

SB3409



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3409

Introduced 2/7/2012, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-402

from Ch. 95 1/2, par. 11-402

Amends the Illinois Vehicle Code. Provides that the driver of a vehicle involved in a motor vehicle accident resulting only in damage to a vehicle may move the vehicle as soon as possible off the highway to the nearest safe location on an exit ramp shoulder, a frontage road, the nearest suitable cross street, or other suitable location that does not obstruct traffic and remain at that location until the driver has fulfilled the requirements of the Section of the Code concerning the duty to give information and render aid.

LRB097 19923 HEP 65213 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 11-402 as follows:

6 (625 ILCS 5/11-402) (from Ch. 95 1/2, par. 11-402)

7 Sec. 11-402. Motor vehicle accident involving damage to
8 vehicle.

9 (a) The driver of any vehicle involved in a motor vehicle
10 accident resulting only in damage to a vehicle which is driven
11 or attended by any person shall immediately stop such vehicle
12 at the scene of such motor vehicle accident or as close thereto
13 as possible, but shall forthwith return to and in every event
14 shall remain at the scene of such motor vehicle accident until
15 the requirements of Section 11-403 have been fulfilled. A
16 driver does not violate this Section if the driver moves the
17 vehicle as soon as possible off the highway to the nearest safe
18 location on an exit ramp shoulder, a frontage road, the nearest
19 suitable cross street, or other suitable location that does not
20 obstruct traffic and remains at that location until the driver
21 has fulfilled the requirements of Section 11-403. Every such
22 stop shall be made without obstructing traffic more than is
23 necessary. If a damaged vehicle is obstructing traffic lanes,

1 the driver of the vehicle must make every reasonable effort to
2 move the vehicle or have it moved so as not to block the
3 traffic lanes.

4 Any person failing to comply with this Section shall be
5 guilty of a Class A misdemeanor.

6 (b) Upon conviction of a violation of this Section, the
7 court shall make a finding as to whether the damage to a
8 vehicle is in excess of \$1,000, and in such case a statement of
9 this finding shall be reported to the Secretary of State with
10 the report of conviction as required by Section 6-204 of this
11 Code. Upon receipt of such report of conviction and statement
12 of finding that the damage to a vehicle is in excess of \$1,000,
13 the Secretary of State shall suspend the driver's license or
14 any nonresident's driving privilege.

15 (c) If any peace officer or highway authority official
16 finds (i) a vehicle standing upon a highway or toll highway in
17 violation of a prohibition, limitation, or restriction on
18 stopping, standing, or parking imposed under this Code or (ii)
19 a disabled vehicle that obstructs the roadway of a highway or
20 toll highway, the peace officer or highway authority official
21 is authorized to move the vehicle or to require the operator of
22 the vehicle to move the vehicle to the shoulder of the road, to
23 a position where parking is permitted, or to public parking or
24 storage premises. The removal may be performed by, or under the
25 direction of, the peace officer or highway authority official
26 or may be contracted for by local authorities. After the

1 vehicle has been removed, the peace officer or highway
2 authority official shall follow appropriate procedures, as
3 provided in Section 4-203 of this Code.

4 (d) A towing service, its officers, and its employees are
5 not liable for loss of or damages to any real or personal
6 property that occurs as the result of the removal or towing of
7 any vehicle under subsection (c), as provided in subsection (b)
8 of Section 4-213.

9 (Source: P.A. 95-407, eff. 1-1-08.)