



Rep. Nicholas K. Smith

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10200HB0365ham001

LRB102 10016 RAM 23150 a

1 AMENDMENT TO HOUSE BILL 365

2 AMENDMENT NO. _____. Amend House Bill 365 by replacing
3 everything after the enacting clause with the following:

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.

1 (a) A DUI memorial marker erected before July 1, 2021
2 shall consist of a white on blue panel bearing the message
3 "Please Don't Drink and Drive". A DUI memorial marker erected
4 on or after July 1, 2021 shall consist of a white on blue panel
5 bearing the message "Don't Drive Under the Influence". At the
6 request of the qualified relative, a separate panel bearing
7 the words "In Memory of (victim's name)", followed by the date
8 of the crash that was the proximate cause of the loss of the
9 victim's life, shall be mounted below the primary panel. This
10 amendatory Act of the 102nd General Assembly does not require
11 the removal or replacement of any memorial markers erected
12 before July 1, 2021.

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

20 (c) A DUI memorial marker shall be maintained for at least
21 2 years from the date the last person was memorialized on the
22 marker.

23 (d) The supporting jurisdiction has the right to install a
24 marker at a location other than the location of the crash or to
25 relocate a marker due to restricted room, property owner
26 complaints, interference with essential traffic control

1 devices, safety concerns, or other restrictions. In such
2 cases, the sponsoring jurisdiction may select an alternate
3 location.

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

7 (f) A fee in an amount to be determined by the supporting
8 jurisdiction may be paid in whole or in part from the Roadside
9 Memorial Fund if moneys are made available by the Department
10 of Transportation from that Fund or may be charged to the
11 qualified relative to the extent moneys from that Fund are not
12 made available. The fee shall not exceed the costs associated
13 with the fabrication, installation, and maintenance of the DUI
14 memorial marker.

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

16 (605 ILCS 125/23.1)

17 Sec. 23.1. Fatal accident memorial marker program.

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

23 (b) As used in this Section, "fatal accident memorial
24 marker" means a marker on a highway in this State
25 commemorating one or more persons who died as a proximate

1 result of a crash caused by a driver who committed an act of
2 reckless homicide in violation of Section 9-3 or 9-3.2 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 or who
4 otherwise caused the death of one or more persons through the
5 operation of a motor vehicle.

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

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

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

1 the subsequent death or deaths, by adding the names of the
2 additional persons.

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

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

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

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

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

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

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

1 (625 ILCS 70/20)

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

4 (a) The DUI Prevention and Education Fund is created as a
5 special fund in the State treasury. Subject to appropriation,
6 all moneys in the DUI Prevention and Education Fund shall be
7 distributed by the Department of Transportation with guidance
8 from the DUI Prevention and Education Commission as grants for
9 crash victim programs and materials, impaired driving
10 prevention programs, law enforcement support, and other
11 DUI-related programs.

12 (b) As soon as practical after the effective date of this
13 Act, the State Comptroller shall direct and the State
14 Treasurer shall transfer any remaining balance in excess of
15 \$30,000 from the Roadside Memorial Fund to the DUI Prevention
16 and Education Fund. Starting in 2021 and continuing every year
17 after, the cash balance in the Roadside Memorial Fund on June
18 30 shall be transferred to the DUI Prevention and Education
19 Fund as soon as practical.

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

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