



**93RD GENERAL ASSEMBLY**

**State of Illinois**

**2003 and 2004**

**HB4027**

Introduced 1/14/2004, by William Delgado, Brandon W. Phelps,  
Deborah L. Graham

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/11-401

from Ch. 95 1/2, par. 11-401

Amends the Illinois Vehicle Code. Provides that a person who fails to remain at the scene of an accident involving personal injury or death to render aid as required is guilty of a Class 4 felony (rather than a Class A misdemeanor). Shortens from one hour to one-half hour the time in which a person who has failed to remain at the scene of the accident must report the accident at a police station or sheriff's office. Provides that a person who failed to remain at the scene as required and failed to report the accident within one-half hour of its occurrence, or within one-half hour of his or her release from the hospital if he or she had been hospitalized and incapacitated from reporting during the one-half hour after the occurrence, is guilty of a Class 3 (rather than a Class 4) felony if the accident does not result in the death of any person. Deletes language providing that a report made within the one hour time limit may not be used as a basis for a prosecution for failing to remain at the accident scene as required.

LRB093 15069 DRH 41905 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning vehicles.

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 changing  
5 Section 11-401 as follows:

6 (625 ILCS 5/11-401) (from Ch. 95 1/2, par. 11-401)

7 Sec. 11-401. Motor vehicle accidents involving death or  
8 personal injuries.

9 (a) The driver of any vehicle involved in a motor vehicle  
10 accident resulting in personal injury to or death of any person  
11 shall immediately stop such vehicle at the scene of such  
12 accident, or as close thereto as possible and shall then  
13 forthwith return to, and in every event shall remain at the  
14 scene of the accident until the requirements of Section 11-403  
15 have been fulfilled. Every such stop shall be made without  
16 obstructing traffic more than is necessary.

17 (b) Any person who has failed to stop or to comply with the  
18 requirements of paragraph (a) shall, as soon as possible but in  
19 no case later than one-half ~~one~~ hour after such motor vehicle  
20 accident, or, if hospitalized and incapacitated from reporting  
21 at any time during such period, as soon as possible but in no  
22 case later than one-half ~~one~~ hour after being discharged from  
23 the hospital, report the place of the accident, the date, the  
24 approximate time, the driver's name and address, the  
25 registration number of the vehicle driven, and the names of all  
26 other occupants of such vehicle, at a police station or  
27 sheriff's office near the place where such accident occurred.  
28 ~~No report made as required under this paragraph shall be used,~~  
29 ~~directly or indirectly, as a basis for the prosecution of any~~  
30 ~~violation of paragraph (a).~~

31 For purposes of this Section, personal injury shall mean  
32 any injury requiring immediate professional treatment in a

1 medical facility or doctor's office.

2 (c) Any person failing to comply with paragraph (a) shall  
3 be guilty of a Class 4 felony ~~Class A misdemeanor~~.

4 (d) Any person failing to comply with paragraph (b) is  
5 guilty of a Class 3 ~~Class 4~~ felony if the motor vehicle  
6 accident does not result in the death of any person. Any person  
7 failing to comply with paragraph (b) when the accident results  
8 in the death of any person is guilty of a Class 2 felony, for  
9 which the person, if sentenced to a term of imprisonment, shall  
10 be sentenced to a term of not less than 3 years and not more  
11 than 14 years.

12 (e) The Secretary of State shall revoke the driving  
13 privilege of any person convicted of a violation of this  
14 Section.

15 (Source: P.A. 90-543, eff. 12-1-97.)