



Transportation and Motor Vehicles Committee

**Filed: 3/13/2007**

09500HB1900ham001

LRB095 09739 DRH 33021 a

1 AMENDMENT TO HOUSE BILL 1900

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1900 by replacing  
3 the title with the following:

4 "AN ACT concerning roadside markers."; and

5 by replacing everything after the enacting clause with the  
6 following:

7 "Section 1. Short title. This Act may be cited as the  
8 Roadside Memorial Act.

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

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

1 "Department" means the Department of Transportation.

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

7 "Qualified relative" means: an immediate relative of the  
8 deceased, by marriage, blood, or adoption, such as his or her  
9 spouse, son, daughter, mother, father, sister, or brother; a  
10 stepmother, stepfather, stepbrother, or stepsister of the  
11 deceased; or a person with whom the deceased was in a domestic  
12 partnership or civil union as recognized by a State or local  
13 law or ordinance.

14 "Supporting jurisdiction" means the Department or any  
15 municipality, township, or county that establishes a Roadside  
16 Memorial program within its jurisdictional area.

17 Section 15. Participation in the Roadside Memorial  
18 program.

19 (a) A qualified relative of a victim may request a DUI  
20 memorial marker of a supporting jurisdiction in a format  
21 developed by the supporting jurisdiction. The supporting  
22 jurisdiction shall have sole responsibility for determining  
23 whether a request for a DUI memorial marker is rejected or  
24 accepted.

25 (b) An application for a DUI memorial marker may be

1 submitted by a qualified relative with regard to any crash that  
2 occurred on or after January 1, 2003.

3 (c) If there is any opposition to the placement of the a  
4 DUI memorial marker by any qualified relative of any decedent  
5 involved in the crash, the supporting jurisdiction shall deny  
6 the request.

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

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

14 (f) A DUI memorial marker shall not be erected for a  
15 deceased driver involved in a fatal crash who is shown by  
16 toxicology reports to have been in violation of State DUI law,  
17 unless the next of kin of any other victim or victims killed in  
18 the crash consent in writing to the erection of the memorial  
19 marker.

20 Section 20. DUI memorial markers.

21 (a) A DUI memorial marker shall consist of a white on blue  
22 panel bearing the message "Please Don't Drink and Drive". At  
23 the request of the qualified relative, a separate panel bearing  
24 the words "In Memory of (victim's name)", followed by the date  
25 of the crash that was the proximate cause of the loss of the

1 victim's life, shall be mounted below the primary panel.

2 (b) A DUI memorial marker may memorialize more than one  
3 victim who died as a result of the same DUI-related crash. If  
4 of one or more additional, unrelated DUI deaths subsequently  
5 occur in close proximity to an existing DUI memorial marker,  
6 the supporting jurisdiction may use the same marker to  
7 memorialize the subsequent death or deaths, by adding the names  
8 of the additional persons.

9 (c) A DUI memorial marker shall be maintained for at least  
10 2 years from the date the last person was memorialized on the  
11 marker.

12 (d) The supporting jurisdiction has the right to install a  
13 marker at a location other than the location of the crash or to  
14 relocate a marker due to restricted room, property owner  
15 complaints, interference with essential traffic control  
16 devices, safety concerns, or other restrictions. In such cases,  
17 the sponsoring jurisdiction may select an alternate location.

18 (e) The Department shall secure the consent of any  
19 municipality before placing a DUI memorial marker within the  
20 corporate limits of the municipality.

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

25 Section 25. Rules. The Department shall adopt rules

1 regarding implementation of this Act. These rules shall be  
2 consistent with this Act and with federal regulations.

3 Section 99. Effective date. This Act takes effect January  
4 1, 2008.".