



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB5411

Introduced 2/9/2024, by Rep. Martin J. Moylan

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-201	from Ch. 95 1/2, par. 7-201
625 ILCS 5/7-201.1	from Ch. 95 1/2, par. 7-201.1
625 ILCS 5/11-212	
625 ILCS 5/11-404	from Ch. 95 1/2, par. 11-404
625 ILCS 5/11-407	from Ch. 95 1/2, par. 11-407
625 ILCS 5/11-414	from Ch. 95 1/2, par. 11-414
625 ILCS 70/15	
625 ILCS 70/20	

Amends the Illinois Vehicle Code. Provides that the driver of a vehicle that is in any manner involved in any of the following types of crashes within the State shall, if no police officer is present, give notice of the crash by the fastest available means of communication to the specified law enforcement agency: (1) a crash that results in injury to or death of any person; (2) a crash that results in damage to the property of any person in excess of a specified amount; (3) a crash involving a school bus if the crash is caused by a collision, a sudden stop, or otherwise, and the crash results in any property damage, personal injury, or death; or (4) a crash that occurs within 50 feet of a school bus and results in personal injury to or death of any person who is awaiting or preparing to board the school bus or immediately after the person exits the school bus. Requires the Secretary of State to suspend the driver's license or non-resident's driving privileges of any person who violates those provisions. Provides that every law enforcement agency shall, by February 1 (rather than March 1) with regard to data collected during July through December of the previous calendar year, compile the data on the standardized law enforcement data compilation form provided by the Department of Transportation and transmit the data to the Department. Amends the DUI Prevention and Education Commission Act. Provides that moneys in the DUI Prevention and Education Fund shall be distributed by the Department with approval (rather than guidance) from the DUI Prevention and Education Commission for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and other DUI-related programs (rather than as grants for those purposes). Makes related changes in the powers of the Commission.

LRB103 39350 MXP 69513 b

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 Illinois Vehicle Code is amended by  
5 changing Sections 7-201, 7-201.1, 11-212, 11-404, 11-407, and  
6 11-414 as follows:

7 (625 ILCS 5/7-201) (from Ch. 95 1/2, par. 7-201)

8 Sec. 7-201. Application of Article II. The Administrator  
9 as soon as practicable after the receipt of the report,  
10 required to be filed under Section 11-407 ~~Sections 11-406 and~~  
11 ~~11-410~~, of a motor vehicle crash occurring within this State  
12 and that has resulted in bodily injury or death of any person  
13 or that damage to the property of any one person in excess of  
14 \$1,500 (or \$500 if any of the vehicles involved in the crash is  
15 subject to Section 7-601 but is not covered by a liability  
16 insurance policy in accordance with Section 7-601) was  
17 sustained, shall determine:

18 1. Whether Section 7-202 of this Code requires the  
19 deposit of security by or on behalf of any person who was  
20 the operator or owner of any motor vehicle in any manner  
21 involved in the crash; and

22 2. What amount of security shall be sufficient to  
23 satisfy any potential judgment or judgments for money

1 damages resulting from the crash as may be recovered  
2 against the operator or owner, which amount shall in no  
3 event be less than \$1,500 (or \$500 if any of the vehicles  
4 involved in the crash is subject to Section 7-601 but is  
5 not covered by a liability insurance policy in accordance  
6 with Section 7-601).

7 (Source: P.A. 102-982, eff. 7-1-23.)

8 (625 ILCS 5/7-201.1) (from Ch. 95 1/2, par. 7-201.1)

9 Sec. 7-201.1. If the Administrator has not received a  
10 report required to be filed under Section 11-407 ~~Sections~~  
11 ~~11-406 and 11-410~~, or if the information contained in a report  
12 is insufficient, the Administrator shall send to the person  
13 required to file the report a written request for the missing  
14 report or the missing information. The Administrator shall  
15 send such request no later than 45 days after the crash or 7  
16 days after receiving information that such crash has occurred,  
17 whichever is later.

