



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5330

Introduced 2/5/2010, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-408

from Ch. 95 1/2, par. 11-408

Amends a provision of the Illinois Vehicle Code concerning accident reports. Provides that upon request, the Department of Transportation shall furnish copies of its written accident reports to federal, State, and local agencies that are engaged in highway safety research and studies. Provides that the reports shall be for the privileged use of the federal, State, and local agencies receiving the reports and shall be held confidential. Effective immediately.

LRB096 19926 AJT 35397 b

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 Vehicle Code is amended by changing
5 Section 11-408 as follows:

6 (625 ILCS 5/11-408) (from Ch. 95 1/2, par. 11-408)

7 Sec. 11-408. Police to report motor vehicle accident
8 investigations.

9 (a) Every law enforcement officer who investigates a motor
10 vehicle accident for which a report is required by this Article
11 or who prepares a written report as a result of an
12 investigation either at the time and scene of such motor
13 vehicle accident or thereafter by interviewing participants or
14 witnesses shall forward a written report of such motor vehicle
15 accident to the Administrator on forms provided by the
16 Administrator under Section 11-411 within 10 days after
17 investigation of the motor vehicle accident, or within such
18 other time as is prescribed by the Administrator. Such written
19 reports required to be forwarded by law enforcement officers
20 and the information contained therein are privileged as to the
21 Secretary of State and the Department and, in the case of
22 second division vehicles operated under certificate of
23 convenience and necessity issued by the Illinois Commerce

1 Commission, to the Commission, but shall not be held
2 confidential by the reporting law enforcement officer or
3 agency. The Secretary of State may also disclose notations of
4 accident involvement maintained on individual driving records.
5 However, the Administrator or the Secretary of State may
6 require a supplemental written report from the reporting law
7 enforcement officer and such supplemental report shall be for
8 the privileged use of the Secretary of State and the Department
9 and shall be held confidential. Upon request, the Department
10 shall furnish copies of its written accident reports to
11 federal, State, and local agencies that are engaged in highway
12 safety research and studies. The reports shall be for the
13 privileged use of the federal, State, and local agencies
14 receiving the reports and shall be held confidential.

15 (b) The Department at its discretion may require a
16 supplemental written report from the reporting law enforcement
17 officer on a form supplied by the Department to be submitted
18 directly to the Department. Such supplemental report may be
19 used only for accident studies and statistical or analytical
20 purposes, and shall be for the privileged use of the Department
21 and shall be held confidential.

22 (c) The Department at its discretion may also provide for
23 in-depth investigations of a motor vehicle accident by
24 individuals or special investigation groups, including but not
25 limited to police officers, photographers, engineers, doctors,
26 mechanics, and as a result of the investigation may require the

1 submission of written reports, photographs, charts, sketches,
2 graphs, or a combination of all. Such individual written
3 reports, photographs, charts, sketches, or graphs may be used
4 only for accident studies and statistical or analytical
5 purposes, shall be for the privileged use of the Department and
6 held confidential, and shall not be used in any trial, civil or
7 criminal.

8 (d) On and after July 1, 1997, law enforcement officers who
9 have reason to suspect that the motor vehicle accident was the
10 result of a driver's loss of consciousness due to a medical
11 condition, as defined by the Driver's License Medical Review
12 Law of 1992, or the result of any medical condition that
13 impaired the driver's ability to safely operate a motor vehicle
14 shall notify the Secretary of this determination. The
15 Secretary, in conjunction with the Driver's License Medical
16 Advisory Board, shall determine by administrative rule the
17 temporary conditions not required to be reported under the
18 provisions of this Section. The Secretary shall, in conjunction
19 with the Illinois State Police and representatives of local and
20 county law enforcement agencies, promulgate any rules
21 necessary and develop the procedures and documents that may be
22 required to obtain written, electronic, or other agreed upon
23 methods of notification to implement the provisions of this
24 Section.

25 (e) Law enforcement officers reporting under the
26 provisions of subsection (d) of this Section shall enjoy the

1 same immunities granted members of the Driver's License Medical
2 Advisory Board under Section 6-910 of this Code.

3 (f) All information furnished to the Secretary under
4 subsection (d) of this Section shall be deemed confidential and
5 for the privileged use of the Secretary in accordance with the
6 provisions of subsection (j) of Section 2-123 of this Code.

7 (Source: P.A. 89-503, eff. 7-1-96; 89-584, eff. 7-31-96; 90-14,
8 eff. 7-1-97.)

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