

# SB2391



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2391

Introduced 2/14/2008, by Sen. Dale E. Risinger

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-412

from Ch. 95 1/2, par. 11-412

Amends the Illinois Vehicle Code. Provides that the Department of Transportation may furnish copies of its written accident reports to local agencies that are engaged in highway safety research and studies. Effective immediately.

LRB095 15397 DRH 41385 b

A BILL FOR

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 Section 11-412 as follows:

6 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)

7 Sec. 11-412. Motor vehicle accident reports confidential.  
8 All required written motor vehicle accident reports and  
9 supplemental reports shall be without prejudice to the  
10 individual so reporting and shall be for the confidential use  
11 of the Department and the Secretary of State and, in the case  
12 of second division vehicles operated under certificate of  
13 convenience and necessity issued by the Illinois Commerce  
14 Commission, of the Commission, except that the Administrator or  
15 the Secretary of State or the Commission may disclose the  
16 identity of a person involved in a motor vehicle accident when  
17 such identity is not otherwise known or when such person denies  
18 his presence at such motor vehicle accident and the Department  
19 shall disclose the identity of the insurance carrier, if any,  
20 upon demand. The Secretary of State may also disclose notations  
21 of accident involvement maintained on individual driving  
22 records. The Department may furnish copies of its written  
23 accident reports to federal, ~~and State,~~ and local agencies that

1 are engaged in highway safety research and studies. Reports  
2 furnished to any agency other than the Secretary of State or  
3 the Illinois Commerce Commission may be used only for  
4 statistical or analytical purposes and shall be held  
5 confidential by that agency. No such written report shall be  
6 used as evidence in any trial, civil or criminal, arising out  
7 of a motor vehicle accident, except that the Administrator  
8 shall furnish upon demand of any person who has, or claims to  
9 have, made such a written report, or upon demand of any court,  
10 a certificate showing that a specified written accident report  
11 has or has not been made to the Administrator solely to prove a  
12 compliance or a failure to comply with the requirement that  
13 such a written report be made to the Administrator.

14 The Department of Transportation at its discretion may  
15 provide for in-depth investigations of accidents involving  
16 Department employees. A written report describing the  
17 preventability of such an accident may be prepared to enhance  
18 the safety of Department employees. Such reports and any  
19 opinions expressed in the review of the accident as to the  
20 preventability of the accident shall be for the privileged use  
21 of the Department and held confidential and shall not be  
22 obtainable or used in any civil or criminal proceeding.

23 (Source: P.A. 89-503, eff. 7-1-96.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.