

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

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

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

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

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

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

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

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

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

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

(625 ILCS 5/11-212)

Sec. 11-212. Traffic and pedestrian stop statistical

study.

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

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

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

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

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

(5) the location of the traffic stop;

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

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

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

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

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

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

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

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

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

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

(5) the location of the traffic stop;

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

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

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

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

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

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

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

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

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

(3) the date and time of the stop;

(4) the location of the stop;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

given area.

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

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

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

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

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

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

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

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

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

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

(C) one representative from the Illinois State Police;

(D) one representative from the Chicago Police Department;

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

(F) one representative from the Illinois Sheriffs Association;

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

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

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

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

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

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

(h-5) For purposes of this Section:

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

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

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

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

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

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

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

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

(i) (Blank).

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

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

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

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

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

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

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

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

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

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

Sec. 11-407. Immediate notice of crash.

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

~~Section 11-406 of this Chapter~~ shall, if no police officer is present, give notice of the crash by the fastest available means of communication to the local police department if such crash occurs within a municipality or otherwise to the nearest office of the county sheriff or nearest headquarters of the Illinois State Police. Notice is required to be given under this subsection (a) if the crash: (1) results in injury to or death of any person; (2) results in damage to the property of any person, including the driver, in excess of \$1,500 (or \$500 if any of the vehicles involved in the accident is subject to Section 7-601 but is not covered by a liability insurance policy) in accordance with Section 7-601; (3) if a school bus is involved in the crash and 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) if the crash 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.

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

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

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

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

1. (blank);

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

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

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

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

(625 ILCS 70/15)

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

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

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

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

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

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

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

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

(625 ILCS 70/20)

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

(a) The DUI Prevention and Education Fund is created as a special fund in the State treasury. Subject to appropriation, all moneys in the DUI Prevention and Education Fund shall be distributed by the Department of Transportation with approval ~~guidance~~ from the DUI Prevention and Education Commission ~~as~~

~~grants~~ for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and other DUI-related programs.

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

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