



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3100

Introduced 2/17/2023, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-407
625 ILCS 5/11-408

from Ch. 95 1/2, par. 11-407
from Ch. 95 1/2, par. 11-408

Amends the Illinois Vehicle Code. Provides that the immediate notice of crash provisions of the Code apply to crashes within the 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, is sustained in excess of \$10,000 (or \$5,000 if any of the vehicles involved in certain crashes but is not covered by the specified liability insurance policy), or of a vehicle that is in any manner involved in a crash in the 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 a crash that occurs within 50 feet of a school bus in this State and 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. Requires the Secretary of State to suspend the driver's license or any nonresident driving privilege of any person who fails or neglects to report a crash as required by any other law of the State. Provides that the driver is not required to file a report in a single-vehicle crash in which the vehicle struck a deer or other animal or when damaged is caused to the vehicle due to a highway defect. Provides that certain drivers may fulfill reporting requirements by using a reporting mechanism via electronic means, if the law enforcement agency has implemented an electronic reporting mechanism. Adds employees of a law enforcement agency appointed with duties to complete the Illinois State Police crash reporting form to provisions requiring law enforcement officers to forward a written report as a result of a crash investigation to the Administrator. Effective July 1, 2023.

LRB103 30065 MXP 56488 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 11-407 and 11-408 as follows:

6 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

7 (Text of Section before amendment by P.A. 102-982)

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

9 (a) The driver of a vehicle which is in any manner involved
10 in an accident described in Section 11-406 of this Chapter
11 shall, if no police officer is present, give notice of the
12 accident by the fastest available means of communication to
13 the local police department if such accident occurs within a
14 municipality or otherwise to the nearest office of the county
15 sheriff or nearest headquarters of the 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 (Source: P.A. 76-2163.)

22 (Text of Section after amendment by P.A. 102-982)

1 Sec. 11-407. Immediate notice of crash.

2 (a) The driver of a vehicle which is in any manner involved
3 in a crash within this State resulting in injury to or the
4 death of any person, or in which damage to the property of any
5 one person, including that of the driver, is sustained in
6 excess of \$10,000 (or \$5,000 if any of the vehicles involved in
7 the crash is subject to Section 7-601 but is not covered by a
8 liability insurance policy in accordance with Section 7-601),
9 or of a vehicle that is in any manner involved in a crash in
10 this State that involves a school bus, caused by a collision, a
11 sudden stop, or otherwise, resulting in any property damage,
12 personal injury, or death, or that is involved in a crash that
13 occurs within 50 feet of a school bus in this State and
14 resulting in personal injury to or the death of any person
15 while awaiting or preparing to board the bus or immediately
16 after exiting the bus ~~described in Section 11-406 of this~~
17 ~~Chapter~~ shall, if no police officer is present, give notice of
18 the crash by the fastest available means of communication to
19 the local police department if such crash occurs within a
20 municipality or otherwise to the nearest office of the county
21 sheriff or nearest headquarters of the Illinois State Police.

22 (b) Whenever the driver of a vehicle is physically
23 incapable of giving immediate notice of a crash as required in
24 subsection ~~Subsection~~ (a) and there was another occupant in
25 the vehicle at the time of the crash capable of doing so, that
26 occupant must give notice as required in subsection ~~Subsection~~

1 (a).

2 (c) The Secretary of State shall suspend the driver's
3 license or any nonresident driving privilege of any person who
4 fails or neglects to report a crash as required by any other
5 law of this State.

6 (d) The driver of any vehicle that is involved in a
7 single-vehicle crash in which the vehicle struck a deer or
8 other animal within this State resulting in only property
9 damage to either the vehicle or animal is not required to file
10 a report.

11 (e) Any damage caused to a vehicle due to a highway defect
12 is not considered a crash under this Act, and the driver is not
13 required to file a report.

14 (f) The driver of any vehicle reporting a crash not
15 meeting mandatory reporting requirements under subsection (a)
16 may fulfill reporting requirements by using a reporting
17 mechanism via electronic means, if the law enforcement agency
18 has implemented an electronic reporting mechanism.

