

AN ACT concerning transportation.

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

Section 5. The Roadside Memorial Act is amended by changing Sections 5, 20, and 23.1 as follows:

(605 ILCS 125/5)

Sec. 5. Purpose of the Roadside Memorial program. The Roadside Memorial program is intended to raise public awareness of traffic fatalities ~~impaired driving~~ by ~~emphasizing the dangers while~~ affording families an opportunity to remember the victims of traffic crashes ~~involving impaired drivers~~.

(Source: P.A. 95-398, eff. 1-1-08.)

(605 ILCS 125/20)

Sec. 20. DUI memorial markers.

(a) A DUI memorial marker erected before July 1, 2021 shall consist of a white on blue panel bearing the message "Please Don't Drink and Drive". A DUI memorial marker erected on or after July 1, 2021 shall consist of a white on blue panel bearing the message "Don't Drive Under the Influence". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date

of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel. This amendatory Act of the 102nd General Assembly does not require the removal or replacement of any memorial markers erected before July 1, 2021.

(b) A DUI memorial marker may memorialize more than one victim who died as a result of the same DUI-related crash. If one or more additional DUI crash deaths subsequently occur in close proximity to an existing DUI memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(c) A DUI memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

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

(e) The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.

(f) A fee in an amount to be determined by the supporting

jurisdiction may be paid in whole or in part from the Roadside Memorial Fund if moneys are made available by the Department of Transportation from that Fund or may be charged to the qualified relative to the extent moneys from that Fund are not made available. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the DUI memorial marker.

(Source: P.A. 95-398, eff. 1-1-08; 96-667, eff. 8-25-09.)

(605 ILCS 125/23.1)

Sec. 23.1. Fatal accident memorial marker program.

(a) The fatal accident memorial marker program is intended to raise public awareness of traffic fatalities caused by reckless driving or other means by emphasizing the dangers while affording families an opportunity to remember the victims of traffic crashes ~~involving reckless drivers~~.

(b) As used in this Section, "fatal accident memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 or who otherwise caused the death of one or more persons through the operation of a motor vehicle.

(c) For purposes of the fatal accident memorial marker program in this Section, the provisions of Section 15 of this

Act applicable to DUI memorial markers shall apply the same to fatal accident memorial markers.

(d) A fatal accident memorial marker shall consist of a white on blue panel bearing the message "Reckless Driving Costs Lives" if the victim or victims died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012. Otherwise, a fatal accident memorial marker shall consist of a white on blue panel bearing the message "Drive With Care". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

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

(f) A fatal accident memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(g) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to

relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In these cases, the sponsoring jurisdiction may select an alternate location.

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

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

(j) The provisions of this Section shall apply to any fatal accident marker constructed on or after January 1, 2013.

(Source: P.A. 98-334, eff. 8-13-13.)

Section 10. The DUI Prevention and Education Commission Act is amended by changing Section 20 as follows:

(625 ILCS 70/20)

Sec. 20. DUI Prevention and Education Fund; transfer of funds.

(a) The DUI Prevention and Education Fund is created as a special fund in the State treasury. Subject to appropriation, all moneys in the DUI Prevention and Education Fund shall be

distributed by the Department of Transportation with guidance from the DUI Prevention and Education Commission as grants for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and other DUI-related programs.

(b) As soon as practical after the effective date of this Act, the State Comptroller shall direct and the State Treasurer shall transfer any remaining balance in excess of \$30,000 from the Roadside Memorial Fund to the DUI Prevention and Education Fund. Starting in 2021 and continuing every year after, the cash balance in the Roadside Memorial Fund on June 30 shall be transferred to the DUI Prevention and Education Fund as soon as practical.

(Source: P.A. 101-196, eff. 1-1-20.)

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