

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

7 (625 ILCS 5/1-146.5 new)

8 Sec. 1-146.5. Motor vehicle accident data. Any information
9 generated from a motor vehicle accident report or supplemental
10 report, but shall not include a copy of the motor vehicle
11 accident report or supplemental report, personally identifying
12 information as defined in Section 1-159.2 of this Code, or any
13 other information disclosure of which is prohibited by law.

14 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

15 Sec. 11-408. Police to report motor vehicle accident
16 investigations.

17 (a) Every law enforcement officer who investigates a motor
18 vehicle accident for which a report is required by this Article
19 or who prepares a written report as a result of an
20 investigation either at the time and scene of such motor
21 vehicle accident or thereafter by interviewing participants or
22 witnesses shall forward a written report of such motor vehicle

1 accident to the Administrator on forms provided by the
2 Administrator under Section 11-411 within 10 days after
3 investigation of the motor vehicle accident, or within such
4 other time as is prescribed by the Administrator. Such written
5 reports and the information contained in those reports required
6 to be forwarded by law enforcement officers ~~and the information~~
7 ~~contained therein are privileged as to the Secretary of State~~
8 ~~and the Department and, in the case of second division vehicles~~
9 ~~operated under certificate of convenience and necessity issued~~
10 ~~by the Illinois Commerce Commission, to the Commission, but~~
11 shall not be held confidential by the reporting law enforcement
12 officer or agency. The Secretary of State may also disclose
13 notations of accident involvement maintained on individual
14 driving records. However, the Administrator or the Secretary of
15 State may require a supplemental written report from the
16 reporting law enforcement officer ~~and such supplemental report~~
17 ~~shall be for the privileged use of the Secretary of State and~~
18 ~~the Department and shall be held confidential. Upon request,~~
19 ~~the Department shall furnish copies of its written accident~~
20 ~~reports to federal, State, and local agencies that are engaged~~
21 ~~in highway safety research and studies. The reports shall be~~
22 ~~for the privileged use of the federal, State, and local~~
23 ~~agencies receiving the reports and shall be held confidential.~~

24 (b) The Department at its discretion may require a
25 supplemental written report from the reporting law enforcement
26 officer on a form supplied by the Department to be submitted

1 directly to the Department. Such supplemental report may be
2 used only for accident studies and statistical or analytical
3 purposes under Section 11-412 or 11-414 of this Code ~~, and~~
4 ~~shall be for the privileged use of the Department and shall be~~
5 ~~held confidential.~~

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

19 (d) On and after July 1, 1997, law enforcement officers who
20 have reason to suspect that the motor vehicle accident was the
21 result of a driver's loss of consciousness due to a medical
22 condition, as defined by the Driver's License Medical Review
23 Law of 1992, or the result of any medical condition that
24 impaired the driver's ability to safely operate a motor vehicle
25 shall notify the Secretary of this determination. The
26 Secretary, in conjunction with the Driver's License Medical

1 Advisory Board, shall determine by administrative rule the
2 temporary conditions not required to be reported under the
3 provisions of this Section. The Secretary shall, in conjunction
4 with the Illinois State Police and representatives of local and
5 county law enforcement agencies, promulgate any rules
6 necessary and develop the procedures and documents that may be
7 required to obtain written, electronic, or other agreed upon
8 methods of notification to implement the provisions of this
9 Section.

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

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

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

19 (625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

20 Sec. 11-411. Accident report forms.

21 (a) The Administrator must prepare and upon request supply
22 to police departments, sheriffs and other appropriate agencies
23 or individuals, forms for written accident reports as required
24 hereunder, suitable with respect to the persons required to
25 make such reports and the purposes to be served. The written

1 reports must call for sufficiently detailed information to
2 disclose with reference to a vehicle accident the cause,
3 conditions then existing, and the persons and vehicles involved
4 or any other data concerning such accident that may be required
5 for a complete analysis of all related circumstances and events
6 leading to the accident or subsequent to the occurrence.

7 (b) Every accident report required to be made in writing
8 must be made on an approved ~~appropriate~~ form or in an approved
9 electronic format ~~approved or~~ provided by the Administrator and
10 must contain all the information required therein unless that
11 information is not available. The Department shall adopt any
12 rules necessary to implement this subsection (b).

13 (c) Should special accident studies be required by the
14 Administrator, the Administrator may provide the supplemental
15 forms for the special studies.

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

17 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

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

19 (a) All required written motor vehicle accident reports and
20 supplemental reports shall be without prejudice to the
21 individual so reporting and shall be for the confidential use
22 of the Department and the Secretary of State and, in the case
23 of second division vehicles operated under certificate of
24 convenience and necessity issued by the Illinois Commerce
25 Commission, of the Commission, except that the Administrator or

1 the Secretary of State or the Commission may disclose the
2 identity of a person involved in a motor vehicle accident when
3 such identity is not otherwise known or when such person denies
4 his presence at such motor vehicle accident and the Department
5 shall disclose the identity of the insurance carrier, if any,
6 upon demand. The Secretary of State may also disclose notations
7 of accident involvement maintained on individual driving
8 records.

9 (b) Upon written request, the ~~The~~ Department shall ~~may~~
10 furnish copies of its written accident reports or any
11 supplemental reports to federal, State, and local agencies that
12 are engaged in highway safety research and studies and to any
13 person or entity that has a contractual agreement with the
14 Department or a federal, State, or local agency to a complete a
15 highway safety research and study for the Department or the
16 federal, State, or local agency. Reports furnished to any
17 agency, person, or entity other than the Secretary of State or
18 the Illinois Commerce Commission may be used only for
19 statistical or analytical purposes and shall be held
20 confidential by that agency, person, or entity. These reports
21 shall be exempt from inspection and copying under the Freedom
22 of Information Act and shall not be ~~No such written report~~
23 ~~shall be~~ used as evidence in any trial, civil or criminal,
24 arising out of a motor vehicle accident, except that the
25 Administrator shall furnish upon demand of any person who has,
26 or claims to have, made such a written or supplemental report,

1 or upon demand of any court, a certificate showing that a
2 specified written accident report or supplemental report has or
3 has not been made to the Administrator solely to prove a
4 compliance or a failure to comply with the requirement that
5 such a written or supplemental report be made to the
6 Administrator.

7 (c) Upon written request, the Department shall furnish
8 motor vehicle accident data to a federal, State, or local
9 agency, the Secretary of State, the Illinois Commerce
10 Commission, or any other person or entity under Section 11-417
11 of this Code.

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

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

24 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

25 Sec. 11-414. Department to tabulate and analyze motor

1 vehicle accident reports. The Department shall tabulate and may
2 analyze all written motor vehicle accident reports received in
3 compliance with this Code and shall publish annually or at more
4 frequent intervals motor vehicle accident data ~~statistical~~
5 ~~information based thereon as to the number and circumstances of~~
6 ~~traffic accidents~~. The Department:

7 1. (blank); ~~shall submit a report of school bus accidents~~
8 ~~and accidents resulting in personal injury to or the death of~~
9 ~~any person within 50 feet of a school bus while awaiting or~~
10 ~~preparing to board the bus or immediately after exiting the bus~~
11 ~~to the National Highway Safety Advisory Committee annually or~~
12 ~~as requested by the Committee;~~

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

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

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

1 Sec. 11-417. Motor vehicle accident report and motor
2 vehicle accident data.

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

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

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