

1 AN ACT concerning roadside markers, which may be referred
2 to as Tina's Law.

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the
6 Roadside Memorial Act.

7 Section 5. Purpose of the Roadside Memorial program. The
8 Roadside Memorial program is intended to raise public awareness
9 of impaired driving by emphasizing the dangers while affording
10 families an opportunity to remember the victims of crashes
11 involving impaired drivers.

12 Section 10. Definitions. As used in this Act:

13 "Department" means the Department of Transportation.

14 "DUI memorial marker" means a marker on a highway in this
15 State commemorating one or more persons who died as a proximate
16 result of a crash caused by a driver under the influence of
17 alcohol, other drug or drugs, intoxicating compound or
18 compounds, or any combination thereof.

19 "Qualified relative" means: an immediate relative of the
20 deceased, by marriage, blood, or adoption, such as his or her
21 spouse, son, daughter, mother, father, sister, or brother; a
22 stepmother, stepfather, stepbrother, or stepsister of the

1 deceased; or a person with whom the deceased was in a domestic
2 partnership or civil union as recognized by a State or local
3 law or ordinance.

4 "Supporting jurisdiction" means the Department or any
5 municipality, township, or county that establishes a Roadside
6 Memorial program within its jurisdictional area.

7 Section 15. Participation in the Roadside Memorial
8 program.

9 (a) A qualified relative of a victim may make a request for
10 the installation of a memorial marker in a supporting
11 jurisdiction using an application developed by the supporting
12 jurisdiction. The supporting jurisdiction shall have sole
13 responsibility for determining whether a request for a DUI
14 memorial marker is rejected or accepted.

15 (b) An application for a DUI memorial marker may be
16 submitted by a qualified relative with regard to any crash that
17 occurred on or after January 1, 2003.

18 (c) If there is any opposition to the placement of a DUI
19 memorial marker by any qualified relative of any decedent
20 involved in the crash, the supporting jurisdiction shall deny
21 the request.

22 (d) The supporting jurisdiction shall deny the request or,
23 if a DUI memorial marker has already been installed, may remove
24 the marker, if the qualified relative has provided false or
25 misleading information in the application.

1 (e) The qualified relative shall agree not to place or
2 encourage the placement of flowers, pictures, or other items at
3 the crash site.

4 (f) A DUI memorial marker shall not be erected for a
5 deceased driver involved in a fatal crash who is shown by
6 toxicology reports to have been in violation of State DUI law,
7 unless the next of kin of any other victim or victims killed in
8 the crash consent in writing to the erection of the memorial
9 marker.

10 Section 20. DUI memorial markers.

11 (a) A DUI memorial marker shall consist of a white on blue
12 panel bearing the message "Please Don't Drink and Drive". At
13 the 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.

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

24 (c) A DUI memorial marker shall be maintained for at least
25 2 years from the date the last person was memorialized on the

1 marker.

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

8 (e) The Department shall secure the consent of any
9 municipality before placing a DUI memorial marker within the
10 corporate limits of the municipality.

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

15 Section 25. Rules. The Department shall adopt rules
16 regarding implementation of this Act. These rules shall be
17 consistent with this Act and with federal regulations.

18 Section 99. Effective date. This Act takes effect January
19 1, 2008.