

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

6 (605 ILCS 125/5)

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

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

14 (605 ILCS 125/20)

15 Sec. 20. DUI memorial markers.

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

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

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

13 (c) A DUI memorial marker shall be maintained for at least  
14 2 years from the date the last person was memorialized on the  
15 marker.

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

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

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

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

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

9 (605 ILCS 125/23.1)

10 Sec. 23.1. Fatal accident memorial marker program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (625 ILCS 70/20)

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

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

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

6 (b) As soon as practical after the effective date of this  
7 Act, the State Comptroller shall direct and the State  
8 Treasurer shall transfer any remaining balance in excess of  
9 \$30,000 from the Roadside Memorial Fund to the DUI Prevention  
10 and Education Fund. Starting in 2021 and continuing every year  
11 after, the cash balance in the Roadside Memorial Fund on June  
12 30 shall be transferred to the DUI Prevention and Education  
13 Fund as soon as practical.

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

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