

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 10. The Illinois Vehicle Code is amended by changing Sections 11-408, 11-411, 11-412, and 11-414 and by adding Sections 1-146.5 and 11-417 as follows:

(625 ILCS 5/1-146.5 new)

Sec. 1-146.5. Motor vehicle accident data. Any information generated from a motor vehicle accident report or supplemental report, but shall not include a copy of the motor vehicle accident report or supplemental report, personally identifying information as defined in Section 1-159.2 of this Code, or any other information disclosure of which is prohibited by law.

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

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

(a) Every law enforcement officer who investigates a motor vehicle accident for which a report is required by this Article or who prepares a written report as a result of an investigation either at the time and scene of such motor vehicle accident or thereafter by interviewing participants or witnesses shall forward a written report of such motor vehicle

accident to the Administrator on forms provided by the Administrator under Section 11-411 within 10 days after investigation of the motor vehicle accident, or within such other time as is prescribed by the Administrator. Such written reports and the information contained in those reports required to be forwarded by law enforcement officers ~~and the information contained therein are privileged as to the Secretary of State and the Department and, in the case of second division vehicles operated under certificate of convenience and necessity issued by the Illinois Commerce Commission, to the Commission, but~~ shall not be held confidential by the reporting law enforcement officer or agency. The Secretary of State may also disclose notations of accident involvement maintained on individual driving records. However, the Administrator or the Secretary of State may require a supplemental written report from the reporting law enforcement officer ~~and such supplemental report shall be for the privileged use of the Secretary of State and the Department and shall be held confidential. Upon request, the Department shall furnish copies of its written accident reports to federal, State, and local agencies that are engaged in highway safety research and studies. The reports shall be for the privileged use of the federal, State, and local agencies receiving the reports and shall be held confidential.~~

(b) The Department at its discretion may require a supplemental written report from the reporting law enforcement officer on a form supplied by the Department to be submitted

directly to the Department. Such supplemental report may be used only for accident studies and statistical or analytical purposes under Section 11-412 or 11-414 of this Code, ~~and shall be for the privileged use of the Department and shall be held confidential.~~

(c) The Department at its discretion may ~~also~~ provide for in-depth investigations of accidents involving Department employees or other a motor vehicle accidents ~~accident~~ by individuals or special investigation groups, including but not limited to police officers, photographers, engineers, doctors, mechanics, and as a result of the investigation may require the submission of written reports, photographs, charts, sketches, graphs, or a combination of all. Such individual written reports, photographs, charts, sketches, or graphs may be used only for accident studies and statistical or analytical purposes under Section 11-412 or 11-414 of this Code, ~~shall be for the privileged use of the Department and held confidential, and shall not be used in any trial, civil or criminal.~~

(d) On and after July 1, 1997, law enforcement officers who have reason to suspect that the motor vehicle accident was the result of a driver's loss of consciousness due to a medical condition, as defined by the Driver's License Medical Review Law of 1992, or the result of any medical condition that impaired the driver's ability to safely operate a motor vehicle shall notify the Secretary of this determination. The Secretary, in conjunction with the Driver's License Medical

Advisory Board, shall determine by administrative rule the temporary conditions not required to be reported under the provisions of this Section. The Secretary shall, in conjunction with the Illinois State Police and representatives of local and county law enforcement agencies, promulgate any rules necessary and develop the procedures and documents that may be required to obtain written, electronic, or other agreed upon methods of notification to implement the provisions of this Section.

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

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

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

(625 ILCS 5/11-411) (from Ch. 95 1/2, par. 11-411)

Sec. 11-411. Accident report forms.

(a) The Administrator must prepare and upon request supply to police departments, sheriffs and other appropriate agencies or individuals, forms for written accident reports as required hereunder, suitable with respect to the persons required to make such reports and the purposes to be served. The written

reports must call for sufficiently detailed information to disclose with reference to a vehicle accident the cause, conditions then existing, and the persons and vehicles involved or any other data concerning such accident that may be required for a complete analysis of all related circumstances and events leading to the accident or subsequent to the occurrence.

(b) Every accident report required to be made in writing must be made on an approved ~~appropriate~~ form or in an approved electronic format ~~approved or~~ provided by the Administrator and must contain all the information required therein unless that information is not available. The Department shall adopt any rules necessary to implement this subsection (b).

