

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, 11-212, 11-404, 11-407, and
6 11-414 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 crash occurring within this State
12 and that has resulted in bodily injury or death of any person
13 or that damage to the property of any one person in excess of
14 \$1,500 (or \$500 if any of the vehicles involved in the crash is
15 subject to Section 7-601 but is not covered by a liability
16 insurance policy in accordance with Section 7-601) was
17 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 crash; 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 crash 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 crash is subject to Section 7-601 but is
5 not covered by a liability insurance policy in accordance
6 with Section 7-601).

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

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 crash or 7
16 days after receiving information that such crash has occurred,
17 whichever is later.

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

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

23 (625 ILCS 5/11-212)

24 Sec. 11-212. Traffic and pedestrian stop statistical

1 study.

2 (a) Whenever a State or local law enforcement officer
3 issues a uniform traffic citation or warning citation for an
4 alleged violation of the Illinois Vehicle Code, he or she
5 shall record at least the following:

6 (1) the name, address, gender, and the officer's
7 subjective determination of the race of the person
8 stopped; the person's race shall be selected from the
9 following list: American Indian or Alaska Native, Asian,
10 Black or African American, Hispanic or Latino, Native
11 Hawaiian or Other Pacific Islander, or White;

12 (2) the alleged traffic violation that led to the stop
13 of the motorist;

14 (3) the make and year of the vehicle stopped;

15 (4) the date and time of the stop, beginning when the
16 vehicle was stopped and ending when the driver is free to
17 leave or taken into physical custody;

18 (5) the location of the traffic stop;

19 (5.5) whether or not a consent search contemporaneous
20 to the stop was requested of the vehicle, driver,
21 passenger, or passengers; and, if so, whether consent was
22 given or denied;

23 (6) whether or not a search contemporaneous to the
24 stop was conducted of the vehicle, driver, passenger, or
25 passengers; and, if so, whether it was with consent or by
26 other means;

1 (6.2) whether or not a police dog performed a sniff of
2 the vehicle; and, if so, whether or not the dog alerted to
3 the presence of contraband; and, if so, whether or not an
4 officer searched the vehicle; and, if so, whether or not
5 contraband was discovered; and, if so, the type and amount
6 of contraband;

7 (6.5) whether or not contraband was found during a
8 search; and, if so, the type and amount of contraband
9 seized; and

10 (7) the name and badge number of the issuing officer.

11 (b) Whenever a State or local law enforcement officer
12 stops a motorist for an alleged violation of the Illinois
13 Vehicle Code and does not issue a uniform traffic citation or
14 warning citation for an alleged violation of the Illinois
15 Vehicle Code, he or she shall complete a uniform stop card,
16 which includes field contact cards, or any other existing form
17 currently used by law enforcement containing information
18 required pursuant to this Act, that records at least the
19 following:

20 (1) the name, address, gender, and the officer's
21 subjective determination of the race of the person
22 stopped; the person's race shall be selected from the
23 following list: American Indian or Alaska Native, Asian,
24 Black or African American, Hispanic or Latino, Native
25 Hawaiian or Other Pacific Islander, or White;

26 (2) the reason that led to the stop of the motorist;

1 (3) the make and year of the vehicle stopped;

2 (4) the date and time of the stop, beginning when the
3 vehicle was stopped and ending when the driver is free to
4 leave or taken into physical custody;

5 (5) the location of the traffic stop;

6 (5.5) whether or not a consent search contemporaneous
7 to the stop was requested of the vehicle, driver,
8 passenger, or passengers; and, if so, whether consent was
9 given or denied;

10 (6) whether or not a search contemporaneous to the
11 stop was conducted of the vehicle, driver, passenger, or
12 passengers; and, if so, whether it was with consent or by
13 other means;

14 (6.2) whether or not a police dog performed a sniff of
15 the vehicle; and, if so, whether or not the dog alerted to
16 the presence of contraband; and, if so, whether or not an
17 officer searched the vehicle; and, if so, whether or not
18 contraband was discovered; and, if so, the type and amount
19 of contraband;

20 (6.5) whether or not contraband was found during a
21 search; and, if so, the type and amount of contraband
22 seized; and

23 (7) the name and badge number of the issuing officer.

