



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB5100

Introduced 1/27/2022, by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-201	from Ch. 95 1/2, par. 7-201
625 ILCS 5/7-201.1	from Ch. 95 1/2, par. 7-201.1
625 ILCS 5/11-404	from Ch. 95 1/2, par. 11-404
625 ILCS 5/11-407	from Ch. 95 1/2, par. 11-407
625 ILCS 5/11-414	from Ch. 95 1/2, par. 11-414

Amends the Illinois Vehicle Code. Provides that the driver of a vehicle that is in any manner involved in an accident within this State, resulting in injury to or the death of any person, or in which damage to the property of any one person, including that of the driver, in excess of certain amounts is sustained, or of a vehicle that is in any manner involved in an accident in this State that involves a school bus, caused by a collision, a sudden stop, or otherwise, resulting in any property damage, personal injury, or death, or that is involved in an accident that occurs within 50 feet of a school bus in this State resulting in personal injury to or the death of any person while awaiting or preparing to board the bus or immediately after exiting the bus, shall, if no police officer is present, give notice of the accident by the fastest available means of communication to the local police department if such accident occurs within a municipality or otherwise to the nearest office of the county sheriff or nearest headquarters of the Illinois State Police. Provides that the Secretary of State shall suspend the driver's license or any nonresident driving privilege of any person who fails or neglects to report a traffic accident as required by law. Makes corresponding changes.

LRB102 25111 RAM 34373 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 Illinois Vehicle Code is amended by  
5 changing Sections 7-201, 7-201.1, 11-404, 11-407, and 11-414  
6 as follows:

7 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)

8 Sec. 7-201. Application of Article II. The Administrator  
9 as soon as practicable after the receipt of the report,  
10 required to be filed under Section 11-407 ~~Sections 11-406 and~~  
11 ~~11-410~~, of a motor vehicle accident occurring within this  
12 State and that has resulted in bodily injury or death of any  
13 person or that damage to the property of any one person in  
14 excess of \$1,500 (or \$500 if any of the vehicles involved in  
15 the accident is subject to Section 7-601 but is not covered by  
16 a liability insurance policy in accordance with Section 7-601)  
17 was sustained, shall determine:

18 1. Whether Section 7-202 of this Code requires the  
19 deposit of security by or on behalf of any person who was  
20 the operator or owner of any motor vehicle in any manner  
21 involved in the accident; and

22 2. What amount of security shall be sufficient to  
23 satisfy any potential judgment or judgments for money

1 damages resulting from the accident as may be recovered  
2 against the operator or owner, which amount shall in no  
3 event be less than \$1,500 (or \$500 if any of the vehicles  
4 involved in the accident is subject to Section 7-601 but  
5 is not covered by a liability insurance policy in  
6 accordance with Section 7-601).

7 (Source: P.A. 95-754, eff. 1-1-09.)

8 (625 ILCS 5/7-201.1) (from Ch. 95 1/2, par. 7-201.1)

9 Sec. 7-201.1. If the Administrator has not received a  
10 report required to be filed under Section 11-407 ~~Sections~~  
11 ~~11-406 and 11-410~~, or if the information contained in a report  
12 is insufficient, the Administrator shall send to the person  
13 required to file the report a written request for the missing  
14 report or the missing information. The Administrator shall  
15 send such request no later than 45 days after the accident or 7  
16 days after receiving information that such accident has  
17 occurred, whichever is later.

18 If the request is sent to a driver involved in an accident,  
19 the request or an attachment thereto shall contain in bold  
20 print a warning that failure to comply with the request within  
21 15 days may result in the suspension of the driver's license.

22 (Source: P.A. 84-797.)

23 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

24 Sec. 11-404. Duty upon damaging unattended vehicle or

1 other property.

