



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4018**

Introduced 1/14/2004, by Kevin Joyce

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/11-401  
625 ILCS 5/11-401.1 new

from Ch. 95 1/2, par. 11-401

Amends the Illinois Vehicle Code. Increases from a Class 4 to a Class 3 felony the penalty for failing to report an accident involving death or personal injuries within the time allowed after failing to stop at the scene as required. Provides that a person who violates any provision regarding leaving the scene of or failing to report an accident is subject to testing for alcohol, drugs, or intoxicating compounds and is subject to statutory summary suspension of his or her drivers license, according to terms similar to those for statutory summary suspensions for driving under the influence of alcohol, drugs, or intoxicating compounds.

LRB093 14520 DRH 40011 b

1 AN ACT concerning vehicles.

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 changing  
5 Section 11-401 and by adding Section 11-401.1 as follows:

6 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

7 Sec. 11-401. Motor vehicle accidents involving death or  
8 personal injuries.

9 (a) The driver of any vehicle involved in a motor vehicle  
10 accident resulting in personal injury to or death of any person  
11 shall immediately stop such vehicle at the scene of such  
12 accident, or as close thereto as possible and shall then  
13 forthwith return to, and in every event shall remain at the  
14 scene of the accident until the requirements of Section 11-403  
15 have been fulfilled. Every such stop shall be made without  
16 obstructing traffic more than is necessary.

17 (b) Any person who has failed to stop or to comply with the  
18 requirements of paragraph (a) shall, as soon as possible but in  
19 no case later than one hour after such motor vehicle accident,  
20 or, if hospitalized and incapacitated from reporting at any  
21 time during such period, as soon as possible but in no case  
22 later than one hour after being discharged from the hospital,  
23 report the place of the accident, the date, the approximate  
24 time, the driver's name and address, the registration number of  
25 the vehicle driven, and the names of all other occupants of  
26 such vehicle, at a police station or sheriff's office near the  
27 place where such accident occurred. No report made as required  
28 under this paragraph shall be used, directly or indirectly, as  
29 a basis for the prosecution of any violation of paragraph (a).

30 For purposes of this Section, personal injury shall mean  
31 any injury requiring immediate professional treatment in a  
32 medical facility or doctor's office.

1 (c) Any person failing to comply with paragraph (a) shall  
2 be guilty of a Class A misdemeanor.

3 (d) Any person failing to comply with paragraph (b) is  
4 guilty of a Class 3 ~~Class 4~~ felony if the motor vehicle  
5 accident does not result in the death of any person. Any person  
6 failing to comply with paragraph (b) when the accident results  
7 in the death of any person is guilty of a Class 2 felony, for  
8 which the person, if sentenced to a term of imprisonment, shall  
9 be sentenced to a term of not less than 3 years and not more  
10 than 14 years.

11 (e) The Secretary of State shall revoke the driving  
12 privilege of any person convicted of a violation of this  
13 Section.

14 (Source: P.A. 90-543, eff. 12-1-97.)

15 (625 ILCS 5/11-401.1 new)

16 Sec. 11-401.1. Leaving the scene of an accident; implied  
17 consent; summary suspension.

18 (a) Any person who drives or is in actual physical control  
19 of a motor vehicle upon the public highways of this State shall  
20 be deemed to have given consent, according to Section 11-501.2,  
21 to a chemical test or tests of blood, breath, or urine for the  
22 purpose of determining the content of alcohol, other drug or  
23 drugs, or intoxicating compound or compounds or any combination  
24 thereof in the person's blood if arrested for a violation of  
25 Section 11-401, 11-402, or 11-403 or a similar provision of a  
26 local ordinance. The test or tests shall be administered at the  
27 direction of the arresting officer. The law enforcement agency  
28 employing the officer shall designate which of the tests shall  
29 be administered. A urine test may be administered even after a  
30 blood or breath test or both has been administered.

31 (b) Any officer who arrests a person for violation of  
32 Section 11-401, 11-402, or 11-403 shall request that the person  
33 submit to chemical testing as described in this Section, when  
34 the arrest occurs within 24-hours of the accident which  
35 produces the person's obligations under Section 11-401,

1 11-402, or 11-403.

