) form or in an approved electronic format provided by the Administrator. Provides that upon written request, the Department shall furnish copies of a written accident report or any supplemental reports to a federal, State, or local agency that is engaged in highway safety research and study and to any person or entity that has a contractual relationship with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency. Provides that upon written request, the Department shall furnish motor vehicle accident data to a federal, State, or local agency, the Secretary of State, the Illinois Commerce Commission, or any other person or entity that has a contractual agreement with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency. Defines "motor vehicle accident data". Makes conforming changes. Amends the Freedom of Information Act to exempt from inspection and copying information contained in motor vehicle accident reports and supplemental reports under Article IV of Chapter 11 of the Illinois Vehicle Code.

LRB100 11104 AXK 21365 b

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 Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential
11 under Section 4002 of the Technology Advancement and
12 Development Act.

13 (b) Library circulation and order records identifying
14 library users with specific materials under the Library
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical
17 records received by the Experimental Organ Transplantation
18 Procedures Board and any and all documents or other records
19 prepared by the Experimental Organ Transplantation
20 Procedures Board or its staff relating to applications it
21 has received.

22 (d) Information and records held by the Department of
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible
2 disease or any information the disclosure of which is
3 restricted under the Illinois Sexually Transmissible
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of
8 the Architectural, Engineering, and Land Surveying
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted
11 and exempted under Section 50 of the Illinois Prepaid
12 Tuition Act.

13 (h) Information the disclosure of which is exempted
14 under the State Officials and Employees Ethics Act, and
15 records of any lawfully created State or local inspector
16 general's office that would be exempt if created or
17 obtained by an Executive Inspector General's office under
18 that Act.

19 (i) Information contained in a local emergency energy
20 plan submitted to a municipality in accordance with a local
21 emergency energy plan ordinance that is adopted under
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution
24 of surcharge moneys collected and remitted by wireless
25 carriers under the Wireless Emergency Telephone Safety
26 Act.

1 (k) Law enforcement officer identification information
2 or driver identification information compiled by a law
3 enforcement agency or the Department of Transportation
4 under Section 11-212 of the Illinois Vehicle Code.

5 (l) Records and information provided to a residential
6 health care facility resident sexual assault and death
7 review team or the Executive Council under the Abuse
8 Prevention Review Team Act.

9 (m) Information provided to the predatory lending
10 database created pursuant to Article 3 of the Residential
11 Real Property Disclosure Act, except to the extent
12 authorized under that Article.

13 (n) Defense budgets and petitions for certification of
14 compensation and expenses for court appointed trial
15 counsel as provided under Sections 10 and 15 of the Capital
16 Crimes Litigation Act. This subsection (n) shall apply
17 until the conclusion of the trial of the case, even if the
18 prosecution chooses not to pursue the death penalty prior
19 to trial or sentencing.

20 (o) Information that is prohibited from being
21 disclosed under Section 4 of the Illinois Health and
22 Hazardous Substances Registry Act.

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair
2 County Transit District under the Bi-State Transit Safety
3 Act.

4 (q) Information prohibited from being disclosed by the
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information
11 in the form of health data or medical records contained in,
12 stored in, submitted to, transferred by, or released from
13 the Illinois Health Information Exchange, and identified
14 or deidentified health information in the form of health
15 data and medical records of the Illinois Health Information
16 Exchange in the possession of the Illinois Health
17 Information Exchange Authority due to its administration
18 of the Illinois Health Information Exchange. The terms
19 "identified" and "deidentified" shall be given the same
20 meaning as in the Health Insurance Portability and
21 Accountability Act of 1996, Public Law 104-191, or any
22 subsequent amendments thereto, and any regulations
23 promulgated thereunder.

24 (u) Records and information provided to an independent
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under
2 the Firearm Owners Identification Card Act or applied for
3 or received a concealed carry license under the Firearm
4 Concealed Carry Act, unless otherwise authorized by the
5 Firearm Concealed Carry Act; and databases under the
6 Firearm Concealed Carry Act, records of the Concealed Carry
7 Licensing Review Board under the Firearm Concealed Carry
8 Act, and law enforcement agency objections under the
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is
11 exempted from disclosure under subsection (g) of Section
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure
14 under Section 5-1014.3 of the Counties Code or Section
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult
17 Protective Services Act and its predecessor enabling
18 statute, the Elder Abuse and Neglect Act, including
19 information about the identity and administrative finding
20 against any caregiver of a verified and substantiated
21 decision of abuse, neglect, or financial exploitation of an
22 eligible adult maintained in the Registry established
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality
25 review team or the Illinois Fatality Review Team Advisory
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement
7 Officer-Worn Body Camera Act, except to the extent
8 authorized under that Act.

9 (dd) Information that is prohibited from being
10 disclosed under Section 45 of the Condominium and Common
11 Interest Community Ombudsperson Act.

