

1 AN ACT in relation to vehicles.

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  
5 changing Sections 11-408 and 11-412 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  
10 motor vehicle accident for which a report is required by this  
11 Article 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  
14 or witnesses shall forward a written report of such motor  
15 vehicle accident to the Administrator on forms provided by  
16 the 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  
19 written reports required to be forwarded by law enforcement  
20 officers and the information contained therein are privileged  
21 as to the Secretary of State and the Department and, in the  
22 case of second division vehicles operated under certificate  
23 of convenience and necessity issued by the Illinois Commerce  
24 Commission, to the Commission, and ~~but~~ shall ~~not~~ be held  
25 confidential by the reporting law enforcement officer or  
26 agency for a period of 60 days after the date the report is  
27 filed, as provided in Section 11-412 of this Code. The  
28 Secretary of State may also disclose notations of accident  
29 involvement maintained on individual driving records.  
30 However, the Administrator or the Secretary of State may  
31 require a supplemental written report from the reporting law

1 enforcement officer and such supplemental report shall be for  
2 the privileged use of the Secretary of State and the  
3 Department and shall be held confidential.

4 (b) The Department at its discretion may require a  
5 supplemental written report from the reporting law  
6 enforcement officer on a form supplied by the Department to  
7 be submitted directly to the Department. Such supplemental  
8 report may be used only for accident studies and statistical  
9 or analytical purposes, and shall be for the privileged use  
10 of the Department and shall be held confidential.

11 (c) The Department at its discretion may also provide  
12 for in-depth investigations of a motor vehicle accident by  
13 individuals or special investigation groups, including but  
14 not limited to police officers, photographers, engineers,  
15 doctors, mechanics, and as a result of the investigation may  
16 require the submission of written reports, photographs,  
17 charts, sketches, graphs, or a combination of all. Such  
18 individual written reports, photographs, charts, sketches, or  
19 graphs may be used only for accident studies and statistical  
20 or analytical purposes, shall be for the privileged use of  
21 the Department and held confidential, and shall not be used  
22 in any trial, civil or criminal.

23 (d) On and after July 1, 1997, law enforcement officers  
24 who have reason to suspect that the motor vehicle accident  
25 was the result of a driver's loss of consciousness due to a  
26 medical condition, as defined by the Driver's License Medical  
27 Review Law of 1992, or the result of any medical condition  
28 that impaired the driver's ability to safely operate a motor  
29 vehicle shall notify the Secretary of this determination.  
30 The Secretary, in conjunction with the Driver's License  
31 Medical Advisory Board, shall determine by administrative  
32 rule the temporary conditions not required to be reported  
33 under the provisions of this Section. The Secretary shall,  
34 in conjunction with the Illinois State Police and

1 representatives of local and county law enforcement agencies,  
2 promulgate any rules necessary and develop the procedures and  
3 documents that may be required to obtain written, electronic,  
4 or other agreed upon methods of notification to implement the  
5 provisions of this Section.

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

10 (f) All information furnished to the Secretary under  
11 subsection (d) of this Section shall be deemed confidential  
12 and for the privileged use of the Secretary in accordance  
13 with the provisions of subsection (j) of Section 2-123 of  
14 this Code.

15 (Source: P.A. 89-503, eff. 7-1-96; 89-584, eff. 7-31-96;  
16 90-14, eff. 7-1-97.)

17 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)  
18 Sec. 11-412. Motor vehicle accident reports  
19 confidential.

20 (a) All required written motor vehicle accident reports  
21 and supplemental reports shall be without prejudice to the  
22 individual so reporting and shall be for the confidential use  
23 of the Department and the Secretary of State and, in the case  
24 of second division vehicles operated under certificate of  
25 convenience and necessity issued by the Illinois Commerce  
26 Commission, of the Commission, except that the Administrator  
27 or the Secretary of State or the Commission may disclose the  
28 identity of a person involved in a motor vehicle accident  
29 when such identity is not otherwise known or when such person  
30 denies his presence at such motor vehicle accident and the  
31 Department shall disclose the identity of the insurance  
32 carrier, if any, upon demand. The Secretary of State may also  
33 disclose notations of accident involvement maintained on

1 individual driving records. The Department may furnish  
2 copies of its written accident reports to federal and State  
3 agencies that are engaged in highway safety research and  
4 studies. Reports furnished to any agency other than the  
5 Secretary of State or the Illinois Commerce Commission may be  
6 used only for statistical or analytical purposes and shall be  
7 held confidential by that agency. No such written report  
8 shall be used as evidence in any trial, civil or criminal,  
9 arising out of a motor vehicle accident, except that the  
10 Administrator shall furnish upon demand of any person who  
11 has, or claims to have, made such a written report, or upon  
12 demand of any court, a certificate showing that a specified  
13 written accident report has or has not been made to the  
14 Administrator solely to prove a compliance or a failure to  
15 comply with the requirement that such a written report be  
16 made to the Administrator.

17 (b) The Department of Transportation at its discretion  
18 may provide for in-depth investigations of accidents  
19 involving Department employees. A written report describing  
20 the preventability of such an accident may be prepared to  
21 enhance the safety of Department employees. Such reports and  
22 any opinions expressed in the review of the accident as to  
23 the preventability of the accident shall be for the  
24 privileged use of the Department and held confidential and  
25 shall not be obtainable or used in any civil or criminal  
26 proceeding.

27 (c) Accident reports required by this Article which  
28 reveal the identity, home or employment telephone number, or  
29 home or employment address of, or other personal information  
30 concerning, the parties involved in the accident and which  
31 are received or prepared by any agency that regularly  
32 receives or prepares information from or concerning the  
33 parties to motor vehicle accidents are confidential for a  
34 period of 60 days after the date the report is filed. These

1 reports, however, may be made immediately available to the  
2 parties involved in the accident, their legal  
3 representatives, their licensed insurance agents, their  
4 insurers or insurers to which they have applied for coverage,  
5 persons under contract with those insurers to provide claims  
6 or underwriting information, prosecutorial authorities, radio  
7 and television stations licensed by the Federal  
8 Communications Commission, newspapers as defined in Section 1  
9 of the Newspaper Legal Notice Act, and free newspapers of  
10 general circulation, published once a week or more often,  
11 available and of interest to the public generally for the  
12 dissemination of news. For the purposes of this Section, the  
13 following products or publications are not newspapers as  
14 referred to in this Section: those intended primarily for  
15 members of a particular profession or occupational group;  
16 those with the primary purpose of distributing advertising;  
17 and those with the primary purpose of publishing names and  
18 other personally identifying information concerning parties  
19 to motor vehicle accidents. Any State or federal agency that  
20 is authorized to have access to accident reports by any law  
21 shall be granted that access in the furtherance of the  
22 agency's statutory duties. Any person attempting to gain  
23 access to an accident report within 60 days after the date  
24 the report is filed must present legitimate credentials or  
25 identification that demonstrates his or her qualification to  
26 gain access to that information.

27 (d) Any employee of a State or local agency in possession  
28 of information made confidential by this Section who  
29 knowingly discloses that confidential information to a person  
30 not entitled to that information under this Section is guilty  
31 of a Class 3 felony.

32 (e) Any person, knowing that he or she is not entitled to  
33 obtain information made confidential by this Section, who  
34 obtains or attempts to obtain that information is guilty of a

1 Class 3 felony.

2 (Source: P.A. 89-503, eff. 7-1-96.)