



Rep. John E. Bradley

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09700HB0860ham001

LRB097 03689 HEP 53745 a

1 AMENDMENT TO HOUSE BILL 860

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 860 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Roadside Memorial Act is amended by  
5 changing Sections 15 and 23 as follows:

6 (605 ILCS 125/15)

7 Sec. 15. Participation in the Roadside Memorial program.

8 (a) A qualified relative of a victim may make a request for  
9 the installation of a memorial marker in a supporting  
10 jurisdiction using an application developed by the supporting  
11 jurisdiction. The supporting jurisdiction shall have sole  
12 responsibility for determining whether a request for a DUI  
13 memorial marker is rejected or accepted.

14 (b) An application for a DUI memorial marker may be  
15 submitted by a qualified relative with regard to any crash that  
16 occurred on or after January 1, 1985 ~~January 1, 1990~~.

1 (c) If there is any opposition to the placement of a DUI  
2 memorial marker by any qualified relative of any decedent  
3 involved in the crash, the supporting jurisdiction shall deny  
4 the request.

5 (d) The supporting jurisdiction shall deny the request or,  
6 if a DUI memorial marker has already been installed, may remove  
7 the marker, if the qualified relative has provided false or  
8 misleading information in the application.

9 (e) The qualified relative shall agree not to place or  
10 encourage the placement of flowers, pictures, or other items at  
11 the crash site.

12 (f) A DUI memorial marker shall not be erected for a  
13 deceased driver involved in a fatal crash who is shown by  
14 toxicology reports to have been in violation of State DUI law,  
15 unless the next of kin of any other victim or victims killed in  
16 the crash consent in writing to the erection of the memorial  
17 marker.

18 (Source: P.A. 95-398, eff. 1-1-08; 95-873, eff. 8-21-08.)

19 (605 ILCS 125/23)

20 (Section scheduled to be repealed on December 31, 2011)

21 Sec. 23. Fatal accident memorial marker program.

22 (a) The fatal accident memorial marker program is intended  
23 to raise public awareness of reckless driving by emphasizing  
24 the dangers while affording families an opportunity to remember  
25 the victims of crashes involving reckless drivers.

1           (b) As used in this Section, "fatal accident memorial  
2 marker" means a marker on a highway in this State commemorating  
3 one or more persons who died as a proximate result of a crash  
4 caused by a driver who committed an act of reckless homicide in  
5 violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961  
6 or who otherwise caused the death of one or more persons  
7 through the operation of a motor vehicle.

8           (c) For purposes of the fatal accident memorial marker  
9 program in this Section, the provisions of Section 15 of this  
10 Act applicable to DUI memorial markers shall apply the same to  
11 fatal accident memorial markers.

12           (d) A fatal accident memorial marker shall consist of a  
13 white on blue panel bearing the message "Reckless Driving Costs  
14 Lives". At the request of the qualified relative, a separate  
15 panel bearing the words "In Memory of (victim's name)",  
16 followed by the date of the crash that was the proximate cause  
17 of the loss of the victim's life, shall be mounted below the  
18 primary panel.

19           (e) A fatal accident memorial marker may memorialize more  
20 than one victim who died as a result of the same crash. If one  
21 or more additional deaths subsequently occur in close proximity  
22 to an existing fatal accident memorial marker, the supporting  
23 jurisdiction may use the same marker to memorialize the  
24 subsequent death or deaths, by adding the names of the  
25 additional persons.

26           (f) A fatal accident memorial marker shall be maintained

1 for at least 2 years from the date the last person was  
2 memorialized on the marker.

3 (g) The supporting jurisdiction has the right to install a  
4 marker at a location other than the location of the crash or to  
5 relocate a marker due to restricted room, property owner  
6 complaints, interference with essential traffic control  
7 devices, safety concerns, or other restrictions. In such cases,  
8 the sponsoring jurisdiction may select an alternate location.

9 (h) The Department shall secure the consent of any  
10 municipality before placing a fatal accident memorial marker  
11 within the corporate limits of the municipality.

12 (i) A fee in an amount to be determined by the supporting  
13 jurisdiction shall be charged to the qualified relative. The  
14 fee shall not exceed the costs associated with the fabrication,  
15 installation, and maintenance of the fatal accident memorial  
16 marker.

17 (j) The Department shall report to the General Assembly no  
18 later than October 1, 2011 on the evaluation of the program and  
19 the number of fatal accident memorial marker requests.

20 (k) This Section is repealed on December 31, 2012 ~~December~~  
21 ~~31, 2011~~.

22 (Source: P.A. 96-1371, eff. 1-1-11.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."