

HB3854



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3854

Introduced 10/24/2011, by Rep. Rich Brauer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-408

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

Amends the Illinois Vehicle Code. Provides that in the case of a fatal motor vehicle accident involving 2 or more vehicles, a traffic crash reconstruction report must be completed within 30 days of the accident.

LRB097 13572 HEP 58099 b

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 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. In the case
19 of a fatal motor vehicle accident involving 2 or more vehicles,
20 a traffic crash reconstruction report must be completed within
21 30 days of the accident. Such written reports required to be
22 forwarded by law enforcement officers and the information
23 contained therein are privileged as to the Secretary of State

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

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

24 (c) The Department at its discretion may also provide for
25 in-depth investigations of a motor vehicle accident by
26 individuals or special investigation groups, including but not

1 limited to police officers, photographers, engineers, doctors,
2 mechanics, and as a result of the investigation may require the
3 submission of written reports, photographs, charts, sketches,
4 graphs, or a combination of all. Such individual written
5 reports, photographs, charts, sketches, or graphs may be used
6 only for accident studies and statistical or analytical
7 purposes, shall be for the privileged use of the Department and
8 held confidential, and shall not be used in any trial, civil or
9 criminal.

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

1 (e) Law enforcement officers reporting under the
2 provisions of subsection (d) of this Section shall enjoy the
3 same immunities granted members of the Driver's License Medical
4 Advisory Board under Section 6-910 of this Code.

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

9 (Source: P.A. 96-1147, eff. 7-21-10.)