

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 Roadside Memorial Act is amended by
5 changing Sections 20 and 23.1 as follows:

6 (605 ILCS 125/20)

7 Sec. 20. DUI memorial markers.

8 (a) A DUI memorial marker erected before July 1, 2021
9 shall consist of a white on blue panel bearing the message
10 "Please Don't Drink and Drive". A DUI memorial marker erected
11 on or after July 1, 2021 shall consist of a white on blue panel
12 bearing the message "Don't Drive Under the Influence". At the
13 request of the qualified relative, a separate panel bearing
14 the words "In Memory of (victim's name)", followed by the date
15 of the crash that was the proximate cause of the loss of the
16 victim's life, shall be mounted below the primary panel. This
17 amendatory Act of the 102nd General Assembly does not require
18 the removal or replacement of any memorial markers erected
19 before July 1, 2021.

20 (b) A DUI memorial marker may memorialize more than one
21 victim who died as a result of the same DUI-related crash. If
22 one or more additional DUI crash deaths subsequently occur in
23 close proximity to an existing DUI memorial marker, the

1 supporting jurisdiction may use the same marker to memorialize
2 the subsequent death or deaths, by adding the names of the
3 additional persons.

4 (c) A DUI memorial marker shall be maintained for at least
5 4 ~~2~~ years from the date the last person was memorialized on the
6 marker.

7 (d) The supporting jurisdiction has the right to install a
8 marker at a location other than the location of the crash or to
9 relocate a marker due to restricted room, property owner
10 complaints, interference with essential traffic control
11 devices, safety concerns, or other restrictions. In such
12 cases, the sponsoring jurisdiction may select an alternate
13 location.

14 (e) The Department shall secure the consent of any
15 municipality before placing a DUI memorial marker within the
16 corporate limits of the municipality.

17 (f) A fee in an amount to be determined by the supporting
18 jurisdiction may be paid in whole or in part from the Roadside
19 Memorial Fund if moneys are made available by the Department
20 of Transportation from that Fund or may be charged to the
21 qualified relative to the extent moneys from that Fund are not
22 made available. The fee shall not exceed the costs associated
23 with the fabrication, installation, and maintenance of the DUI
24 memorial marker.

25 (Source: P.A. 102-60, eff. 7-9-21.)

1 (605 ILCS 125/23.1)

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

3 Sec. 23.1. Fatal accident memorial marker program.

4 (a) The fatal accident memorial marker program is intended
5 to raise public awareness of traffic fatalities caused by
6 reckless driving or other means by emphasizing the dangers
7 while affording families an opportunity to remember the
8 victims of traffic crashes.

9 (b) As used in this Section, "fatal accident memorial
10 marker" means a marker on a highway in this State
11 commemorating one or more persons who died as a proximate
12 result of a crash caused by a driver who committed an act of
13 reckless homicide in violation of Section 9-3 or 9-3.2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 or who
15 otherwise caused the death of one or more persons through the
16 operation of a motor vehicle.

17 (c) For purposes of the fatal accident memorial marker
18 program in this Section, the provisions of Section 15 of this
19 Act applicable to DUI memorial markers shall apply the same to
20 fatal accident memorial markers.

21 (d) A fatal accident memorial marker shall consist of a
22 white on blue panel bearing the message "Reckless Driving
23 Costs Lives" if the victim or victims died as a proximate
24 result of a crash caused by a driver who committed an act of
25 reckless homicide in violation of Section 9-3 or 9-3.2 of the
26 Criminal Code of 1961 or the Criminal Code of 2012. Otherwise,

1 a fatal accident memorial marker shall consist of a white on
2 blue panel bearing the message "Drive With Care". At the
3 request of the qualified relative, a separate panel bearing
4 the words "In Memory of (victim's name)", followed by the date
5 of the crash that was the proximate cause of the loss of the
6 victim's life, shall be mounted below the primary panel.

7 (e) A fatal accident memorial marker may memorialize more
8 than one victim who died as a result of the same crash. If one
9 or more additional deaths subsequently occur in close
10 proximity to an existing fatal accident memorial marker, the
11 supporting jurisdiction may use the same marker to memorialize
12 the subsequent death or deaths, by adding the names of the
13 additional persons.

