

# HB3787



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB3787

by Rep. Robert Rita

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-105  
625 ILCS 5/12-215

from Ch. 95 1/2, par. 1-105  
from Ch. 95 1/2, par. 12-215

Amends the Illinois Vehicle Code. Includes any vehicle of the Illinois State Toll Highway Authority, whether or not it is identified as a Highway Emergency Lane Patrol vehicle, within the definition of "authorized emergency vehicle". Provides for the use of red or white oscillating, rotating or flashing lights on any vehicle of the Illinois State Toll Highway Authority, whether or not it is identified as a Highway Emergency Lane Patrol vehicle.

LRB099 10208 RJF 30433 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 Sections 1-105 and 12-215 as follows:

6 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

7 Sec. 1-105. Authorized emergency vehicle. Emergency  
8 vehicles of municipal departments or public service  
9 corporations as are designated or authorized by proper local  
10 authorities; police vehicles; vehicles of the fire department;  
11 vehicles of a HazMat or technical rescue team authorized by a  
12 county board under Section 5-1127 of the Counties Code;  
13 ambulances; vehicles of the Illinois Department of  
14 Corrections; vehicles of the Illinois Department of Juvenile  
15 Justice; vehicles of the Illinois Emergency Management Agency;  
16 vehicles of the Office of the Illinois State Fire Marshal; mine  
17 rescue and explosives emergency response vehicles of the  
18 Department of Natural Resources; vehicles of the Illinois  
19 Department of Public Health; vehicles of the Illinois State  
20 Toll Highway Authority ~~identified as Highway Emergency Lane~~  
21 ~~Patrol~~; vehicles of the Illinois Department of Transportation  
22 identified as Emergency Traffic Patrol; and vehicles of a  
23 municipal or county emergency services and disaster agency, as

1 defined by the Illinois Emergency Management Agency Act.  
2 (Source: P.A. 97-149, eff. 7-14-11; 97-333, eff. 7-12-11;  
3 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; 98-756, eff.  
4 7-16-14; 98-873, eff. 1-1-15.)

5 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

6 Sec. 12-215. Oscillating, rotating or flashing lights on  
7 motor vehicles. Except as otherwise provided in this Code:

8 (a) The use of red or white oscillating, rotating or  
9 flashing lights, whether lighted or unlighted, is prohibited  
10 except on:

11 1. Law enforcement vehicles of State, Federal or local  
12 authorities;

13 2. A vehicle operated by a police officer or county  
14 coroner and designated or authorized by local authorities,  
15 in writing, as a law enforcement vehicle; however, such  
16 designation or authorization must be carried in the  
17 vehicle;

18 2.1. A vehicle operated by a fire chief who has  
19 completed an emergency vehicle operation training course  
20 approved by the Office of the State Fire Marshal and  
21 designated or authorized by local authorities, in writing,  
22 as a fire department, fire protection district, or township  
23 fire department vehicle; however, the designation or  
24 authorization must be carried in the vehicle, and the  
25 lights may be visible or activated only when responding to

1 a bona fide emergency;

2 3. Vehicles of local fire departments and State or  
3 federal firefighting vehicles;

4 4. Vehicles which are designed and used exclusively as  
5 ambulances or rescue vehicles; furthermore, such lights  
6 shall not be lighted except when responding to an emergency  
7 call for and while actually conveying the sick or injured;

8 5. Tow trucks licensed in a state that requires such  
9 lights; furthermore, such lights shall not be lighted on  
10 any such tow truck while the tow truck is operating in the  
11 State of Illinois;

12 6. Vehicles of the Illinois Emergency Management  
13 Agency, vehicles of the Office of the Illinois State Fire  
14 Marshal, vehicles of the Illinois Department of Public  
15 Health, vehicles of the Illinois Department of  
16 Corrections, and vehicles of the Illinois Department of  
17 Juvenile Justice;

18 7. Vehicles operated by a local or county emergency  
19 management services agency as defined in the Illinois  
20 Emergency Management Agency Act;

21 8. School buses operating alternately flashing head  
22 lamps as permitted under Section 12-805 of this Code;

