



Transportation and Motor Vehicles Committee

**Filed: 3/11/2008**

09500HB5907ham001

LRB095 14797 WGH 47674 a

1 AMENDMENT TO HOUSE BILL 5907

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5907 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 7-201, 7-204, 7-212, and 11-406 and adding  
6 Section 11-406.1 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 as  
9 soon as practicable after the receipt of the report, required  
10 to be filed under Sections 11-406 and 11-410, of a motor  
11 vehicle accident occurring within this State and that has  
12 resulted in bodily injury or death of any person or that damage  
13 to the property of any one person in excess of \$1,500 ~~\$500~~ was  
14 sustained, and as soon as practicable after the receipt of a  
15 report filed under Section 11-406.1, shall determine:

16 1. Whether Section 7-202 of this Code requires the

1 deposit of security by or on behalf of any person who was  
2 the operator or owner of any motor vehicle in any manner  
3 involved in the accident and;

4 2. What amount of security shall be sufficient to  
5 satisfy any potential judgment or judgments for money  
6 damages resulting from the accident as may be recovered  
7 against the operator or owner, which amount shall in no  
8 event be less than \$1,500 (or \$500 in the case of a report  
9 filed under Section 11-406.1) ~~\$500.~~

10 (Source: P.A. 87-829.)

11 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

12 Sec. 7-204. Form and amount of security - Definition.

13 (A) Any security required to be deposited under this Act  
14 shall be in the form as the Secretary of State may require by  
15 administrative rule, and in the amounts as the Administrator  
16 may determine to be sufficient to satisfy any judgment or  
17 judgments for damages against an operator or owner but in no  
18 case in excess of the limits specified in Section 7-203 of this  
19 Act in reference to the acceptable limits of a policy or bond  
20 nor for an amount less than \$1,500 (or \$500 in the case of a  
21 report filed under Section 11-406.1) ~~\$500.~~

22 (B) The person depositing security shall specify in writing  
23 the person or persons on whose behalf the deposit is made and,  
24 while at any time the deposit is in the custody of the  
25 Secretary of State or State Treasurer, the person depositing it

1 may, in writing, amend the specification of the person or  
2 persons on whose behalf the deposit is made to include an  
3 additional person or persons; provided, however, that a single  
4 deposit of security shall be applicable only on behalf of  
5 persons, required to furnish security because of the same  
6 accident.

7 (C) Within 10 days after any security required under the  
8 provisions of this Article is deposited with the Secretary of  
9 State, the Secretary shall send notice of the security deposit  
10 to the following, if known:

11 1. To each owner and operator of any vehicle involved  
12 in the accident that sustained damage in excess of \$1,500  
13 (or \$500 in the case of a report filed under Section  
14 11-406.1) \$500;

15 2. To any person who sustained damage to personal or  
16 real property in excess of \$1,500 (or \$500 in the case of a  
17 report filed under Section 11-406.1) \$500;

18 3. To any person who was injured as a result of the  
19 accident; and

20 4. To the estate of any person killed as a result of  
21 the accident.

22 (Source: P.A. 87-829.)

23 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

24 Sec. 7-212. Authority of Administrator and Secretary of  
25 State to decrease amount of security. The Administrator may

1 reduce the amount of security ordered in any case within one  
2 year after the date of the accident, but in no event for an  
3 amount less than \$1,500 (or \$500 in the case of a report filed  
4 under Section 11-406.1) ~~\$500~~, if, in the judgment of the  
5 Administrator the amount ordered is excessive, or may revoke or  
6 rescind its order requiring the deposit of security in any case  
7 within one year after the date of the accident if, in the  
8 judgment of the Administrator, the provisions of Sections 7-202  
9 and 7-203 excuse or exempt the operator or owner from the  
10 requirement of the deposit. In case the security originally  
11 ordered has been deposited the excess of the reduced amount  
12 ordered shall be returned to the depositor or his personal  
13 representative forthwith, notwithstanding the provisions of  
14 Section 7-214. The Secretary of State likewise shall have  
15 authority granted to the Administrator to reduce the amount of  
16 security ordered by the Administrator.

17 (Source: P.A. 87-829.)

18 (625 ILCS 5/11-406) (from Ch. 95 1/2, par. 11-406)

19 Sec. 11-406. Duty to report accident.

20 (a) The driver of a vehicle that is in any manner involved  
21 in an accident within this State, resulting in injury to or  
22 death of any person, or in which damage to the property of any  
23 one person, including himself, in excess of \$1,500 ~~\$500~~ is  
24 sustained, shall, as soon as possible but not later than 10  
25 days after the accident, forward a written report of the

1 accident to the Administrator.

2 (b) Whenever a school bus is involved in an accident in  
3 this State, caused by a collision, a sudden stop or otherwise,  
4 resulting in any property damage, personal injury or death and  
5 whenever an accident occurs within 50 feet of a school bus in  
6 this State resulting in personal injury to or the death of any  
7 person while awaiting or preparing to board the bus or  
8 immediately after exiting the bus, the driver shall as soon as  
9 possible but not later than 10 days after the accident, forward  
10 a written report to the Department of Transportation. If a  
11 report is also required under Subsection (a) of this Section,  
12 that report and the report required by this Subsection shall be  
13 submitted on a single form.

14 (c) The Administrator may require any driver, occupant or  
15 owner of a vehicle involved in an accident of which report must  
16 be made as provided in this Section or Section 11-410 of this  
17 Chapter to file supplemental reports whenever the original  
18 report is insufficient in the opinion of the Secretary of State  
19 or the Administrator, and may require witnesses of the accident  
20 to submit written reports to the Administrator. The report may  
21 include photographs, charts, sketches, and graphs.

22 (d) Should the Administrator learn through other reports of  
23 accidents required by law of the occurrence of an accident  
24 reportable under this Article and the driver, owner, or witness  
25 has not reported as required under Subsections (a), (b) or (c)  
26 of this Section or Section 11-410, within the time specified,

1 the person is not relieved of the responsibility and the  
2 Administrator shall notify the person by first class mail  
3 directed to his last known address of his legal obligation.  
4 However, the notification is not a condition precedent to  
5 impose the penalty for failure to report as provided in  
6 Subsection (e).

7 (e) The Secretary of State shall suspend the driver's  
8 license or any non-resident's driving privilege of any person  
9 who fails or neglects to make report of a traffic accident as  
10 required or as required by any other law of this State.

11 (Source: P.A. 87-829.)

12 (625 ILCS 5/11-406.1 new)

13 Sec. 11-406.1. Optional reporting of accident. The driver  
14 of a vehicle that is in any manner involved in an accident  
15 within this State in which damage to the property of any one  
16 person, including himself or herself, in excess of \$500 but not  
17 more than \$1,500 is sustained, may, not later than 10 days  
18 after the accident, forward a written report of the accident to  
19 the Administrator."