24 (b-5) For purposes of this subsection (b-5), "detention"
25 means all frisks, searches, summons, and arrests. Whenever a
26 law enforcement officer subjects a pedestrian to detention in

1 a public place, he or she shall complete a uniform pedestrian
2 stop card, which includes any existing form currently used by
3 law enforcement containing all the information required under
4 this Section, that records at least the following:

5 (1) the gender, and the officer's subjective
6 determination of the race of the person stopped; the
7 person's race shall be selected from the following list:
8 American Indian or Alaska Native, Asian, Black or African
9 American, Hispanic or Latino, Native Hawaiian or Other
10 Pacific Islander, or White;

11 (2) all the alleged reasons that led to the stop of the
12 person;

13 (3) the date and time of the stop;

14 (4) the location of the stop;

15 (5) whether or not a protective pat down or frisk was
16 conducted of the person; and, if so, all the alleged
17 reasons that led to the protective pat down or frisk, and
18 whether it was with consent or by other means;

19 (6) whether or not contraband was found during the
20 protective pat down or frisk; and, if so, the type and
21 amount of contraband seized;

22 (7) whether or not a search beyond a protective pat
23 down or frisk was conducted of the person or his or her
24 effects; and, if so, all the alleged reasons that led to
25 the search, and whether it was with consent or by other
26 means;

1 (8) whether or not contraband was found during the
2 search beyond a protective pat down or frisk; and, if so,
3 the type and amount of contraband seized;

4 (9) the disposition of the stop, such as a warning, a
5 ticket, a summons, or an arrest;

6 (10) if a summons or ticket was issued, or an arrest
7 made, a record of the violations, offenses, or crimes
8 alleged or charged; and

9 (11) the name and badge number of the officer who
10 conducted the detention.

11 This subsection (b-5) does not apply to searches or
12 inspections for compliance authorized under the Fish and
13 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,
14 or searches or inspections during routine security screenings
15 at facilities or events.

16 (c) The Illinois Department of Transportation shall
17 provide a standardized law enforcement data compilation form
18 on its website.

19 (d) Every law enforcement agency shall, by February ~~March~~
20 1 with regard to data collected during July through December
21 of the previous calendar year and by August 1 with regard to
22 data collected during January through June of the current
23 calendar year, compile the data described in subsections (a),
24 (b), and (b-5) on the standardized law enforcement data
25 compilation form provided by the Illinois Department of
26 Transportation and transmit the data to the Department.

1 (e) The Illinois Department of Transportation shall
2 analyze the data provided by law enforcement agencies required
3 by this Section and submit a report of the previous year's
4 findings to the Governor, the General Assembly, the Racial
5 Profiling Prevention and Data Oversight Board, and each law
6 enforcement agency no later than July 1 of each year. The
7 Illinois Department of Transportation may contract with an
8 outside entity for the analysis of the data provided. In
9 analyzing the data collected under this Section, the analyzing
10 entity shall scrutinize the data for evidence of statistically
11 significant aberrations. The following list, which is
12 illustrative, and not exclusive, contains examples of areas in
13 which statistically significant aberrations may be found:

14 (1) The percentage of minority drivers, passengers, or
15 pedestrians being stopped in a given area is substantially
16 higher than the proportion of the overall population in or
17 traveling through the area that the minority constitutes.

18 (2) A substantial number of false stops including
19 stops not resulting in the issuance of a traffic ticket or
20 the making of an arrest.

21 (3) A disparity between the proportion of citations
22 issued to minorities and proportion of minorities in the
23 population.

24 (4) A disparity among the officers of the same law
25 enforcement agency with regard to the number of minority
26 drivers, passengers, or pedestrians being stopped in a

1 given area.

2 (5) A disparity between the frequency of searches
3 performed on minority drivers or pedestrians and the
4 frequency of searches performed on non-minority drivers or
5 pedestrians.

6 (f) Any law enforcement officer identification information
7 and driver or pedestrian identification information that is
8 compiled by any law enforcement agency or the Illinois
9 Department of Transportation pursuant to this Act for the
10 purposes of fulfilling the requirements of this Section shall
11 be confidential and exempt from public inspection and copying,
12 as provided under Section 7 of the Freedom of Information Act,
13 and the information shall not be transmitted to anyone except
14 as needed to comply with this Section. This Section shall not
15 exempt those materials that, prior to the effective date of
16 this amendatory Act of the 93rd General Assembly, were
17 available under the Freedom of Information Act. This
18 subsection (f) shall not preclude law enforcement agencies
19 from reviewing data to perform internal reviews.

