



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0881

Introduced 2/10/2009, by Rep. Susana A Mendoza

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.719 new
30 ILCS 105/8h
605 ILCS 125/20
730 ILCS 5/5-9-1.17 new

Amends the State Finance Act, the Roadside Memorial Act, and the Unified Code of Corrections. Provides that a person who is convicted or receives a disposition of court supervision for a violation of certain DUI provisions of the Illinois Vehicle Code shall, in addition to any other disposition, penalty, or fine imposed, pay a fee of \$50 which shall be deposited into the Roadside Memorial Fund. Creates the Roadside Memorial Fund as a special fund in the State treasury. Provides that, subject to appropriation, all money in the Roadside Memorial Fund shall be used by the Department of Transportation to pay fees for DUI memorial markers under the Roadside Memorial Act. Effective immediately. Provides that money in the Roadside Memorial Fund shall not be used for any other purpose. Effective immediately.

LRB096 04639 AJT 14698 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 State Finance Act is amended by adding
5 Section 5.719 and changing Section 8h as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Roadside Memorial Fund.

8 (30 ILCS 105/8h)

9 Sec. 8h. Transfers to General Revenue Fund.

10 (a) Except as otherwise provided in this Section and
11 Section 8n of this Act, and notwithstanding any other State law
12 to the contrary, the Governor may, through June 30, 2007, from
13 time to time direct the State Treasurer and Comptroller to
14 transfer a specified sum from any fund held by the State
15 Treasurer to the General Revenue Fund in order to help defray
16 the State's operating costs for the fiscal year. The total
17 transfer under this Section from any fund in any fiscal year
18 shall not exceed the lesser of (i) 8% of the revenues to be
19 deposited into the fund during that fiscal year or (ii) an
20 amount that leaves a remaining fund balance of 25% of the July
21 1 fund balance of that fiscal year. In fiscal year 2005 only,
22 prior to calculating the July 1, 2004 final balances, the

1 Governor may calculate and direct the State Treasurer with the
2 Comptroller to transfer additional amounts determined by
3 applying the formula authorized in Public Act 93-839 to the
4 funds balances on July 1, 2003. No transfer may be made from a
5 fund under this Section that would have the effect of reducing
6 the available balance in the fund to an amount less than the
7 amount remaining unexpended and unreserved from the total
8 appropriation from that fund estimated to be expended for that
9 fiscal year. This Section does not apply to any funds that are
10 restricted by federal law to a specific use, to any funds in
11 the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the
12 Hospital Provider Fund, the Medicaid Provider Relief Fund, the
13 Teacher Health Insurance Security Fund, the Reviewing Court
14 Alternative Dispute Resolution Fund, the Voters' Guide Fund,
15 the Foreign Language Interpreter Fund, the Lawyers' Assistance
16 Program Fund, the Supreme Court Federal Projects Fund, the
17 Supreme Court Special State Projects Fund, the Supplemental
18 Low-Income Energy Assistance Fund, the Good Samaritan Energy
19 Trust Fund, the Low-Level Radioactive Waste Facility
20 Development and Operation Fund, the Horse Racing Equity Trust
21 Fund, the Metabolic Screening and Treatment Fund, or the
22 Hospital Basic Services Preservation Fund, or to any funds to
23 which Section 70-50 of the Nurse Practice Act applies. No
24 transfers may be made under this Section from the Pet
25 Population Control Fund. Notwithstanding any other provision
26 of this Section, for fiscal year 2004, the total transfer under

1 this Section from the Road Fund or the State Construction
2 Account Fund shall not exceed the lesser of (i) 5% of the
3 revenues to be deposited into the fund during that fiscal year
4 or (ii) 25% of the beginning balance in the fund. For fiscal
5 year 2005 through fiscal year 2007, no amounts may be
6 transferred under this Section from the Road Fund, the State
7 Construction Account Fund, the Criminal Justice Information
8 Systems Trust Fund, the Wireless Service Emergency Fund, or the
9 Mandatory Arbitration Fund.

10 In determining the available balance in a fund, the
11 Governor may include receipts, transfers into the fund, and
12 other resources anticipated to be available in the fund in that
13 fiscal year.