18 If the request is sent to a driver involved in a crash, the  
19 request or an attachment thereto shall contain in bold print a  
20 warning that failure to comply with the request within 15 days  
21 may result in the suspension of the driver's license.

22 (Source: P.A. 102-982, eff. 7-1-23.)

23 (625 ILCS 5/11-212)

24 Sec. 11-212. Traffic and pedestrian stop statistical

1 study.

2 (a) Whenever a State or local law enforcement officer  
3 issues a uniform traffic citation or warning citation for an  
4 alleged violation of the Illinois Vehicle Code, he or she  
5 shall record at least the following:

6 (1) the name, address, gender, and the officer's  
7 subjective determination of the race of the person  
8 stopped; the person's race shall be selected from the  
9 following list: American Indian or Alaska Native, Asian,  
10 Black or African American, Hispanic or Latino, Native  
11 Hawaiian or Other Pacific Islander, or White;

12 (2) the alleged traffic violation that led to the stop  
13 of the motorist;

14 (3) the make and year of the vehicle stopped;

15 (4) the date and time of the stop, beginning when the  
16 vehicle was stopped and ending when the driver is free to  
17 leave or taken into physical custody;

18 (5) the location of the traffic stop;

19 (5.5) whether or not a consent search contemporaneous  
20 to the stop was requested of the vehicle, driver,  
21 passenger, or passengers; and, if so, whether consent was  
22 given or denied;

23 (6) whether or not a search contemporaneous to the  
24 stop was conducted of the vehicle, driver, passenger, or  
25 passengers; and, if so, whether it was with consent or by  
26 other means;

1           (6.2) whether or not a police dog performed a sniff of  
2           the vehicle; and, if so, whether or not the dog alerted to  
3           the presence of contraband; and, if so, whether or not an  
4           officer searched the vehicle; and, if so, whether or not  
5           contraband was discovered; and, if so, the type and amount  
6           of contraband;

7           (6.5) whether or not contraband was found during a  
8           search; and, if so, the type and amount of contraband  
9           seized; and

10          (7) the name and badge number of the issuing officer.

11          (b) Whenever a State or local law enforcement officer  
12          stops a motorist for an alleged violation of the Illinois  
13          Vehicle Code and does not issue a uniform traffic citation or  
14          warning citation for an alleged violation of the Illinois  
15          Vehicle Code, he or she shall complete a uniform stop card,  
16          which includes field contact cards, or any other existing form  
17          currently used by law enforcement containing information  
18          required pursuant to this Act, that records at least the  
19          following:

20                 (1) the name, address, gender, and the officer's  
21                 subjective determination of the race of the person  
22                 stopped; the person's race shall be selected from the  
23                 following list: American Indian or Alaska Native, Asian,  
24                 Black or African American, Hispanic or Latino, Native  
25                 Hawaiian or Other Pacific Islander, or White;

26                 (2) the reason that led to the stop of the motorist;

1 (3) the make and year of the vehicle stopped;

2 (4) the date and time of the stop, beginning when the  
3 vehicle was stopped and ending when the driver is free to  
4 leave or taken into physical custody;

5 (5) the location of the traffic stop;

6 (5.5) whether or not a consent search contemporaneous  
7 to the stop was requested of the vehicle, driver,  
8 passenger, or passengers; and, if so, whether consent was  
9 given or denied;

10 (6) whether or not a search contemporaneous to the  
11 stop was conducted of the vehicle, driver, passenger, or  
12 passengers; and, if so, whether it was with consent or by  
13 other means;

14 (6.2) whether or not a police dog performed a sniff of  
15 the vehicle; and, if so, whether or not the dog alerted to  
16 the presence of contraband; and, if so, whether or not an  
17 officer searched the vehicle; and, if so, whether or not  
18 contraband was discovered; and, if so, the type and amount  
19 of contraband;

20 (6.5) whether or not contraband was found during a  
21 search; and, if so, the type and amount of contraband  
22 seized; and

23 (7) the name and badge number of the issuing officer.

