



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3656

Introduced 2/22/2021, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-15.15

30 ILCS 500/10-20

625 ILCS 5/11-907

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

Amends the Illinois Procurement Code. Provides for the appointment of an independent chief procurement officer for all procurements made by a public safety agency to be appointed by the Director of State Police with the consent of the majority of the members of the Executive Ethics Commission. Provides that the independent chief procurement officer has the authority to create one or more independent State purchasing officers. Amends the Illinois Vehicle Code. Provides further requirements for vehicles approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying flashing emergency lighting.

LRB102 13852 RJF 19203 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.15 and 10-20 as follows:

6 (30 ILCS 500/1-15.15)

7 Sec. 1-15.15. Chief Procurement Officer. "Chief
8 Procurement Officer" means any of the 4 persons appointed or
9 approved by a majority of the members of the Executive Ethics
10 Commission:

11 (1) for procurements for construction and
12 construction-related services committed by law to the
13 jurisdiction or responsibility of the Capital Development
14 Board, the independent chief procurement officer appointed
15 by a majority of the members of the Executive Ethics
16 Commission.

17 (2) for procurements for all construction,
18 construction-related services, operation of any facility,
19 and the provision of any construction or
20 construction-related service or activity committed by law
21 to the jurisdiction or responsibility of the Illinois
22 Department of Transportation, including the direct or
23 reimbursable expenditure of all federal funds for which

1 the Department of Transportation is responsible or
2 accountable for the use thereof in accordance with federal
3 law, regulation, or procedure, the independent chief
4 procurement officer appointed by the Secretary of
5 Transportation with the consent of the majority of the
6 members of the Executive Ethics Commission.

7 (3) for all procurements made by a public institution
8 of higher education, the independent chief procurement
9 officer appointed by a majority of the members of the
10 Executive Ethics Commission.

11 (3.5) for all procurements made by a public safety agency,
12 the independent chief procurement officer appointed by the
13 Director of State Police with the consent of the majority of
14 the members of the Executive Ethics Commission. The
15 independent chief procurement officer appointed under this
16 paragraph has the authority to create one or more independent
17 State purchasing officers.

18 (4) (Blank).

19 (5) for all other procurements, the independent chief
20 procurement officer appointed by a majority of the members
21 of the Executive Ethics Commission.

22 (Source: P.A. 95-481, eff. 8-28-07; 96-795, eff. 7-1-10 (see
23 Section 5 of P.A. 96-793 for the effective date of changes made
24 by P.A. 96-795); 96-920, eff. 7-1-10.)

1 Sec. 10-20. Independent chief procurement officers.

2 (a) Appointment. ~~The~~ Within 60 calendar days after the
3 ~~effective date of this amendatory Act of the 96th General~~
4 ~~Assembly,~~ the Executive Ethics Commission, with the advice and
5 consent of the Senate shall appoint or approve 5 ~~4~~ chief
6 procurement officers, one for each of the following
7 categories:

8 (1) for procurements for construction and
9 construction-related services committed by law to the
10 jurisdiction or responsibility of the Capital Development
11 Board;

12 (2) for procurements for all construction,
13 construction-related services, operation of any facility,
14 and the provision of any service or activity committed by
15 law to the jurisdiction or responsibility of the Illinois
16 Department of Transportation, including the direct or
17 reimbursable expenditure of all federal funds for which
18 the Department of Transportation is responsible or
19 accountable for the use thereof in accordance with federal
20 law, regulation, or procedure, the chief procurement
21 officer recommended for approval under this item appointed
22 by the Secretary of Transportation after consent by the
23 Executive Ethics Commission;

24 (3) for all procurements made by a public institution
25 of higher education; ~~and~~

26 (3.5) for all procurements made by a public safety

1 agency, the independent chief procurement officer
2 appointed by the Director of State Police with the consent
3 of the majority of the members of the Executive Ethics
4 Commission. The independent chief procurement officer
5 appointed under this paragraph has the authority to create
6 one or more independent State purchasing officers; and

7 (4) for all other procurement needs of State agencies.

8 A chief procurement officer shall be responsible to the
9 Executive Ethics Commission but must be located within the
10 agency that the officer provides with procurement services.
11 The chief procurement officer for higher education shall have
12 an office located within the Board of Higher Education, unless
13 otherwise designated by the Executive Ethics Commission. The
14 chief procurement officer for all other procurement needs of
15 the State shall have an office located within the Department
16 of Central Management Services, unless otherwise designated by
17 the Executive Ethics Commission.

18 (b) Terms and independence. Each chief procurement officer
19 appointed under this Section shall serve for a term of 5 years
20 beginning on the date of the officer's appointment. The chief
21 procurement officer may be removed for cause after a hearing
22 by the Executive Ethics Commission. The Governor or the
23 director of a State agency directly responsible to the
24 Governor may institute a complaint against the officer by
25 filing such complaint with the Commission. The Commission
26 shall have a hearing based on the complaint. The officer and

1 the complainant shall receive reasonable notice of the hearing
2 and shall be permitted to present their respective arguments
3 on the complaint. After the hearing, the Commission shall make
4 a finding on the complaint and may take disciplinary action,
5 including but not limited to removal of the officer.

