

# SB1628



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1628

Introduced 2/13/2013, by Sen. Martin A. Sandoval

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-408

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning law enforcement's duty to report motor vehicle accident investigations.

LRB098 08642 MLW 38762 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 ~~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. 96-1147, eff. 7-21-10.)