14 The State Treasurer and Comptroller shall transfer the
15 amounts designated under this Section as soon as may be
16 practicable after receiving the direction to transfer from the
17 Governor.

18 (a-5) Transfers directed to be made under this Section on
19 or before February 28, 2006 that are still pending on May 19,
20 2006 (the effective date of Public Act 94-774) shall be
21 redirected as provided in Section 8n of this Act.

22 (b) This Section does not apply to: (i) the Ticket For The
23 Cure Fund; (ii) any fund established under the Community Senior
24 Services and Resources Act; or (iii) on or after January 1,
25 2006 (the effective date of Public Act 94-511), the Child Labor
26 and Day and Temporary Labor Enforcement Fund.

1 (c) This Section does not apply to the Demutualization
2 Trust Fund established under the Uniform Disposition of
3 Unclaimed Property Act.

4 (d) This Section does not apply to moneys set aside in the
5 Illinois State Podiatric Disciplinary Fund for podiatric
6 scholarships and residency programs under the Podiatric
7 Scholarship and Residency Act.

8 (e) Subsection (a) does not apply to, and no transfer may
9 be made under this Section from, the Pension Stabilization
10 Fund.

11 (f) Subsection (a) does not apply to, and no transfer may
12 be made under this Section from, the Illinois Power Agency
13 Operations Fund, the Illinois Power Agency Facilities Fund, the
14 Illinois Power Agency Debt Service Fund, and the Illinois Power
15 Agency Trust Fund.

16 (g) This Section does not apply to the Veterans Service
17 Organization Reimbursement Fund.

18 (h) This Section does not apply to the Supreme Court
19 Historic Preservation Fund.

20 (i) This Section does not apply to, and no transfer may be
21 made under this Section from, the Money Follows the Person
22 Budget Transfer Fund.

23 (j) This Section does not apply to the Roadside Memorial
24 Fund.

25 (Source: P.A. 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511,
26 eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05;

1 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff.
2 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773,
3 eff. 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06;
4 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-410, eff.
5 8-24-07; 95-481, eff. 8-28-07; 95-629, eff. 9-25-07; 95-639,
6 eff. 10-5-07; 95-695, eff. 11-5-07; 95-744, eff. 7-18-08;
7 95-876, eff. 8-21-08.)

8 Section 10. The Roadside Memorial Act is amended by
9 changing Section 20 as follows:

10 (605 ILCS 125/20)

11 Sec. 20. DUI memorial markers.

12 (a) A DUI memorial marker shall consist of a white on blue
13 panel bearing the message "Please Don't Drink and Drive". At
14 the request of the qualified relative, a separate panel bearing
15 the words "In Memory of (victim's name)", followed by the date
16 of the crash that was the proximate cause of the loss of the
17 victim's life, shall be mounted below the primary panel.

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

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

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

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

13 (f) A fee in an amount to be determined by the supporting
14 jurisdiction may be paid in whole or in part from the Roadside
15 Memorial Fund if moneys are made available by the Department of
16 Transportation from that Fund or may be charged to the
17 qualified relative to the extent moneys from that Fund are not
18 made available. The fee shall not exceed the costs associated
19 with the fabrication, installation, and maintenance of the DUI
20 memorial marker.

21 (Source: P.A. 95-398, eff. 1-1-08.)

22 Section 15. The Unified Code of Corrections is amended by
23 adding Section 5-9-1.17 as follows:

24 (730 ILCS 5/5-9-1.17 new)

1 Sec. 5-9-1.17. Fee; Roadside Memorial Fund. A person who is
2 convicted or receives a disposition of court supervision for a
3 violation of Section 11-501 of the Illinois Vehicle Code shall,
4 in addition to any other disposition, penalty, or fine imposed,
5 pay a fee of \$50 which shall be collected by the clerk of the
6 court and then remitted to the State Treasurer for deposit into
7 the Roadside Memorial Fund, a special fund that is created in
8 the State treasury. Subject to appropriation, all moneys in the
9 Roadside Memorial Fund shall be used by the Department of
10 Transportation to pay fees imposed under subsection (f) of
11 Section 20 of the Roadside Memorial Act.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.