

# SB1371



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1371

Introduced 2/6/2023, by Sen. Chapin Rose

### SYNOPSIS AS INTRODUCED:

605 ILCS 125/20  
605 ILCS 125/23.1

Amends the Roadside Memorial Act. Provides that a DUI memorial marker shall be maintained permanently (rather than for a minimum of 2 years). Provides that a fatal crash memorial marker shall be maintained permanently (rather than for a minimum of 2 years).

LRB103 26313 MXP 52674 b

A BILL FOR

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 permanently  
5 ~~for at least 2 years from the date the last person was~~  
6 ~~memorialized on the 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  
23 ~~permanently for at least 2 years from the date the last person~~  
24 ~~was 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.)