20 (g) Funding to implement this Section shall come from
21 federal highway safety funds available to Illinois, as
22 directed by the Governor.

23 (h) The Illinois Criminal Justice Information Authority,
24 in consultation with law enforcement agencies, officials, and
25 organizations, including Illinois chiefs of police, the
26 Illinois State Police, the Illinois Sheriffs Association, and

1 the Chicago Police Department, and community groups and other
2 experts, shall undertake a study to determine the best use of
3 technology to collect, compile, and analyze the traffic stop
4 statistical study data required by this Section. The
5 Department shall report its findings and recommendations to
6 the Governor and the General Assembly by March 1, 2022.

7 (h-1) The Traffic and Pedestrian Stop Data Use and
8 Collection Task Force is hereby created.

9 (1) The Task Force shall undertake a study to
10 determine the best use of technology to collect, compile,
11 and analyze the traffic stop statistical study data
12 required by this Section.

13 (2) The Task Force shall be an independent Task Force
14 under the Illinois Criminal Justice Information Authority
15 for administrative purposes, and shall consist of the
16 following members:

17 (A) 2 academics or researchers who have studied
18 issues related to traffic or pedestrian stop data
19 collection and have education or expertise in
20 statistics;

21 (B) one professor from an Illinois university who
22 specializes in policing and racial equity;

23 (C) one representative from the Illinois State
24 Police;

25 (D) one representative from the Chicago Police
26 Department;

1 (E) one representative from the Illinois Chiefs of
2 Police;

3 (F) one representative from the Illinois Sheriffs
4 Association;

5 (G) one representative from the Chicago Fraternal
6 Order of Police;

7 (H) one representative from the Illinois Fraternal
8 Order of Police;

9 (I) the Executive Director of the American Civil
10 Liberties Union of Illinois, or his or her designee;
11 and

12 (J) 5 representatives from different community
13 organizations who specialize in civil or human rights,
14 policing, or criminal justice reform work, and that
15 represent a range of minority interests or different
16 parts of the State.

17 (3) The Illinois Criminal Justice Information
18 Authority may consult, contract, work in conjunction with,
19 and obtain any information from any individual, agency,
20 association, or research institution deemed appropriate by
21 the Authority.

22 (4) The Task Force shall report its findings and
23 recommendations to the Governor and the General Assembly
24 by March 1, 2022 and every 3 years after.

25 (h-5) For purposes of this Section:

26 (1) "American Indian or Alaska Native" means a person

1 having origins in any of the original peoples of North and
2 South America, including Central America, and who
3 maintains tribal affiliation or community attachment.

4 (2) "Asian" means a person having origins in any of
5 the original peoples of the Far East, Southeast Asia, or
6 the Indian subcontinent, including, but not limited to,
7 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
8 the Philippine Islands, Thailand, and Vietnam.

9 (2.5) "Badge" means an officer's department issued
10 identification number associated with his or her position
11 as a police officer with that department.

12 (3) "Black or African American" means a person having
13 origins in any of the black racial groups of Africa.

14 (4) "Hispanic or Latino" means a person of Cuban,
15 Mexican, Puerto Rican, South or Central American, or other
16 Spanish culture or origin, regardless of race.

17 (5) "Native Hawaiian or Other Pacific Islander" means
18 a person having origins in any of the original peoples of
19 Hawaii, Guam, Samoa, or other Pacific Islands.

20 (6) "White" means a person having origins in any of
21 the original peoples of Europe, the Middle East, or North
22 Africa.

23 (i) (Blank).

24 (Source: P.A. 101-24, eff. 6-21-19; 102-465, eff. 1-1-22;
25 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

2 Sec. 11-404. Duty upon damaging unattended vehicle or
3 other property.

4 (a) The driver of any vehicle which collides with or is
5 involved in a motor vehicle crash with any vehicle which is
6 unattended, or other property, resulting in any damage to such
7 other vehicle or property shall immediately stop and shall
8 then and there either locate and notify the operator or owner
9 of such vehicle or other property of the driver's name,
10 address, registration number and owner of the vehicle the
11 driver was operating or shall attach securely in a conspicuous
12 place on or in the vehicle or other property struck a written
13 notice giving the driver's name, address, registration number
14 and owner of the vehicle the driver was driving and shall
15 without unnecessary delay notify the nearest office of a duly
16 authorized police authority and shall make a written report of
17 such crash when and as required in Section 11-407 ~~11-406~~.