24 (b-5) For purposes of this subsection (b-5), "detention"  
25 means all frisks, searches, summons, and arrests. Whenever a  
26 law enforcement officer subjects a pedestrian to detention in

1 a public place, he or she shall complete a uniform pedestrian  
2 stop card, which includes any existing form currently used by  
3 law enforcement containing all the information required under  
4 this Section, that records at least the following:

5 (1) the gender, and the officer's subjective  
6 determination of the race of the person stopped; the  
7 person's race shall be selected from the following list:  
8 American Indian or Alaska Native, Asian, Black or African  
9 American, Hispanic or Latino, Native Hawaiian or Other  
10 Pacific Islander, or White;

11 (2) all the alleged reasons that led to the stop of the  
12 person;

13 (3) the date and time of the stop;

14 (4) the location of the stop;

15 (5) whether or not a protective pat down or frisk was  
16 conducted of the person; and, if so, all the alleged  
17 reasons that led to the protective pat down or frisk, and  
18 whether it was with consent or by other means;

19 (6) whether or not contraband was found during the  
20 protective pat down or frisk; and, if so, the type and  
21 amount of contraband seized;

22 (7) whether or not a search beyond a protective pat  
23 down or frisk was conducted of the person or his or her  
24 effects; and, if so, all the alleged reasons that led to  
25 the search, and whether it was with consent or by other  
26 means;

1           (8) whether or not contraband was found during the  
2 search beyond a protective pat down or frisk; and, if so,  
3 the type and amount of contraband seized;

4           (9) the disposition of the stop, such as a warning, a  
5 ticket, a summons, or an arrest;

6           (10) if a summons or ticket was issued, or an arrest  
7 made, a record of the violations, offenses, or crimes  
8 alleged or charged; and

9           (11) the name and badge number of the officer who  
10 conducted the detention.

11           This subsection (b-5) does not apply to searches or  
12 inspections for compliance authorized under the Fish and  
13 Aquatic Life Code, the Wildlife Code, the Herptiles-Herps Act,  
14 or searches or inspections during routine security screenings  
15 at facilities or events.

16           (c) The Illinois Department of Transportation shall  
17 provide a standardized law enforcement data compilation form  
18 on its website.

19           (d) Every law enforcement agency shall, by ~~February~~ March  
20 1 with regard to data collected during July through December  
21 of the previous calendar year and by August 1 with regard to  
22 data collected during January through June of the current  
23 calendar year, compile the data described in subsections (a),  
24 (b), and (b-5) on the standardized law enforcement data  
25 compilation form provided by the Illinois Department of  
26 Transportation and transmit the data to the Department.



1 (e) The Illinois Department of Transportation shall  
2 analyze the data provided by law enforcement agencies required  
3 by this Section and submit a report of the previous year's  
4 findings to the Governor, the General Assembly, the Racial  
5 Profiling Prevention and Data Oversight Board, and each law  
6 enforcement agency no later than July 1 of each year. The  
7 Illinois Department of Transportation may contract with an  
8 outside entity for the analysis of the data provided. In  
9 analyzing the data collected under this Section, the analyzing  
10 entity shall scrutinize the data for evidence of statistically  
11 significant aberrations. The following list, which is  
12 illustrative, and not exclusive, contains examples of areas in  
13 which statistically significant aberrations may be found:

14 (1) The percentage of minority drivers, passengers, or  
15 pedestrians being stopped in a given area is substantially  
16 higher than the proportion of the overall population in or  
17 traveling through the area that the minority constitutes.

18 (2) A substantial number of false stops including  
19 stops not resulting in the issuance of a traffic ticket or  
20 the making of an arrest.

21 (3) A disparity between the proportion of citations  
22 issued to minorities and proportion of minorities in the  
23 population.

24 (4) A disparity among the officers of the same law  
25 enforcement agency with regard to the number of minority  
26 drivers, passengers, or pedestrians being stopped in a

1 given area.

2 (5) A disparity between the frequency of searches  
3 performed on minority drivers or pedestrians and the  
4 frequency of searches performed on non-minority drivers or  
5 pedestrians.