12 (ee) ~~(ed)~~ Information that is exempted from disclosure
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is exempted from disclosure
15 under Article IV of Chapter 11 of the Illinois Vehicle
16 Code.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,
18 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
19 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
20 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
21 8-19-16; revised 9-1-16.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 11-408, 11-411, 11-412, and 11-414 and by
24 adding Sections 1-146.5 and 11-417 as follows:

1 (625 ILCS 5/1-146.5 new)

2 Sec. 1-146.5. Motor vehicle accident data. Any information
3 generated from a motor vehicle accident report or supplemental
4 report, but shall not include a copy of the motor vehicle
5 accident report or supplemental report, personally identifying
6 information as defined in Section 1-159.2 of this Code, or any
7 other information disclosure of which is prohibited by law.

8 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

9 Sec. 11-408. Police to report motor vehicle accident
10 investigations.

11 (a) Every law enforcement officer who investigates a motor
12 vehicle accident for which a report is required by this Article
13 or who prepares a written report as a result of an
14 investigation either at the time and scene of such motor
15 vehicle accident or thereafter by interviewing participants or
16 witnesses shall forward a written report of such motor vehicle
17 accident to the Administrator on forms provided by the
18 Administrator under Section 11-411 within 10 days after
19 investigation of the motor vehicle accident, or within such
20 other time as is prescribed by the Administrator. Such written
21 reports and the information contained in those reports required
22 to be forwarded by law enforcement officers ~~and the information~~
23 ~~contained therein are privileged as to the Secretary of State~~
24 ~~and the Department and, in the case of second division vehicles~~
25 ~~operated under certificate of convenience and necessity issued~~

1 ~~by the Illinois Commerce Commission, to the Commission, but~~
2 shall not be held confidential by the reporting law enforcement
3 officer or agency. The ~~Secretary of State may also disclose~~
4 ~~notations of accident involvement maintained on individual~~
5 ~~driving records. However, the~~ Administrator or the Secretary of
6 State may require a supplemental written report from the
7 reporting law enforcement officer ~~and such supplemental report~~
8 ~~shall be for the privileged use of the Secretary of State and~~
9 ~~the Department and shall be held confidential. Upon request,~~
10 ~~the Department shall furnish copies of its written accident~~
11 ~~reports to federal, State, and local agencies that are engaged~~
12 ~~in highway safety research and studies. The reports shall be~~
13 ~~for the privileged use of the federal, State, and local~~
14 ~~agencies receiving the reports and shall be held confidential.~~

15 (b) The Department at its discretion may require a
16 supplemental written report from the reporting law enforcement
17 officer on a form supplied by the Department to be submitted
18 directly to the Department. Such supplemental report may be
19 used only for accident studies and statistical or analytical
20 purposes under Section 11-412 or 11-414 of this Code ~~, and~~
21 ~~shall be for the privileged use of the Department and shall be~~
22 ~~held confidential.~~

23 (c) The Department at its discretion may ~~also~~ provide for
24 in-depth investigations of accidents involving Department
25 employees or other ~~a~~ motor vehicle accidents ~~accident~~ by
26 individuals or special investigation groups, including but not

1 limited to police officers, photographers, engineers, doctors,
2 mechanics, and as a result of the investigation may require the
3 submission of written reports, photographs, charts, sketches,
4 graphs, or a combination of all. Such individual written
5 reports, photographs, charts, sketches, or graphs may be used
6 only for accident studies and statistical or analytical
7 purposes under Section 11-412 or 11-414 of this Code ~~, shall be~~
8 ~~for the privileged use of the Department and held confidential,~~
9 ~~and shall not be used in any trial, civil or criminal.~~

10 (d) On and after July 1, 1997, law enforcement officers who
11 have reason to suspect that the motor vehicle accident was the
12 result of a driver's loss of consciousness due to a medical
13 condition, as defined by the Driver's License Medical Review
14 Law of 1992, or the result of any medical condition that
15 impaired the driver's ability to safely operate a motor vehicle
16 shall notify the Secretary of this determination. The
17 Secretary, in conjunction with the Driver's License Medical
18 Advisory Board, shall determine by administrative rule the
19 temporary conditions not required to be reported under the
20 provisions of this Section. The Secretary shall, in conjunction
21 with the Illinois State Police and representatives of local and
22 county law enforcement agencies, promulgate any rules
23 necessary and develop the procedures and documents that may be
24 required to obtain written, electronic, or other agreed upon
25 methods of notification to implement the provisions of this
26 Section.

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

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

9 (Source: P.A. 96-1147, eff. 7-21-10.)

10 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

11 Sec. 11-411. Accident report forms.

12 (a) The Administrator must prepare and upon request supply
13 to police departments, sheriffs and other appropriate agencies
14 or individuals, forms for written accident reports as required
15 hereunder, suitable with respect to the persons required to
16 make such reports and the purposes to be served. The written
17 reports must call for sufficiently detailed information to
18 disclose with reference to a vehicle accident the cause,
19 conditions then existing, and the persons and vehicles involved
20 or any other data concerning such accident that may be required
21 for a complete analysis of all related circumstances and events
22 leading to the accident or subsequent to the occurrence.

