



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5907

by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-201	from Ch. 95 1/2, par. 7-201
625 ILCS 5/7-204	from Ch. 95 1/2, par. 7-204
625 ILCS 5/7-212	from Ch. 95 1/2, par. 7-212
625 ILCS 5/7-301	from Ch. 95 1/2, par. 7-301
625 ILCS 5/11-406	from Ch. 95 1/2, par. 11-406
625 ILCS 5/11-406.1 new	

Amends provisions of the Illinois Vehicle Code requiring a driver involved in an accident to forward a written accident report if the accident resulted in property damage in excess of \$500. Changes the minimum property damage amount from \$500 to \$1,500. Provides for optional reporting of an accident resulting in property damage in excess of \$500 but not more than \$1,500. Makes corresponding changes in provisions regarding posting of security by certain drivers involved in accidents.

LRB095 14797 WGH 46339 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 changing
5 Sections 7-201, 7-204, 7-212, 7-301, and 11-406 and adding
6 Section 11-406.1 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 as
9 soon as practicable after the receipt of the report, required
10 to be filed under Sections 11-406 and 11-410, of a motor
11 vehicle accident occurring within this State and that has
12 resulted in bodily injury or death of any person or that damage
13 to the property of any one person in excess of \$1,500 ~~\$500~~ was
14 sustained, and as soon as practicable after the receipt of a
15 report filed under Section 11-406.1, shall determine:

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

20 2. What amount of security shall be sufficient to
21 satisfy any potential judgment or judgments for money
22 damages resulting from the accident as may be recovered
23 against the operator or owner, which amount shall in no

1 event be less than \$1,500 (or \$500 in the case of a report
2 filed under Section 11-406.1) \$500.

3 (Source: P.A. 87-829.)

4 (625 ILCS 5/7-204) (from Ch. 95 1/2, par. 7-204)

5 Sec. 7-204. Form and amount of security - Definition.

6 (A) Any security required to be deposited under this Act
7 shall be in the form as the Secretary of State may require by
8 administrative rule, and in the amounts as the Administrator
9 may determine to be sufficient to satisfy any judgment or
10 judgments for damages against an operator or owner but in no
11 case in excess of the limits specified in Section 7-203 of this
12 Act in reference to the acceptable limits of a policy or bond
13 nor for an amount less than \$1,500 (or \$500 in the case of a
14 report filed under Section 11-406.1) \$500.

15 (B) The person depositing security shall specify in writing
16 the person or persons on whose behalf the deposit is made and,
17 while at any time the deposit is in the custody of the
18 Secretary of State or State Treasurer, the person depositing it
19 may, in writing, amend the specification of the person or
20 persons on whose behalf the deposit is made to include an
21 additional person or persons; provided, however, that a single
22 deposit of security shall be applicable only on behalf of
23 persons, required to furnish security because of the same
24 accident.

25 (C) Within 10 days after any security required under the

1 provisions of this Article is deposited with the Secretary of
2 State, the Secretary shall send notice of the security deposit
3 to the following, if known:

4 1. To each owner and operator of any vehicle involved
5 in the accident that sustained damage in excess of \$1,500
6 (or \$500 in the case of a report filed under Section
7 11-406.1) \$500;

8 2. To any person who sustained damage to personal or
9 real property in excess of \$1,500 (or \$500 in the case of a
10 report filed under Section 11-406.1) \$500;

11 3. To any person who was injured as a result of the
12 accident; and

13 4. To the estate of any person killed as a result of
14 the accident.

15 (Source: P.A. 87-829.)