2 (a) The driver of any vehicle which collides with or is  
3 involved in a motor vehicle accident with any vehicle which is  
4 unattended, or other property, resulting in any damage to such  
5 other vehicle or property shall immediately stop and shall  
6 then and there either locate and notify the operator or owner  
7 of such vehicle or other property of the driver's name,  
8 address, registration number and owner of the vehicle the  
9 driver was operating or shall attach securely in a conspicuous  
10 place on or in the vehicle or other property struck a written  
11 notice giving the driver's name, address, registration number  
12 and owner of the vehicle the driver was driving and shall  
13 without unnecessary delay notify the nearest office of a duly  
14 authorized police authority and shall make a written report of  
15 such accident when and as required in Section 11-407 ~~11-406~~.  
16 Every such stop shall be made without obstructing traffic more  
17 than is necessary. If a damaged vehicle is obstructing traffic  
18 lanes, the driver of the vehicle must make every reasonable  
19 effort to move the vehicle or have it moved so as not to block  
20 the traffic lanes.

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

23 (c) If any peace officer or highway authority official  
24 finds (i) a vehicle standing upon a highway or toll highway in  
25 violation of a prohibition, limitation, or restriction on  
26 stopping, standing, or parking imposed under this Code or (ii)

1 a disabled vehicle that obstructs the roadway of a highway or  
2 toll highway, the peace officer or highway authority official  
3 is authorized to move the vehicle or to require the operator of  
4 the vehicle to move the vehicle to the shoulder of the road, to  
5 a position where parking is permitted, or to public parking or  
6 storage premises. The removal may be performed by, or under  
7 the direction of, the peace officer or highway authority  
8 official or may be contracted for by local authorities. After  
9 the vehicle has been removed, the peace officer or highway  
10 authority official shall follow appropriate procedures, as  
11 provided in Section 4-203 of this Code.

12 (d) A towing service, its officers, and its employees are  
13 not liable for loss of or damages to any real or personal  
14 property that occurs as the result of the removal or towing of  
15 any vehicle under subsection (c), as provided in subsection  
16 (b) of Section 4-213.

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

18 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

19 Sec. 11-407. Immediate notice of accident.

20 (a) The driver of a vehicle which is in any manner involved  
21 in an accident within this State, resulting in injury to or the  
22 death of any person, or in which damage to the property of any  
23 one person, including that of the driver, is sustained in  
24 excess of \$1,500 (or \$500 if any of the vehicles involved in  
25 the accident is subject to Section 7-601 but is not covered by

1 a liability insurance policy in accordance with Section  
2 7-601), or of a vehicle that is in any manner involved in an  
3 accident in this State that involves a school bus, caused by a  
4 collision, a sudden stop, or otherwise, resulting in any  
5 property damage, personal injury, or death, or that is  
6 involved in an accident that occurs within 50 feet of a school  
7 bus in this State and resulting in personal injury to or the  
8 death of any person while awaiting or preparing to board the  
9 bus or immediately after exiting the bus, ~~described in Section~~  
10 ~~11-406 of this Chapter~~ shall, if no police officer is present,  
11 give notice of the accident by the fastest available means of  
12 communication to the local police department if such accident  
13 occurs within a municipality or otherwise to the nearest  
14 office of the county sheriff or nearest headquarters of the  
15 Illinois State Police.

16 (b) Whenever the driver of a vehicle is physically  
17 incapable of giving immediate notice of an accident as  
18 required in Subsection (a) and there was another occupant in  
19 the vehicle at the time of the accident capable of doing so,  
20 that occupant must give notice as required in Subsection (a).

21 (c) The Secretary of State shall suspend the driver's  
22 license or any nonresident driving privilege of any person who  
23 fails or neglects to report a traffic accident as required by  
24 any other law of this State.

25 (Source: P.A. 76-2163.)

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

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

8 1. (blank);

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

12 3. may conduct special investigations of motor vehicle  
13 accidents and may solicit supplementary reports from  
14 drivers, owners, police departments, sheriffs, coroners,  
15 or any other individual. Failure of any individual to  
16 submit a supplementary report subjects such individual to  
17 the same penalties for failure to report as designated  
18 under Section 11-407 ~~11-406~~.

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