18 Every such stop shall be made without obstructing traffic more
19 than is necessary. If a damaged vehicle is obstructing traffic
20 lanes, the driver of the vehicle must make every reasonable
21 effort to move the vehicle or have it moved so as not to block
22 the traffic lanes.

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

25 (c) If any peace officer or highway authority official
26 finds (i) a vehicle standing upon a highway or toll highway in

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

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

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

20 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

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

22 (a) The driver of a vehicle that ~~which~~ is in any manner
23 involved in a crash in this State that requires notice to be
24 given to the local police department, the county sheriff, or
25 the Illinois State Police under this Section ~~described in~~

1 ~~Section 11-406 of this Chapter~~ shall, if no police officer is
2 present, give notice of the crash by the fastest available
3 means of communication to the local police department if such
4 crash occurs within a municipality or otherwise to the nearest
5 office of the county sheriff or nearest headquarters of the
6 Illinois State Police. Notice is required to be given under
7 this subsection (a) if the crash: (1) results in injury to or
8 death of any person; (2) results in damage to the property of
9 any person, including the driver, in excess of \$1,500 (or \$500
10 if any of the vehicles involved in the accident is subject to
11 Section 7-601 but is not covered by a liability insurance
12 policy) in accordance with Section 7-601; (3) if a school bus
13 is involved in the crash and the crash is caused by a
14 collision, a sudden stop, or otherwise, and the crash results
15 in any property damage, personal injury, or death; or (4) if
16 the crash occurs within 50 feet of a school bus and results in
17 personal injury to or death of any person who is awaiting or
18 preparing to board the school bus or immediately after the
19 person exits the school bus.

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

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

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 crash reports. The Department shall tabulate and may
4 analyze all written motor vehicle crash reports received in
5 compliance with this Code and shall publish annually or at
6 more frequent intervals motor vehicle crash data. The
7 Department:

8 1. (blank);

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

12 3. may conduct special investigations of motor vehicle
13 crashes 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. 102-982, eff. 7-1-23.)

20 Section 10. The DUI Prevention and Education Commission
21 Act is amended by changing Sections 15 and 20 as follows:

22 (625 ILCS 70/15)

23 Sec. 15. Powers. The Commission may create rules and
24 guidelines for distributing funds and shall:

1 (1) determine the best course of action for distributing
2 funds on a regular basis, either a competitive grant
3 program or direct expenditures from the DUI Prevention and
4 Education Fund;

5 (2) at the end of fiscal years when funds are expended,
6 provide a report to the General Assembly of how funds were
7 expended, including, but not limited to, a list of
8 grantees if applicable and program metrics; and

9 (3) provide approval to the Department of Transportation
10 for use of funds.

11 ~~(1) create rules and guidelines to consider in~~
12 ~~accepting, reviewing, and determining grant applications;~~

13 ~~(2) as necessary, meet to determine recipients of~~
14 ~~grants from the DUI Prevention and Education Fund; and~~

15 ~~(3) provide a list of eligible grant recipients to the~~
16 ~~Department of Transportation.~~

17 (Source: P.A. 101-196, eff. 1-1-20.)

18 (625 ILCS 70/20)

19 Sec. 20. DUI Prevention and Education Fund; transfer of
20 funds.

21 (a) The DUI Prevention and Education Fund is created as a
22 special fund in the State treasury. Subject to appropriation,
23 all moneys in the DUI Prevention and Education Fund shall be
24 distributed by the Department of Transportation with approval
25 guidance from the DUI Prevention and Education Commission ~~as~~

1 ~~grants~~ for crash victim programs and materials, impaired
2 driving prevention programs, law enforcement support, and
3 other DUI-related programs.

4 (b) As soon as practical after the effective date of this
5 Act, the State Comptroller shall direct and the State
6 Treasurer shall transfer any remaining balance in excess of
7 \$30,000 from the Roadside Memorial Fund to the DUI Prevention
8 and Education Fund. Starting in 2021 and continuing every year
9 after, the cash balance in the Roadside Memorial Fund on June
10 30 shall be transferred to the DUI Prevention and Education
11 Fund as soon as practical.

12 (Source: P.A. 101-196, eff. 1-1-20; 102-60, eff. 7-9-21.)