



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5370

Introduced 2/9/2024, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907  
625 ILCS 5/11-908

from Ch. 95 1/2, par. 11-907  
from Ch. 95 1/2, par. 11-908

Amends the Illinois Vehicle Code. Requires that upon approaching an emergency scene, a stationary authorized emergency vehicle, or a construction or maintenance area or zone, a person who drives a vehicle shall, proceeding with due caution, yield the right-of-way by making a lane change, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision and leaving a safe distance until safely past the stationary authorized emergency vehicle, or construction or maintenance area or zone. Provides that if changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle to a speed that is reasonable and proper with regard to traffic conditions and the use of the highway to avoid a collision, or until safely past the construction or maintenance area or zone.

LRB103 39481 RPS 69676 b

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  
5 changing Sections 11-907 and 11-908 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  
3 of an authorized emergency vehicle from the duty to drive with  
4 due regard for the safety of all persons using the highway.

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

11 (1) proceeding with due caution, yield the  
12 right-of-way by making a lane change into a lane not  
13 adjacent to that of the authorized emergency vehicle, if  
14 possible with due regard to safety and traffic conditions,  
15 if on a highway having at least 4 lanes with not less than  
16 2 lanes proceeding in the same direction as the  
17 approaching vehicle and reduce the speed of the vehicle to  
18 a speed that is reasonable and proper with regard to  
19 traffic conditions and the use of the highway to avoid a  
20 collision and leaving a safe distance until safely past  
21 the stationary emergency vehicle; or

22 (2) if changing lanes would be impossible or unsafe,  
23 proceeding with due caution, reduce the speed of the  
24 vehicle to a speed that is reasonable and proper with  
25 regard to traffic conditions and the use of the highway to  
26 avoid a collision, maintaining a safe speed for road

1 conditions and leaving a safe distance until safely past  
2 the stationary emergency vehicles.

3 The visual signal specified under this subsection (c)  
4 given by a stationary ~~an~~ authorized emergency vehicle is an  
5 indication to drivers of approaching vehicles that a hazardous  
6 condition is present when circumstances are not immediately  
7 clear. Drivers of vehicles approaching a stationary authorized  
8 emergency vehicle in any lane shall heed the warning of the  
9 signal, reduce the speed of the vehicle, proceed with due  
10 caution, maintain a safe speed for road conditions, be  
11 prepared to stop, and leave a safe distance until safely  
12 passed the stationary emergency vehicle.

13 As used in this subsection (c), "authorized emergency  
14 vehicle" includes any vehicle authorized by law to be equipped  
15 with oscillating, rotating, or flashing lights under Section  
16 12-215 of this Code, while the owner or operator of the vehicle  
17 is engaged in his or her official duties. As used in this  
18 subsection (c), "emergency scene" means a location where a  
19 stationary authorized emergency vehicle as defined by herein  
20 is present and has activated its oscillating, rotating, or  
21 flashing lights.

22 (d) A person who violates subsection (c) of this Section  
23 commits a business offense punishable by a fine of not less  
24 than \$250 or more than \$10,000 for a first violation, and a  
25 fine of not less than \$750 or more than \$10,000 for a second or  
26 subsequent violation. It is a factor in aggravation if the

1 person committed the offense while in violation of Section  
2 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the  
3 penalties authorized by this subsection (d) for a violation of  
4 subsection (c) of this Section that results in the death of  
5 another person does not preclude imposition of appropriate  
6 additional civil or criminal penalties. A person who violates  
7 subsection (c) and the violation results in damage to another  
8 vehicle commits a Class A misdemeanor. A person who violates  
9 subsection (c) and the violation results in the injury or  
10 death of another person commits a Class 4 felony.

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

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

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

25 (h) The Secretary of State shall, upon receiving a record  
26 of a judgment entered against a person under subsection (c) of

1 this Section:

2 (1) suspend the person's driving privileges for the  
3 mandatory period; or

4 (2) extend the period of an existing suspension by the  
5 appropriate mandatory period.