14 (f) A fatal accident memorial marker shall be maintained
15 for at least 2 years from the date the last person was
16 memorialized on the marker.

17 (g) The supporting jurisdiction has the right to install a
18 marker at a location other than the location of the crash or to
19 relocate a marker due to restricted room, property owner
20 complaints, interference with essential traffic control
21 devices, safety concerns, or other restrictions. In these
22 cases, the sponsoring jurisdiction may select an alternate
23 location.

24 (h) The Department shall secure the consent of any
25 municipality before placing a fatal accident memorial marker
26 within the corporate limits of the municipality.

1 (i) A fee in an amount to be determined by the supporting
2 jurisdiction shall be charged to the qualified relative. The
3 fee shall not exceed the costs associated with the
4 fabrication, installation, and maintenance of the fatal
5 accident memorial marker.

6 (j) The provisions of this Section shall apply to any
7 fatal accident marker constructed on or after January 1, 2013.
8 (Source: P.A. 102-60, eff. 7-9-21.)

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

10 Sec. 23.1. Fatal crash memorial marker program.

11 (a) The fatal crash memorial marker program is intended to
12 raise public awareness of traffic fatalities caused by
13 reckless driving or other means by emphasizing the dangers
14 while affording families an opportunity to remember the
15 victims of traffic crashes.

16 (b) As used in this Section, "fatal crash memorial marker"
17 means a marker on a highway in this State commemorating one or
18 more persons who died as a proximate result of a crash caused
19 by a driver who committed an act of reckless homicide in
20 violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961
21 or the Criminal Code of 2012 or who otherwise caused the death
22 of one or more persons through the operation of a motor
23 vehicle.

24 (c) For purposes of the fatal crash memorial marker
25 program in this Section, the provisions of Section 15 of this

1 Act applicable to DUI memorial markers shall apply the same to
2 fatal crash memorial markers.

3 (d) A fatal crash memorial marker shall consist of a white
4 on blue panel bearing the message "Reckless Driving Costs
5 Lives" if the victim or victims died as a proximate result of a
6 crash caused by a driver who committed an act of reckless
7 homicide in violation of Section 9-3 or 9-3.2 of the Criminal
8 Code of 1961 or the Criminal Code of 2012. Otherwise, a fatal
9 crash memorial marker shall consist of a white on blue panel
10 bearing the message "Drive With Care". At the request of the
11 qualified relative, a separate panel bearing the words "In
12 Memory of (victim's name)", followed by the date of the crash
13 that was the proximate cause of the loss of the victim's life,
14 shall be mounted below the primary panel.

15 (e) A fatal crash memorial marker may memorialize more
16 than one victim who died as a result of the same crash. If one
17 or more additional deaths subsequently occur in close
18 proximity to an existing fatal crash memorial marker, the
19 supporting jurisdiction may use the same marker to memorialize
20 the subsequent death or deaths, by adding the names of the
21 additional persons.

22 (f) A fatal crash memorial marker shall be maintained for
23 at least 4 ~~2~~ years from the date the last person was
24 memorialized on the marker.

25 (g) The supporting jurisdiction has the right to install a
26 marker at a location other than the location of the crash or to

1 relocate a marker due to restricted room, property owner
2 complaints, interference with essential traffic control
3 devices, safety concerns, or other restrictions. In these
4 cases, the sponsoring jurisdiction may select an alternate
5 location.

6 (h) The Department shall secure the consent of any
7 municipality before placing a fatal crash memorial marker
8 within the corporate limits of the municipality.

9 (i) A fee in an amount to be determined by the supporting
10 jurisdiction shall be charged to the qualified relative. The
11 fee shall not exceed the costs associated with the
12 fabrication, installation, and maintenance of the fatal crash
13 memorial marker.

14 (j) The provisions of this Section shall apply to any
15 fatal crash marker constructed on or after January 1, 2013.

16 (Source: P.A. 102-60, eff. 7-9-21; 102-982, eff. 7-1-23.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.