16 (625 ILCS 5/7-212) (from Ch. 95 1/2, par. 7-212)

17 Sec. 7-212. Authority of Administrator and Secretary of
18 State to decrease amount of security. The Administrator may
19 reduce the amount of security ordered in any case within one
20 year after the date of the accident, but in no event for an
21 amount less than \$1,500 (or \$500 in the case of a report filed
22 under Section 11-406.1) \$500, if, in the judgment of the
23 Administrator the amount ordered is excessive, or may revoke or
24 rescind its order requiring the deposit of security in any case
25 within one year after the date of the accident if, in the

1 judgment of the Administrator, the provisions of Sections 7-202
2 and 7-203 excuse or exempt the operator or owner from the
3 requirement of the deposit. In case the security originally
4 ordered has been deposited the excess of the reduced amount
5 ordered shall be returned to the depositor or his personal
6 representative forthwith, notwithstanding the provisions of
7 Section 7-214. The Secretary of State likewise shall have
8 authority granted to the Administrator to reduce the amount of
9 security ordered by the Administrator.

10 (Source: P.A. 87-829.)

11 (625 ILCS 5/7-301) (from Ch. 95 1/2, par. 7-301)

12 Sec. 7-301. Application of Article III. The provisions of
13 this Article requiring the deposit of proof of financial
14 responsibility for the future, subject to certain exemptions,
15 shall apply with respect to persons whose driver's license or
16 driving privileges have been revoked as provided by this Code,
17 or who have failed to pay judgments amounting to \$1,500 ~~\$500~~ or
18 more (or \$500 or more in the case of a report filed under
19 Section 11-406.1) as defined in Section 7-303.

20 (Source: P.A. 86-549; 87-829.)

21 (625 ILCS 5/11-406) (from Ch. 95 1/2, par. 11-406)

22 Sec. 11-406. Duty to report accident.

23 (a) The driver of a vehicle that is in any manner involved
24 in an accident within this State, resulting in injury to or

1 death of any person, or in which damage to the property of any
2 one person, including himself, in excess of \$1,500 ~~\$500~~ is
3 sustained, shall, as soon as possible but not later than 10
4 days after the accident, forward a written report of the
5 accident to the Administrator.

6 (b) Whenever a school bus is involved in an accident in
7 this State, caused by a collision, a sudden stop or otherwise,
8 resulting in any property damage, personal injury or death and
9 whenever an accident occurs within 50 feet of a school bus in
10 this State resulting in personal injury to or the death of any
11 person while awaiting or preparing to board the bus or
12 immediately after exiting the bus, the driver shall as soon as
13 possible but not later than 10 days after the accident, forward
14 a written report to the Department of Transportation. If a
15 report is also required under Subsection (a) of this Section,
16 that report and the report required by this Subsection shall be
17 submitted on a single form.

18 (c) The Administrator may require any driver, occupant or
19 owner of a vehicle involved in an accident of which report must
20 be made as provided in this Section or Section 11-410 of this
21 Chapter to file supplemental reports whenever the original
22 report is insufficient in the opinion of the Secretary of State
23 or the Administrator, and may require witnesses of the accident
24 to submit written reports to the Administrator. The report may
25 include photographs, charts, sketches, and graphs.

26 (d) Should the Administrator learn through other reports of

1 accidents required by law of the occurrence of an accident
2 reportable under this Article and the driver, owner, or witness
3 has not reported as required under Subsections (a), (b) or (c)
4 of this Section or Section 11-410, within the time specified,
5 the person is not relieved of the responsibility and the
6 Administrator shall notify the person by first class mail
7 directed to his last known address of his legal obligation.
8 However, the notification is not a condition precedent to
9 impose the penalty for failure to report as provided in
10 Subsection (e).

11 (e) The Secretary of State shall suspend the driver's
12 license or any non-resident's driving privilege of any person
13 who fails or neglects to make report of a traffic accident as
14 required or as required by any other law of this State.

15 (Source: P.A. 87-829.)

16 (625 ILCS 5/11-406.1 new)

17 Sec. 11-406.1. Optional reporting of accident. The driver
18 of a vehicle that is in any manner involved in an accident
19 within this State in which damage to the property of any one
20 person, including himself or herself, in excess of \$500 but not
21 more than \$1,500 is sustained, may, not later than 10 days
22 after the accident, forward a written report of the accident to
23 the Administrator.