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

16 (j) For violations of this Section issued by a county or  
17 municipal police officer, the assessment shall be deposited  
18 into the county's or municipality's Transportation Safety  
19 Highway Hire-back Fund. The county shall use the moneys in its  
20 Transportation Safety Highway Hire-back Fund to hire off-duty  
21 county police officers to monitor construction or maintenance  
22 zones in that county on highways other than interstate  
23 highways. The county, in its discretion, may also use a  
24 portion of the moneys in its Transportation Safety Highway  
25 Hire-back Fund to purchase equipment for county law  
26 enforcement and fund the production of materials to educate

1 drivers on construction zone safe driving habits and  
2 approaching stationary authorized emergency vehicles.

3 (k) In addition to other penalties imposed by this  
4 Section, the court may order a person convicted of a violation  
5 of subsection (c) to perform community service as determined  
6 by the court.

7 (Source: P.A. 101-173, eff. 1-1-20; 102-336, eff. 1-1-22;  
8 102-338, eff. 1-1-22; 102-813, eff. 5-13-22.)

9 (625 ILCS 5/11-908) (from Ch. 95 1/2, par. 11-908)

10 Sec. 11-908. Vehicle approaching or entering a highway  
11 construction or maintenance area or zone.

12 (a) The driver of a vehicle shall yield the right-of-way  
13 to any authorized vehicle or pedestrian actually engaged in  
14 work upon a highway within any highway construction or  
15 maintenance area indicated by official traffic-control  
16 devices.

17 (a-1) Upon entering a construction or maintenance zone  
18 when workers are present, a person who drives a vehicle shall:

19 (1) proceeding with due caution, yield the  
20 right-of-way by making ~~make~~ a lane change into a lane not  
21 adjacent to that of the workers present, if possible with  
22 due regard to safety and traffic conditions, if on a  
23 highway having at least 4 lanes with not less than 2 lanes  
24 proceeding in the same direction as the approaching  
25 vehicle, and reduce the speed of the vehicle to a speed

1       that is reasonable and proper with regard to traffic  
2       conditions and the use of the highway to avoid a collision  
3       and leaving a safe distance until safely past the  
4       construction or maintenance zone; or

5           (2) proceeding with due caution, reduce the speed of  
6       the vehicle to a speed that is reasonable and proper with  
7       regard to traffic conditions and the use of the highway to  
8       avoid a collision until safely past the construction or  
9       maintenance zone, maintaining a safe speed for road  
10       conditions, if changing lanes would be impossible or  
11       unsafe.

12       (a-2) A person who violates subsection (a-1) of this  
13       Section commits a business offense punishable by a fine of not  
14       less than \$100 and not more than \$25,000. It is a factor in  
15       aggravation if the person committed the offense while in  
16       violation of Section 11-501 of this Code.

17       (a-3) If a violation of subsection (a-1) 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       (a-4) If a violation of subsection (a-1) 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 (a-5) If a violation of subsection (a-1) 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  
4 be suspended for 2 years.

5 (a-6) The Secretary of State shall, upon receiving a  
6 record of a judgment entered against a person under subsection  
7 (a-1) of 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 (b) The driver of a vehicle shall yield the right-of-way  
13 to any authorized vehicle obviously and actually engaged in  
14 work upon a highway whenever the vehicle engaged in  
15 construction or maintenance work displays flashing lights as  
16 provided in Section 12-215 of this Act.

17 (c) The driver of a vehicle shall stop if signaled to do so  
18 by a flagger or a traffic control signal and remain in such  
19 position until signaled to proceed. If a driver of a vehicle  
20 fails to stop when signaled to do so by a flagger, the flagger  
21 is authorized to report such offense to the State's Attorney  
22 or authorized prosecutor. The penalties imposed for a  
23 violation of this subsection (c) shall be in addition to any  
24 penalties imposed for a violation of subsection (a-1).

25 (Source: P.A. 100-201, eff. 8-18-17; 101-172, eff. 1-1-20.)