19 (Source: P.A. 102-982, eff. 7-1-23.)

20 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 11-408. Police to report motor vehicle accident
23 investigations.

24 (a) Every law enforcement officer who investigates a motor
25 vehicle accident for which a report is required by this

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

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

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

1 police officers, photographers, engineers, doctors, mechanics,
2 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.

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

25 (e) Law enforcement officers reporting under the
26 provisions of subsection (d) of this Section shall enjoy the

1 same immunities granted members of the Driver's License
2 Medical Advisory Board under Section 6-910 of this Code.

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

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

9 (Text of Section after amendment by P.A. 102-982)

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

12 (a) Every law enforcement officer who investigates a motor
13 vehicle crash, or employee of a law enforcement agency
14 appointed with duties to complete the Illinois State Police
15 crash reporting form, for which a report is required by this
16 Article or who prepares a written report as a result of an
17 investigation either at the time and scene of such motor
18 vehicle crash or thereafter by interviewing participants or
19 witnesses shall forward a written report of such motor vehicle
20 crash to the Administrator on forms provided by the
21 Administrator under Section 11-411 within 10 days after
22 investigation of the motor vehicle crash, or within such other
23 time as is prescribed by the Administrator. Such written
24 reports and the information contained in those reports
25 required to be forwarded by law enforcement officers shall not

1 be held confidential by the reporting law enforcement officer
2 or agency. The Secretary of State may also disclose notations
3 of crash involvement maintained on individual driving records.
4 However, the Administrator or the Secretary of State may
5 require a supplemental written report from the reporting law
6 enforcement officer.

7 (b) The Department at its discretion may require a
8 supplemental written report from the reporting law enforcement
9 officer on a form supplied by the Department to be submitted
10 directly to the Department. Such supplemental report may be
11 used only for crash studies and statistical or analytical
12 purposes under Section 11-412 or 11-414 of this Code.

13 (c) The Department at its discretion may provide for
14 in-depth investigations of crashes involving Department
15 employees or other motor vehicle crashes by individuals or
16 special investigation groups, including but not limited to
17 police officers, photographers, engineers, doctors, mechanics,
18 and as a result of the investigation may require the
19 submission of written reports, photographs, charts, sketches,
20 graphs, or a combination of all. Such individual written
21 reports, photographs, charts, sketches, or graphs may be used
22 only for crash studies and statistical or analytical purposes
23 under Section 11-412 or 11-414 of this Code.

24 (d) On and after July 1, 1997, law enforcement officers
25 who have reason to suspect that the motor vehicle crash was the
26 result of a driver's loss of consciousness due to a medical

1 condition, as defined by the Driver's License Medical Review
2 Law of 1992, or the result of any medical condition that
3 impaired the driver's ability to safely operate a motor
4 vehicle shall notify the Secretary of this determination. The
5 Secretary, in conjunction with the Driver's License Medical
6 Advisory Board, shall determine by administrative rule the
7 temporary conditions not required to be reported under the
8 provisions of this Section. The Secretary shall, in
9 conjunction with the Illinois State Police and representatives
10 of local and county law enforcement agencies, promulgate any
11 rules necessary and develop the procedures and documents that
12 may be required to obtain written, electronic, or other agreed
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14 this Section.

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16 provisions of subsection (d) of this Section shall enjoy the
17 same immunities granted members of the Driver's License
18 Medical Advisory Board under Section 6-910 of this Code.

19 (f) All information furnished to the Secretary under
20 subsection (d) of this Section shall be deemed confidential
21 and for the privileged use of the Secretary in accordance with
22 the provisions of subsection (j) of Section 2-123 of this
23 Code.

24 (Source: P.A. 102-982, eff. 7-1-23.)

25 Section 95. No acceleration or delay. Where this Act makes

1 changes in a statute that is represented in this Act by text
2 that is not yet or no longer in effect (for example, a Section
3 represented by multiple versions), the use of that text does
4 not accelerate or delay the taking effect of (i) the changes
5 made by this Act or (ii) provisions derived from any other
6 Public Act.

7 Section 99. Effective date. This Act takes effect on July
8 1, 2023.