



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1900

Introduced 2/23/2007, by Rep. Susana A Mendoza

SYNOPSIS AS INTRODUCED:

605 ILCS 5/4-105 new

Amends the Illinois Highway Code. Provides that the Department of Transportation shall, upon application, erect and maintain roadside markers to identify the locations where persons were killed in accidents involving drunken drivers. Establishes requirements for the application for placement of the markers and for the markers themselves. Provides that, if the new provision conflicts with federal law, the markers shall not be erected or maintained. Provides that the Department shall prepare an evaluation of the program authorized by the new provision and shall report its findings to the General Assembly by January 1, 2008. Effective immediately.

LRB095 09739 DRH 29945 b

FISCAL NOTE ACT
MAY APPLY

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 Illinois Highway Code is amended by adding
5 Section 4-105 as follows:

6 (605 ILCS 5/4-105 new)

7 Sec. 4-105. Roadside markers commemorating DUI fatalities.

8 (a) As used in this Section, unless the context otherwise
9 requires:

10 (1) "Department" means the Department of
11 Transportation.

12 (2) "Erect" means to construct or allow to be
13 constructed.

14 (3) "State highway" means any road in the State highway
15 system, as defined in Section 2-101 of this Code.

16 (4) "Maintain" means to preserve, keep in repair, or
17 replace a roadside memorial.

18 (5) "DUI memorial sign" means a sign on a State highway
19 to commemorate one or more deceased persons who died as a
20 proximate result of a crash caused by a driver or drivers
21 under the influence of alcohol or other intoxicating
22 substances who have pleaded or been found guilty of
23 reckless driving pursuant to Section 11-501 of the Illinois

1 Vehicle Code and Section 9-3 of the Criminal Code of 1961.

2 (6) "Next of kin" means an immediate blood relative of
3 the deceased (such as a mother, father, sister, or
4 brother); an immediate family member who was adopted into
5 the deceased's family (such as a son, daughter, or
6 sibling); a stepmother, stepfather, stepbrother, or
7 stepsister of the deceased; the spouse of the deceased; or
8 a person with whom the deceased was in a domestic
9 partnership or civil union, as recognized by State or local
10 law or ordinance.

11 (b) The Department shall promptly erect and maintain a DUI
12 memorial sign requested on State highways in accordance with
13 this Section. The Department shall be exclusively responsible
14 for the type, location, and design of the DUI memorial sign.

15 (c) DUI memorial signs shall read as follows: "Please don't
16 drink and drive," followed by: "In Memory of (victim's name),"
17 followed by the date of the crash that was the proximate cause
18 of the loss of the victim's life. Furthermore, DUI memorial
19 signs shall not exceed 3 feet in height above the ground, 2
20 feet in width, and 6 inches in thickness. DUI memorial signs
21 shall be constructed of a durable material and shall not
22 contain any moving or electronic parts. DUI memorial signs
23 shall be located within the highway or road easement as far
24 from the roadway as is practicable or reasonably necessary to
25 preserve public safety and facilitate highway and road
26 maintenance, given the proposed location. DUI memorial signs

1 may contain the name of the person memorialized, the date of
2 that person's death, and other relevant information. DUI
3 memorial signs may memorialize more than one victim who died as
4 a result of the same DUI-related crash or crashes. In the event
5 of one or more additional unrelated alcohol-related deaths
6 within 30 feet of an existing DUI memorial sign, the same sign
7 may be used and the names of the additional persons may be
8 added to it. DUI memorial signs shall be erected and maintained
9 for at least 2 years from the time the last person was
10 memorialized on the sign.

11 (d) An application for a DUI memorial sign on a State
12 highway shall be made on a form provided by the Department and
13 shall be signed by the deceased's next of kin. The deceased's
14 next of kin shall contact Mothers Against Drunk Driving or the
15 Alliance Against Intoxicated Motorists to obtain a copy of the
16 application and for assistance in the application process. The
17 State application shall include:

- 18 (1) the name and address of the next of kin applicant;
19 (2) the name of the individual memorialized and the
20 State highway where that individual lost his or her life;
21 (3) the date of the crash that was a proximate cause of
22 the death of the individual memorialized;
23 (4) a copy of the police report from the crash
24 evidencing that there was probable cause for an alcohol- or
25 drug-related arrest; or a certified copy of the guilty
26 plea, verdict, or finding made by a judge in the DUI court

1 case against the person who engaged in the driving under
2 the influence that resulted in the loss of the decedent's
3 life, pursuant to Section 11-501 of the Illinois Vehicle
4 Code and Section 9-3 of the Criminal Code of 1961; or other
5 reliable evidence that a drug- or alcohol-impaired driver
6 was a contributing cause of the death; and

7 (5) a fee to be determined by the Department for State
8 highway, except that the fee shall not exceed the direct
9 and indirect expenses associated with erecting and
10 maintaining the DUI memorial sign.

11 (e) The Department shall deny an application for a DUI
12 memorial sign if the proposed location of the memorial would
13 result in a potential safety hazard or maintenance impediment.
14 The Department may remove any memorial on a highway that does
15 not comply with this Section. The Department may deny or revoke
16 a permit for false or misleading information given in the
17 application for a DUI memorial sign under this Section.

18 (f) If there is any opposition to the placement of the
19 memorial sign by any next of kin to the deceased, no DUI
20 memorial sign shall be under this Section.

21 (g) The Department shall adopt program guidelines for the
22 application for and placement of DUI memorial signs authorized
23 by this Section, including, but not limited to, the DUI
24 memorial sign application and qualification process, the
25 procedure for the dedication of DUI memorial signs, and
26 procedures for the replacement or restoration of any DUI

1 memorial signs that are damaged or broken.

2 (h) Notwithstanding any provision of this Section to the
3 contrary, if any provision of this Section conflicts with
4 federal law, the Department shall not erect or maintain DUI
5 memorial signs under this Section.

6 (i) The Department shall prepare an evaluation of the
7 program authorized by this Section and shall report its
8 findings and any related recommendations to the General
9 Assembly by January 1, 2008.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.