23 (b) Every accident report required to be made in writing
24 must be made on an approved ~~appropriate~~ form or in an approved
25 electronic format ~~approved or~~ provided by the Administrator and

1 must contain all the information required therein unless that
2 information is not available. The Department shall adopt any
3 rules necessary to implement this subsection (b).

4 (c) Should special accident studies be required by the
5 Administrator, the Administrator may provide the supplemental
6 forms for the special studies.

7 (Source: P.A. 78-255.)

8 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

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

10 (a) All required written motor vehicle accident reports and
11 supplemental reports shall be without prejudice to the
12 individual so reporting and shall be for the confidential use
13 of the Department and the Secretary of State and, in the case
14 of second division vehicles operated under certificate of
15 convenience and necessity issued by the Illinois Commerce
16 Commission, of the Commission, except that the Administrator or
17 the Secretary of State or the Commission may disclose the
18 identity of a person involved in a motor vehicle accident when
19 such identity is not otherwise known or when such person denies
20 his presence at such motor vehicle accident and the Department
21 shall disclose the identity of the insurance carrier, if any,
22 upon demand. The Secretary of State may also disclose notations
23 of accident involvement maintained on individual driving
24 records.

25 (b) Upon written request, the ~~The~~ Department shall ~~may~~

1 furnish copies of its written accident reports or any
2 supplemental reports to federal, State, and local agencies that
3 are engaged in highway safety research and studies and to any
4 person or entity that has a contractual agreement with the
5 Department or a federal, State, or local agency to a complete a
6 highway safety research and study for the Department or the
7 federal, State, or local agency. Reports furnished to any
8 agency, person, or entity other than the Secretary of State or
9 the Illinois Commerce Commission may be used only for
10 statistical or analytical purposes and shall be held
11 confidential by that agency, person, or entity. These reports
12 shall be exempt from inspection and copying under the Freedom
13 of Information Act and shall not be ~~No such written report~~
14 ~~shall be~~ used as evidence in any trial, civil or criminal,
15 arising out of a motor vehicle accident, except that the
16 Administrator shall furnish upon demand of any person who has,
17 or claims to have, made such a written or supplemental report,
18 or upon demand of any court, a certificate showing that a
19 specified written accident report or supplemental report has or
20 has not been made to the Administrator solely to prove a
21 compliance or a failure to comply with the requirement that
22 such a written or supplemental report be made to the
23 Administrator.

24 (c) Upon written request, the Department shall furnish
25 motor vehicle accident data to a federal, State, or local
26 agency, the Secretary of State, the Illinois Commerce

1 Commission, or any other person or entity under Section 11-417
2 of this Code.

3 (d) The Department ~~of Transportation~~ at its discretion may
4 provide for in-depth investigations of accidents involving
5 Department employees or other motor vehicle accidents. A
6 written report describing the preventability of such an
7 accident may be prepared to enhance the safety of Department
8 employees or the traveling public. Such reports and the
9 information contained in those reports and any opinions
10 expressed in the review of the accident as to the
11 preventability of the accident shall be for the privileged use
12 of the Department and held confidential and shall not be
13 obtainable or used in any civil or criminal proceeding.

14 (Source: P.A. 95-757, eff. 7-25-08.)

15 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

16 Sec. 11-414. Department to tabulate and analyze motor
17 vehicle accident reports. The Department shall tabulate and may
18 analyze all written motor vehicle accident reports received in
19 compliance with this Code and shall publish annually or at more
20 frequent intervals motor vehicle accident data ~~statistical~~
21 ~~information based thereon as to the number and circumstances of~~
22 ~~traffic accidents~~. The Department:

23 1. (blank); ~~shall submit a report of school bus accidents~~
24 ~~and accidents resulting in personal injury to or the death of~~
25 ~~any person within 50 feet of a school bus while awaiting or~~

1 ~~preparing to board the bus or immediately after exiting the bus~~
2 ~~to the National Highway Safety Advisory Committee annually or~~
3 ~~as requested by the Committee;~~

4 2. shall, upon written request, ~~compile, maintain, and make~~
5 available to the public motor vehicle accident data that shall
6 be distributed under Sections 11-412 and 11-417 of this Code
7 ~~statistical information relating to traffic accidents~~
8 ~~involving medical transport vehicles;~~

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

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

16 (625 ILCS 5/11-417 new)

17 Sec. 11-417. Motor vehicle accident report and motor
18 vehicle accident data.

19 (a) Upon written request and payment of the required fee,
20 the Department shall make available to the public motor vehicle
21 accident data received in compliance with this Code. The
22 Department shall adopt any rules necessary to establish a fee
23 schedule for motor vehicle accident data made available under
24 Section 11-414 of this Code.

25 (b) The Department shall provide copies of a written motor

1 vehicle accident report or motor vehicle accident data without
2 any cost or fees authorized under any provision of law to a
3 federal, State, or local agency, the Secretary of State, the
4 Illinois Commerce Commission, or any other person or entity
5 that has a contractual agreement with the Department or a
6 federal, State, or local agency to complete a highway safety
7 research and study for the Department or the federal, State, or
8 local agency.

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