2 (c) A person requested to submit to a test as provided in  
3 subsection (a) shall be warned by the law enforcement officer  
4 as the officer would be required to warn a person arrested for  
5 violation of Section 11-501 and warned as provided in Section  
6 11-501.1.

7 (d) If the person refuses testing or submits to a test that  
8 discloses an alcohol concentration of 0.08 or more, or any  
9 amount of a drug, substance, or intoxicating compound in the  
10 person's breath, blood, or urine resulting from the unlawful  
11 use or consumption of cannabis listed in the Cannabis Control  
12 Act, a controlled substance listed in the Illinois Controlled  
13 Substances Act, or an intoxicating compound listed in the Use  
14 of Intoxicating Compounds Act, the law enforcement officer  
15 shall immediately submit a sworn report to the circuit court of  
16 venue and the Secretary of State, certifying that the test or  
17 tests was or were requested under subsection (a) and the person  
18 refused to submit to a test, or tests, or submitted to testing  
19 that disclosed an alcohol concentration of 0.08 or more.

20 (e) Upon receipt of the sworn report of a law enforcement  
21 officer submitted under subsection (d), the Secretary of State  
22 shall enter the statutory summary suspension for the periods  
23 specified in Section 6-208.1, and effective as provided in  
24 subsection (g). If the person is a first offender as defined in  
25 Section 11-500 of this Code and is not convicted of a violation  
26 of Section 11-501 of this Code or a similar provision of a  
27 local ordinance, reports received by the Secretary of State  
28 under this Section shall, except during the actual time the  
29 statutory summary suspension is in effect, be privileged  
30 information for use only by the courts, police officers,  
31 prosecuting authorities, or the Secretary of State.

32 (f) The law enforcement officer submitting the sworn report  
33 under subsection (d) shall serve immediate notice of the  
34 statutory summary suspension on the person, and the suspension  
35 shall be effective as provided in subsection (g). In cases  
36 where the blood alcohol concentration of 0.08 or greater or any

1 amount of a drug, substance, or compound resulting from the  
2 unlawful use or consumption of cannabis as covered by the  
3 Cannabis Control Act, a controlled substance listed in the  
4 Illinois Controlled Substances Act, or an intoxicating  
5 compound listed in the Use of Intoxicating Compounds Act is  
6 established by a subsequent analysis of blood or urine  
7 collected at the time of arrest, the arresting officer or  
8 arresting agency shall give notice as provided in this Section  
9 or by deposit in the United States mail of the notice in an  
10 envelope with postage prepaid and addressed to the person at  
11 his or her address as shown on the Uniform Traffic Ticket, and  
12 the statutory summary suspension shall begin as provided in  
13 subsection (g). The officer shall confiscate any Illinois  
14 driver's license or permit on the person at the time of arrest.  
15 If the person has a valid driver's license or permit, the  
16 officer shall issue the person a receipt, in a form prescribed  
17 by the Secretary of State, that will allow that person to drive  
18 during the periods provided for in subsection (g). The officer  
19 shall immediately forward the driver's license or permit to the  
20 circuit court of venue along with the sworn report provided for  
21 in subsection (d).

22 (g) The statutory summary suspension referred to in this  
23 Section shall take effect on the 46th day following the date  
24 the notice of the statutory summary suspension was given to the  
25 person.

26 (h) The following procedure applies whenever a sworn report  
27 is issued under subsection (d) of this Section: Upon receipt of  
28 the sworn report from the law enforcement officer, the  
29 Secretary of State shall confirm the statutory summary  
30 suspension by mailing a notice of the effective date of the  
31 suspension to the person and the court of venue. If, however,  
32 the sworn report is defective because it does not contain  
33 sufficient information, or if the report was completed in  
34 error, (i) the confirmation of the statutory summary suspension  
35 shall not be mailed to the person and shall not be entered to  
36 the record, (ii) the sworn report shall be forwarded to the

1 court of venue, and (iii) a copy of the report, identifying any  
2 defect, shall be returned to the issuing agency.