



Sen. Chapin Rose

**Filed: 3/24/2023**

10300SB1212sam001

LRB103 05564 MXP 60008 a

1 AMENDMENT TO SENATE BILL 1212

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1212 by replacing  
3 everything after the enacting clause with the following:

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

6 (605 ILCS 125/20)

7 Sec. 20. DUI memorial markers.

8 (a) A DUI memorial marker erected before July 1, 2021  
9 shall consist of a white on blue panel bearing the message  
10 "Please Don't Drink and Drive". A DUI memorial marker erected  
11 on or after July 1, 2021 shall consist of a white on blue panel  
12 bearing the message "Don't Drive Under the Influence". At the  
13 request of the qualified relative, a separate panel bearing  
14 the words "In Memory of (victim's name)", followed by the date  
15 of the crash that was the proximate cause of the loss of the  
16 victim's life, shall be mounted below the primary panel. This

1 amendatory Act of the 102nd General Assembly does not require  
2 the removal or replacement of any memorial markers erected  
3 before July 1, 2021.

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

11 (c) A DUI memorial marker shall be maintained for at least  
12 4 ~~2~~ years from the date the last person was memorialized on the  
13 marker.

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

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

24 (f) A fee in an amount to be determined by the supporting  
25 jurisdiction may be paid in whole or in part from the Roadside  
26 Memorial Fund if moneys are made available by the Department

1 of Transportation from that Fund or may be charged to the  
2 qualified relative to the extent moneys from that Fund are not  
3 made available. The fee shall not exceed the costs associated  
4 with the fabrication, installation, and maintenance of the DUI  
5 memorial marker.

6 (Source: P.A. 102-60, eff. 7-9-21.)

7 (605 ILCS 125/23.1)

8 (Text of Section before amendment by P.A. 102-982)

9 Sec. 23.1. Fatal accident memorial marker program.

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

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

23 (c) For purposes of the fatal accident memorial marker  
24 program in this Section, the provisions of Section 15 of this  
25 Act applicable to DUI memorial markers shall apply the same to

1 fatal accident memorial markers.

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

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

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

24 (g) The supporting jurisdiction has the right to install a  
25 marker at a location other than the location of the crash or to  
26 relocate a marker due to restricted room, property owner

1 complaints, interference with essential traffic control  
2 devices, safety concerns, or other restrictions. In these  
3 cases, the sponsoring jurisdiction may select an alternate  
4 location.

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

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

13 (j) The provisions of this Section shall apply to any  
14 fatal accident marker constructed on or after January 1, 2013.  
15 (Source: P.A. 102-60, eff. 7-9-21.)

16 (Text of Section after amendment by P.A. 102-982)

17 Sec. 23.1. Fatal crash memorial marker program.

18 (a) The fatal crash memorial marker program is intended to  
19 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.

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

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

6 (c) For purposes of the fatal crash 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 crash memorial markers.

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

22 (e) A fatal crash 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 crash 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 crash memorial marker shall be maintained for  
4 at least 4 ~~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 crash 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 crash  
20 memorial marker.

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

23 (Source: P.A. 102-60, eff. 7-9-21; 102-982, eff. 7-1-23.)

24 Section 95. No acceleration or delay. Where this Act makes  
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.".