6 (f) Any law enforcement officer identification information  
7 and driver or pedestrian identification information that is  
8 compiled by any law enforcement agency or the Illinois  
9 Department of Transportation pursuant to this Act for the  
10 purposes of fulfilling the requirements of this Section shall  
11 be confidential and exempt from public inspection and copying,  
12 as provided under Section 7 of the Freedom of Information Act,  
13 and the information shall not be transmitted to anyone except  
14 as needed to comply with this Section. This Section shall not  
15 exempt those materials that, prior to the effective date of  
16 this amendatory Act of the 93rd General Assembly, were  
17 available under the Freedom of Information Act. This  
18 subsection (f) shall not preclude law enforcement agencies  
19 from reviewing data to perform internal reviews.

20 (g) Funding to implement this Section shall come from  
21 federal highway safety funds available to Illinois, as  
22 directed by the Governor.

23 (h) The Illinois Criminal Justice Information Authority,  
24 in consultation with law enforcement agencies, officials, and  
25 organizations, including Illinois chiefs of police, the  
26 Illinois State Police, the Illinois Sheriffs Association, and

1 the Chicago Police Department, and community groups and other  
2 experts, shall undertake a study to determine the best use of  
3 technology to collect, compile, and analyze the traffic stop  
4 statistical study data required by this Section. The  
5 Department shall report its findings and recommendations to  
6 the Governor and the General Assembly by March 1, 2022.

7 (h-1) The Traffic and Pedestrian Stop Data Use and  
8 Collection Task Force is hereby created.

9 (1) The Task Force shall undertake a study to  
10 determine the best use of technology to collect, compile,  
11 and analyze the traffic stop statistical study data  
12 required by this Section.

13 (2) The Task Force shall be an independent Task Force  
14 under the Illinois Criminal Justice Information Authority  
15 for administrative purposes, and shall consist of the  
16 following members:

17 (A) 2 academics or researchers who have studied  
18 issues related to traffic or pedestrian stop data  
19 collection and have education or expertise in  
20 statistics;

21 (B) one professor from an Illinois university who  
22 specializes in policing and racial equity;

23 (C) one representative from the Illinois State  
24 Police;

25 (D) one representative from the Chicago Police  
26 Department;

1           (E) one representative from the Illinois Chiefs of  
2 Police;

3           (F) one representative from the Illinois Sheriffs  
4 Association;

5           (G) one representative from the Chicago Fraternal  
6 Order of Police;

7           (H) one representative from the Illinois Fraternal  
8 Order of Police;

9           (I) the Executive Director of the American Civil  
10 Liberties Union of Illinois, or his or her designee;  
11 and

12           (J) 5 representatives from different community  
13 organizations who specialize in civil or human rights,  
14 policing, or criminal justice reform work, and that  
15 represent a range of minority interests or different  
16 parts of the State.

17           (3) The Illinois Criminal Justice Information  
18 Authority may consult, contract, work in conjunction with,  
19 and obtain any information from any individual, agency,  
20 association, or research institution deemed appropriate by  
21 the Authority.

22           (4) The Task Force shall report its findings and  
23 recommendations to the Governor and the General Assembly  
24 by March 1, 2022 and every 3 years after.

25           (h-5) For purposes of this Section:

26           (1) "American Indian or Alaska Native" means a person

1           having origins in any of the original peoples of North and  
2           South America, including Central America, and who  
3           maintains tribal affiliation or community attachment.

4           (2) "Asian" means a person having origins in any of  
5           the original peoples of the Far East, Southeast Asia, or  
6           the Indian subcontinent, including, but not limited to,  
7           Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,  
8           the Philippine Islands, Thailand, and Vietnam.

9           (2.5) "Badge" means an officer's department issued  
10          identification number associated with his or her position  
11          as a police officer with that department.

12          (3) "Black or African American" means a person having  
13          origins in any of the black racial groups of Africa.

14          (4) "Hispanic or Latino" means a person of Cuban,  
15          Mexican, Puerto Rican, South or Central American, or other  
16          Spanish culture or origin, regardless of race.

