



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5675

Introduced 2/9/2010, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-205

from Ch. 95 1/2, par. 11-205

Amends the Illinois Vehicle Code. Provides that the driver of a police vehicle must use oscillating, rotating, or flashing lights when: (1) parking or standing, irrespective of the provisions of the Code; (2) proceeding past a red or stop signal or stop sign; (3) exceeding the maximum speed limits; or (4) disregarding regulations governing direction of movement or turning in specified directions. Provides that the driver of a police vehicle must: (1) activate oscillating lights, rotating or flashing lights, sirens, or any combination of such lights or sirens during a high speed vehicle response; (2) use lights and sirens to warn pedestrians and other persons of his or her approach during an emergency response situation; and (3) drive with due regard for the safety of other persons and exercise due care when operating a police vehicle. Permits the driver of a police vehicle to use a covert approach when the situation dictates, but requires the driver to reduce speed to conform with the current driving conditions in order to lessen the danger posed to the general public. In connection with provisions concerning the duty of the driver of an authorized emergency vehicle to drive with due regard for the safety of all persons, provides that if an act of reckless disregard causes great bodily harm or death to any person or persons, that act shall be prima facie evidence that the duty of due regard for the safety of all persons was not met. Effective immediately.

LRB096 18861 AJT 34248 b

1 AN ACT concerning transportation, which may be referred to
2 as Bachman's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 11-205 as follows:

7 (625 ILCS 5/11-205) (from Ch. 95 1/2, par. 11-205)

8 Sec. 11-205. Public officers and employees to obey
9 Act-Exceptions.

10 (a) The provisions of this Chapter applicable to the
11 drivers of vehicles upon the highways shall apply to the
12 drivers of all vehicles owned or operated by the United States,
13 this State or any county, city, town, district or any other
14 political subdivision of the State, except as provided in this
15 Section and subject to such specific exceptions as set forth in
16 this Chapter with reference to authorized emergency vehicles.

17 (b) The driver of an authorized emergency vehicle, when
18 responding to an emergency call or when in the pursuit of an
19 actual or suspected violator of the law or when responding to
20 but not upon returning from a fire alarm, may exercise the
21 privileges set forth in this Section, but subject to the
22 conditions herein stated.

23 (c) The driver of an authorized emergency vehicle may:

1 1. Park or stand, irrespective of the provisions of
2 this Chapter;

3 2. Proceed past a red or stop signal or stop sign, but
4 only after slowing down as may be required and necessary
5 for safe operation;

6 3. Exceed the maximum speed limits so long as he does
7 not endanger life or property;

8 4. Disregard regulations governing direction of
9 movement or turning in specified directions.

10 (d) The exceptions herein granted to an authorized
11 emergency vehicle, ~~other than a police vehicle,~~ shall apply
12 only when the vehicle is making use of ~~either an audible signal~~
13 ~~when in motion or~~ visual signals meeting the requirements of
14 Section 12-215 of this Act. Audible signals shall be used to
15 warn pedestrians and other drivers of the authorized emergency
16 vehicle's approach when the authorized emergency vehicle is
17 operating pursuant to an exception under this Section.

18 (d-5) The driver of a police vehicle must:

19 1. activate oscillating, rotating, or flashing lights
20 at all times during an emergency response when the maximum
21 speed limit or other traffic regulations are disregarded in
22 accordance with subsection (c) of this Section.

23 2. use sirens to warn pedestrians and other persons of
24 his or her approach during an emergency response situation;
25 and when the maximum speed limit or other traffic
26 regulations are disregarded in accordance with subsection

1 (c) of this Section.

2 3. drive with due regard for the safety of other
3 persons and exercise due care when operating a police
4 vehicle.

5 The driver of a police vehicle may use a covert approach
6 during an emergency response situation when the situation
7 dictates such covert approach, but must comply with all traffic
8 laws if not utilizing lights and sirens as required by this
9 Code.

10 As used in this subsection:

11 "Emergency response situation" means an incident or call in
12 which the responding officer reasonably believes that the
13 probability of death, personal injury, or the apprehension of
14 suspected offenders exists and a rapid response by a law
15 enforcement officer will reduce the seriousness of the
16 incident.

17 (e) The foregoing provisions do not relieve the driver of
18 an authorized emergency vehicle from the duty of driving with
19 due regard for the safety of all persons, nor do such
20 provisions protect the driver from the consequences of his
21 reckless disregard for the safety of others.

22 (f) Unless specifically made applicable, the provisions of
23 this Chapter, except those contained in Section 11-204 and
24 Articles IV and V of this Chapter, shall not apply to persons,
25 motor vehicles and equipment while actually engaged in work
26 upon a highway but shall apply to such persons and vehicles

1 when traveling to or from such work.

2 (Source: P.A. 89-710, eff. 2-14-97; 90-257, eff. 7-30-97.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.