6 The salary of a chief procurement officer shall be
7 established by the Executive Ethics Commission and may not be
8 diminished during the officer's term. The salary may not
9 exceed the salary of the director of a State agency for which
10 the officer serves as chief procurement officer.

11 (c) Qualifications. In addition to any other requirement
12 or qualification required by State law, each chief procurement
13 officer must within 12 months of employment be a Certified
14 Professional Public Buyer or a Certified Public Purchasing
15 Officer, pursuant to certification by the Universal Public
16 Purchasing Certification Council, and must reside in Illinois.

17 (d) Fiduciary duty. Each chief procurement officer owes a
18 fiduciary duty to the State.

19 (e) Vacancy. In case of a vacancy in one or more of the
20 offices of a chief procurement officer under this Section
21 during the recess of the Senate, the Executive Ethics
22 Commission shall make a temporary appointment until the next
23 meeting of the Senate, when the Executive Ethics Commission
24 shall nominate some person to fill the office, and any person
25 so nominated who is confirmed by the Senate shall hold office
26 during the remainder of the term and until his or her successor

1 is appointed and qualified. If the Senate is not in session at
2 the time this amendatory Act of the 96th General Assembly
3 takes effect, the Executive Ethics Commission shall make a
4 temporary appointment as in the case of a vacancy.

5 (f) (Blank).

6 (g) (Blank).

7 (Source: P.A. 98-1076, eff. 1-1-15.)

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 11-907 as follows:

10 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

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

13 (a) Upon the immediate approach of an authorized emergency
14 vehicle making use of audible and visual signals meeting the
15 requirements of this Code or a police vehicle properly and
16 lawfully making use of an audible or visual signal:

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

1 (2) the operator of every streetcar shall immediately
2 stop such car clear of any intersection and keep it in such
3 position until the authorized emergency vehicle has
4 passed, unless otherwise directed by a police officer.

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

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

13 (1) proceeding with due caution, yield the
14 right-of-way by making a lane change into a lane not
15 adjacent to that of the authorized emergency vehicle, if
16 possible with due regard to safety and traffic conditions,
17 if on a highway having at least 4 lanes with not less than
18 2 lanes proceeding in the same direction as the
19 approaching vehicle; or

20 (2) if changing lanes would be impossible or unsafe,
21 proceeding with due caution, reduce the speed of the
22 vehicle, maintaining a safe speed for road conditions and
23 leaving a safe distance until safely past the stationary
24 emergency vehicles.

25 The visual signal specified under this subsection (c)
26 given by an authorized emergency vehicle is an indication to

1 drivers of approaching vehicles that a hazardous condition is
2 present when circumstances are not immediately clear. Drivers
3 of vehicles approaching a stationary emergency vehicle in any
4 lane shall heed the warning of the signal, reduce the speed of
5 the vehicle, proceed with due caution, maintain a safe speed
6 for road conditions, be prepared to stop, and leave a safe
7 distance until safely passed the stationary emergency vehicle.

8 As used in this subsection (c), "authorized emergency
9 vehicle" includes any vehicle authorized by law to be equipped
10 with oscillating, rotating, or flashing lights under Section
11 12-215 of this Code, while the owner or operator of the vehicle
12 is engaged in his or her official duties.

13 (d) A person who violates subsection (c) of this Section
14 commits a business offense punishable by a fine of not less
15 than \$250 or more than \$10,000 for a first violation, and a
16 fine of not less than \$750 or more than \$10,000 for a second or
17 subsequent violation. It is a factor in aggravation if the
18 person committed the offense while in violation of Section
19 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the
20 penalties authorized by this subsection (d) for a violation of
21 subsection (c) of this Section that results in the death of
22 another person does not preclude imposition of appropriate
23 additional civil or criminal penalties. A person who violates
24 subsection (c) and the violation results in damage to another
25 vehicle commits a Class A misdemeanor. A person who violates
26 subsection (c) and the violation results in the injury or

1 death of another person commits a Class 4 felony.

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

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

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

16 (h) The Secretary of State shall, upon receiving a record
17 of a judgment entered against a person under subsection (c) of
18 this Section:

19 (1) suspend the person's driving privileges for the
20 mandatory period; or

21 (2) extend the period of an existing suspension by the
22 appropriate mandatory period.

23 (i) The Scott's Law Fund shall be a special fund in the
24 State treasury. Subject to appropriation by the General
25 Assembly and approval by the Director, the Director of the
26 State Police shall use all moneys in the Scott's Law Fund in

1 the Department's discretion to fund the production of
2 materials to educate drivers on approaching stationary
3 authorized emergency vehicles, to hire off-duty Department of
4 State Police for enforcement of this Section, and for other
5 law enforcement purposes the Director deems necessary in these
6 efforts.

7 (j) For violations of this Section issued by a county or
8 municipal police officer, the assessment shall be deposited
9 into the county's or municipality's Transportation Safety
10 Highway Hire-back Fund. The county shall use the moneys in its
11 Transportation Safety Highway Hire-back Fund to hire off-duty
12 county police officers to monitor construction or maintenance
13 zones in that county on highways other than interstate
14 highways. The county, in its discretion, may also use a
15 portion of the moneys in its Transportation Safety Highway
16 Hire-back Fund to purchase equipment for county law
17 enforcement and fund the production of materials to educate
18 drivers on construction zone safe driving habits and
19 approaching stationary authorized emergency vehicles.

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