17          (5) "Native Hawaiian or Other Pacific Islander" means  
18          a person having origins in any of the original peoples of  
19          Hawaii, Guam, Samoa, or other Pacific Islands.

20          (6) "White" means a person having origins in any of  
21          the original peoples of Europe, the Middle East, or North  
22          Africa.

23          (i) (Blank).

24          (Source: P.A. 101-24, eff. 6-21-19; 102-465, eff. 1-1-22;  
25          102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 (625 ILCS 5/11-404) (from Ch. 95 1/2, par. 11-404)

2 Sec. 11-404. Duty upon damaging unattended vehicle or  
3 other property.

4 (a) The driver of any vehicle which collides with or is  
5 involved in a motor vehicle crash with any vehicle which is  
6 unattended, or other property, resulting in any damage to such  
7 other vehicle or property shall immediately stop and shall  
8 then and there either locate and notify the operator or owner  
9 of such vehicle or other property of the driver's name,  
10 address, registration number and owner of the vehicle the  
11 driver was operating or shall attach securely in a conspicuous  
12 place on or in the vehicle or other property struck a written  
13 notice giving the driver's name, address, registration number  
14 and owner of the vehicle the driver was driving and shall  
15 without unnecessary delay notify the nearest office of a duly  
16 authorized police authority and shall make a written report of  
17 such crash when and as required in Section 11-407 ~~11-406~~.  
18 Every such stop shall be made without obstructing traffic more  
19 than is necessary. If a damaged vehicle is obstructing traffic  
20 lanes, the driver of the vehicle must make every reasonable  
21 effort to move the vehicle or have it moved so as not to block  
22 the traffic lanes.

23 (b) Any person failing to comply with this Section shall  
24 be guilty of a Class A misdemeanor.

25 (c) If any peace officer or highway authority official  
26 finds (i) a vehicle standing upon a highway or toll highway in

1 violation of a prohibition, limitation, or restriction on  
2 stopping, standing, or parking imposed under this Code or (ii)  
3 a disabled vehicle that obstructs the roadway of a highway or  
4 toll highway, the peace officer or highway authority official  
5 is authorized to move the vehicle or to require the operator of  
6 the vehicle to move the vehicle to the shoulder of the road, to  
7 a position where parking is permitted, or to public parking or  
8 storage premises. The removal may be performed by, or under  
9 the direction of, the peace officer or highway authority  
10 official or may be contracted for by local authorities. After  
11 the vehicle has been removed, the peace officer or highway  
12 authority official shall follow appropriate procedures, as  
13 provided in Section 4-203 of this Code.

14 (d) A towing service, its officers, and its employees are  
15 not liable for loss of or damages to any real or personal  
16 property that occurs as the result of the removal or towing of  
17 any vehicle under subsection (c), as provided in subsection  
18 (b) of Section 4-213.

19 (Source: P.A. 102-982, eff. 7-1-23.)

20 (625 ILCS 5/11-407) (from Ch. 95 1/2, par. 11-407)

21 Sec. 11-407. Immediate notice of crash.

22 (a) The driver of a vehicle that ~~which~~ is in any manner  
23 involved in a crash in this State that requires notice to be  
24 given to the local police department, the county sheriff, or  
25 the Illinois State Police under this Section ~~described in~~

1 ~~Section 11-406 of this Chapter~~ shall, if no police officer is  
2 present, give notice of the crash by the fastest available  
3 means of communication to the local police department if such  
4 crash occurs within a municipality or otherwise to the nearest  
5 office of the county sheriff or nearest headquarters of the  
6 Illinois State Police. Notice is required to be given under  
7 this subsection (a) if the crash: (1) results in injury to or  
8 death of any person; (2) results in damage to the property of  
9 any person, including the driver, in excess of \$1,500 (or \$500  
10 if any of the vehicles involved in the accident is subject to  
11 Section 7-601 but is not covered by a liability insurance  
12 policy in accordance with Section 7-601; (3) if a school bus is  
13 involved in the crash and the crash is caused by a collision, a  
14 sudden stop, or otherwise, and the crash results in any  
15 property damage, personal injury, or death; or (4) if the  
16 crash occurs within 50 feet of a school bus and results in  
17 personal injury to or death of any person who is awaiting or  
18 preparing to board the school bus or immediately after the  
19 person exits the school bus.

