

# HB5285



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5285

by Rep. Daniel Swanson

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907

from Ch. 95 1/2, par. 11-907

Amends the Illinois Vehicle Code. Provides that if changing lanes would be impossible or unsafe upon approaching a stationary emergency vehicle, the approaching vehicle shall reduce the speed of the vehicle to 20 miles per hour lower than the posted speed limit.

LRB101 18234 LNS 67676 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 11-907 as follows:

6 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

7 Sec. 11-907. Operation of vehicles and streetcars on  
8 approach of authorized emergency vehicles.

9 (a) Upon the immediate approach of an authorized emergency  
10 vehicle making use of audible and visual signals meeting the  
11 requirements of this Code or a police vehicle properly and  
12 lawfully making use of an audible or visual signal:

13 (1) the driver of every other vehicle shall yield the  
14 right-of-way and shall immediately drive to a position  
15 parallel to, and as close as possible to, the right-hand  
16 edge or curb of the highway clear of any intersection and  
17 shall, if necessary to permit the safe passage of the  
18 emergency vehicle, stop and remain in such position until  
19 the authorized emergency vehicle has passed, unless  
20 otherwise directed by a police officer; and

21 (2) the operator of every streetcar shall immediately  
22 stop such car clear of any intersection and keep it in such  
23 position until the authorized emergency vehicle has

1 passed, unless otherwise directed by a police officer.

2 (b) This Section shall not operate to relieve the driver of  
3 an authorized emergency vehicle from the duty to drive with due  
4 regard for the safety of all persons using the highway.

5 (c) Upon approaching a stationary authorized emergency  
6 vehicle, when the authorized emergency vehicle is giving a  
7 signal by displaying alternately flashing red, red and white,  
8 blue, or red and blue lights or amber or yellow warning lights,  
9 a person who drives an approaching vehicle shall:

10 (1) proceeding with due caution, yield the  
11 right-of-way by making a lane change into a lane not  
12 adjacent to that of the authorized emergency vehicle, if  
13 possible with due regard to safety and traffic conditions,  
14 if on a highway having at least 4 lanes with not less than  
15 2 lanes proceeding in the same direction as the approaching  
16 vehicle; or

17 (2) if changing lanes would be impossible or unsafe,  
18 proceeding with due caution, reduce the speed of the  
19 vehicle to 20 miles per hour lower than the posted speed  
20 limit, maintaining a safe speed for road conditions and  
21 leaving a safe distance until safely past the stationary  
22 vehicles.

23 As used in this subsection (c), "authorized emergency  
24 vehicle" includes any vehicle authorized by law to be equipped  
25 with oscillating, rotating, or flashing lights under Section  
26 12-215 of this Code, while the owner or operator of the vehicle

1 is engaged in his or her official duties.

2 (d) A person who violates subsection (c) of this Section  
3 commits a business offense punishable by a fine of not less  
4 than \$250 or more than \$10,000 for a first violation, and a  
5 fine of not less than \$750 or more than \$10,000 for a second or  
6 subsequent violation. It is a factor in aggravation if the  
7 person committed the offense while in violation of Section  
8 11-501 of this Code. Imposition of the penalties authorized by  
9 this subsection (d) for a violation of subsection (c) of this  
10 Section that results in the death of another person does not  
11 preclude imposition of appropriate additional civil or  
12 criminal penalties. A person who violates subsection (c) and  
13 the violation results in damage to another vehicle commits a  
14 Class A misdemeanor. A person who violates subsection (c) and  
15 the violation results in the injury or death of another person  
16 commits a Class 4 felony.

17 (e) If a violation of subsection (c) of this Section  
18 results in damage to the property of another person, in  
19 addition to any other penalty imposed, the person's driving  
20 privileges shall be suspended for a fixed period of not less  
21 than 90 days and not more than one year.

22 (f) If a violation of subsection (c) of this Section  
23 results in injury to another person, in addition to any other  
24 penalty imposed, the person's driving privileges shall be  
25 suspended for a fixed period of not less than 180 days and not  
26 more than 2 years.

1 (g) If a violation of subsection (c) of this Section  
2 results in the death of another person, in addition to any  
3 other penalty imposed, the person's driving privileges shall be  
4 suspended for 2 years.

5 (h) The Secretary of State shall, upon receiving a record  
6 of a judgment entered against a person under subsection (c) of  
7 this Section:

8 (1) suspend the person's driving privileges for the  
9 mandatory period; or

10 (2) extend the period of an existing suspension by the  
11 appropriate mandatory period.

12 (i) The Scott's Law Fund shall be a special fund in the  
13 State treasury. Subject to appropriation by the General  
14 Assembly and approval by the Director, the Director of the  
15 State Police shall use all moneys in the Scott's Law Fund in  
16 the Department's discretion to fund the production of materials  
17 to educate drivers on approaching stationary authorized  
18 emergency vehicles, to hire off-duty Department of State Police  
19 for enforcement of this Section, and for other law enforcement  
20 purposes the Director deems necessary in these efforts.

21 (j) For violations of this Section issued by a county or  
22 municipal police officer, the assessment shall be deposited  
23 into the county's or municipality's Transportation Safety  
24 Highway Hire-back Fund. The county shall use the moneys in its  
25 Transportation Safety Highway Hire-back Fund to hire off-duty  
26 county police officers to monitor construction or maintenance

1 zones in that county on highways other than interstate  
2 highways. The county, in its discretion, may also use a portion  
3 of the moneys in its Transportation Safety Highway Hire-back  
4 Fund to purchase equipment for county law enforcement and fund  
5 the production of materials to educate drivers on construction  
6 zone safe driving habits and approaching stationary authorized  
7 emergency vehicles.

8 (Source: P.A. 100-201, eff. 8-18-17; 101-173, eff. 1-1-20.)