(c) Should special accident studies be required by the Administrator, the Administrator may provide the supplemental forms for the special studies.

(Source: P.A. 78-255.)

(625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

Sec. 11-412. Motor vehicle accident reports confidential.

(a) All required written motor vehicle accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department and the Secretary of State and, in the case of second division vehicles operated under certificate of convenience and necessity issued by the Illinois Commerce Commission, of the Commission, except that the Administrator or

the Secretary of State or the Commission may disclose the identity of a person involved in a motor vehicle accident when such identity is not otherwise known or when such person denies his presence at such motor vehicle accident and the Department shall disclose the identity of the insurance carrier, if any, upon demand. The Secretary of State may also disclose notations of accident involvement maintained on individual driving records.

(b) Upon written request, the ~~The~~ Department shall ~~may~~ furnish copies of its written accident reports or any supplemental reports to federal, State, and local agencies that are engaged in highway safety research and studies and to any person or entity that has a contractual agreement with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency. Reports furnished to any agency, person, or entity other than the Secretary of State or the Illinois Commerce Commission may be used only for statistical or analytical purposes and shall be held confidential by that agency, person, or entity. These reports shall be exempt from inspection and copying under the Freedom of Information Act and shall not be ~~No such written report shall be~~ used as evidence in any trial, civil or criminal, arising out of a motor vehicle accident, except that the Administrator shall furnish upon demand of any person who has, or claims to have, made such a written or supplemental report,

or upon demand of any court, a certificate showing that a specified written accident report or supplemental report has or has not been made to the Administrator solely to prove a compliance or a failure to comply with the requirement that such a written or supplemental report be made to the Administrator.

(c) Upon written request, the Department shall furnish motor vehicle accident data to a federal, State, or local agency, the Secretary of State, the Illinois Commerce Commission, or any other person or entity under Section 11-417 of this Code.

(d) The Department ~~of Transportation~~ at its discretion may provide for in-depth investigations of accidents involving Department employees or other motor vehicle accidents. A written report describing the preventability of such an accident may be prepared to enhance the safety of Department employees or the traveling public. Such reports and the information contained in those reports and any opinions expressed in the review of the accident as to the preventability of the accident shall be for the privileged use of the Department and held confidential and shall not be obtainable or used in any civil or criminal proceeding.

(Source: P.A. 95-757, eff. 7-25-08.)

(625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

Sec. 11-414. Department to tabulate and analyze motor

vehicle accident reports. The Department shall tabulate and may analyze all written motor vehicle accident reports received in compliance with this Code and shall publish annually or at more frequent intervals motor vehicle accident data ~~statistical information based thereon as to the number and circumstances of traffic accidents~~. The Department:

1. (blank); ~~shall submit a report of school bus accidents and accidents resulting in personal injury to or the death of any person within 50 feet of a school bus while awaiting or preparing to board the bus or immediately after exiting the bus to the National Highway Safety Advisory Committee annually or as requested by the Committee;~~

2. shall, upon written request, ~~compile, maintain, and~~ make available to the public motor vehicle accident data that shall be distributed under Sections 11-412 and 11-417 of this Code ~~statistical information relating to traffic accidents involving medical transport vehicles;~~

3. may conduct special investigations of motor vehicle accidents and may solicit supplementary reports from drivers, owners, police departments, sheriffs, coroners, or any other individual. Failure of any individual to submit a supplementary report subjects such individual to the same penalties for failure to report as designated under Section 11-406.

(Source: P.A. 83-831.)

Sec. 11-417. Motor vehicle accident report and motor vehicle accident data.

(a) Upon written request and payment of the required fee, the Department shall make available to the public motor vehicle accident data received in compliance with this Code. The Department shall adopt any rules necessary to establish a fee schedule for motor vehicle accident data made available under Section 11-414 of this Code.

(b) The Department shall provide copies of a written motor vehicle accident report or motor vehicle accident data without any cost or fees authorized under any provision of law to a federal, State, or local agency, the Secretary of State, the Illinois Commerce Commission, or any other person or entity that has a contractual agreement with the Department or a federal, State, or local agency to complete a highway safety research and study for the Department or the federal, State, or local agency.

(c) All fees collected under this Section shall be placed in the Road Fund to be used, subject to appropriation, for the costs associated with motor vehicle accident records and motor vehicle accident data.