20 (b) Whenever the driver of a vehicle is physically  
21 incapable of giving immediate notice of a crash as required in  
22 Subsection (a) and there was another occupant in the vehicle  
23 at the time of the crash capable of doing so, that occupant  
24 must give notice as required in Subsection (a).

25 (c) The Secretary of State shall suspend the driver's  
26 license or non-resident's driving privileges of any person who



1 fails to make a report of a traffic crash as required by this  
2 Section or as required by any other law of this State.

3 (Source: P.A. 102-982, eff. 7-1-23.)

4 (625 ILCS 5/11-414) (from Ch. 95 1/2, par. 11-414)

5 Sec. 11-414. Department to tabulate and analyze motor  
6 vehicle crash reports. The Department shall tabulate and may  
7 analyze all written motor vehicle crash reports received in  
8 compliance with this Code and shall publish annually or at  
9 more frequent intervals motor vehicle crash data. The  
10 Department:

11 1. (blank);

12 2. shall, upon written request, make available to the  
13 public motor vehicle crash data that shall be distributed  
14 under Sections 11-412 and 11-417 of this Code;

15 3. may conduct special investigations of motor vehicle  
16 crashes and may solicit supplementary reports from  
17 drivers, owners, police departments, sheriffs, coroners,  
18 or any other individual. Failure of any individual to  
19 submit a supplementary report subjects such individual to  
20 the same penalties for failure to report as designated  
21 under Section 11-407 ~~11-406~~.

22 (Source: P.A. 102-982, eff. 7-1-23.)

23 Section 10. The DUI Prevention and Education Commission  
24 Act is amended by changing Sections 15 and 20 as follows:

1 (625 ILCS 70/15)

2 Sec. 15. Powers. The Commission may create rules and  
3 guidelines for distributing funds and shall:

4 (1) determine the best course of action for distributing  
5 funds on a regular basis, either a competitive grant  
6 program or direct expenditures from the DUI Prevention and  
7 Education Fund;

8 (2) at the end of fiscal years when funds are expended,  
9 provide a report to the General Assembly of how funds were  
10 expended, including, but not limited to, a list of  
11 grantees if applicable and program metrics; and

12 (3) provide approval to the Department of Transportation  
13 for use of funds.

14 ~~(1) create rules and guidelines to consider in~~  
15 ~~accepting, reviewing, and determining grant applications;~~

16 ~~(2) as necessary, meet to determine recipients of~~  
17 ~~grants from the DUI Prevention and Education Fund; and~~

18 ~~(3) provide a list of eligible grant recipients to the~~  
19 ~~Department of Transportation.~~

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

21 (625 ILCS 70/20)

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

24 (a) The DUI Prevention and Education Fund is created as a

1 special fund in the State treasury. Subject to appropriation,  
2 all moneys in the DUI Prevention and Education Fund shall be  
3 distributed by the Department of Transportation with approval  
4 ~~guidance~~ from the DUI Prevention and Education Commission ~~as~~  
5 ~~grants~~ for crash victim programs and materials, impaired  
6 driving prevention programs, law enforcement support, and  
7 other DUI-related programs.

8 (b) As soon as practical after the effective date of this  
9 Act, the State Comptroller shall direct and the State  
10 Treasurer shall transfer any remaining balance in excess of  
11 \$30,000 from the Roadside Memorial Fund to the DUI Prevention  
12 and Education Fund. Starting in 2021 and continuing every year  
13 after, the cash balance in the Roadside Memorial Fund on June  
14 30 shall be transferred to the DUI Prevention and Education  
15 Fund as soon as practical.

16 (Source: P.A. 101-196, eff. 1-1-20; 102-60, eff. 7-9-21.)