23 9. Vehicles that are equipped and used exclusively as  
24 organ transplant vehicles when used in combination with  
25 blue oscillating, rotating, or flashing lights;  
26 furthermore, these lights shall be lighted only when the

1 transportation is declared an emergency by a member of the  
2 transplant team or a representative of the organ  
3 procurement organization;

4 10. Vehicles of the Illinois Department of Natural  
5 Resources that are used for mine rescue and explosives  
6 emergency response; ~~and~~

7 11. Vehicles of the Illinois Department of  
8 Transportation identified as Emergency Traffic Patrol; the  
9 lights shall not be lighted except when responding to an  
10 emergency call or when parked or stationary while engaged  
11 in motor vehicle assistance or at the scene of the  
12 emergency; and

13 12. Vehicles of the Illinois State Toll Highway  
14 Authority ~~identified as Highway Emergency Lane Patrol~~; the  
15 lights shall not be lighted except when responding to an  
16 emergency call or when parked or stationary while engaged  
17 in motor vehicle assistance or at the scene of the  
18 emergency.

19 (b) The use of amber oscillating, rotating or flashing  
20 lights, whether lighted or unlighted, is prohibited except on:

21 1. Second division vehicles designed and used for  
22 towing or hoisting vehicles; furthermore, such lights  
23 shall not be lighted except as required in this paragraph  
24 1; such lights shall be lighted when such vehicles are  
25 actually being used at the scene of an accident or  
26 disablement; if the towing vehicle is equipped with a flat

1           bed that supports all wheels of the vehicle being  
2 transported, the lights shall not be lighted while the  
3 vehicle is engaged in towing on a highway; if the towing  
4 vehicle is not equipped with a flat bed that supports all  
5 wheels of a vehicle being transported, the lights shall be  
6 lighted while the towing vehicle is engaged in towing on a  
7 highway during all times when the use of headlights is  
8 required under Section 12-201 of this Code; in addition,  
9 these vehicles may use white oscillating, rotating, or  
10 flashing lights in combination with amber oscillating,  
11 rotating, or flashing lights as provided in this paragraph;

12           2. Motor vehicles or equipment of the State of  
13 Illinois, the Illinois State Toll Highway Authority, local  
14 authorities and contractors; furthermore, such lights  
15 shall not be lighted except while such vehicles are engaged  
16 in maintenance or construction operations within the  
17 limits of construction projects;

18           3. Vehicles or equipment used by engineering or survey  
19 crews; furthermore, such lights shall not be lighted except  
20 while such vehicles are actually engaged in work on a  
21 highway;

22           4. Vehicles of public utilities, municipalities, or  
23 other construction, maintenance or automotive service  
24 vehicles except that such lights shall be lighted only as a  
25 means for indicating the presence of a vehicular traffic  
26 hazard requiring unusual care in approaching, overtaking

1 or passing while such vehicles are engaged in maintenance,  
2 service or construction on a highway;

3 5. Oversized vehicle or load; however, such lights  
4 shall only be lighted when moving under permit issued by  
5 the Department under Section 15-301 of this Code;

6 6. The front and rear of motorized equipment owned and  
7 operated by the State of Illinois or any political  
8 subdivision thereof, which is designed and used for removal  
9 of snow and ice from highways;

10 6.1. The front and rear of motorized equipment or  
11 vehicles that (i) are not owned by the State of Illinois or  
12 any political subdivision of the State, (ii) are designed  
13 and used for removal of snow and ice from highways and  
14 parking lots, and (iii) are equipped with a snow plow that  
15 is 12 feet in width; these lights may not be lighted except  
16 when the motorized equipment or vehicle is actually being  
17 used for those purposes on behalf of a unit of government;

18 7. Fleet safety vehicles registered in another state,  
19 furthermore, such lights shall not be lighted except as  
20 provided for in Section 12-212 of this Code;

21 8. Such other vehicles as may be authorized by local  
22 authorities;

23 9. Law enforcement vehicles of State or local  
24 authorities when used in combination with red oscillating,  
25 rotating or flashing lights;

26 9.5. Propane delivery trucks;

1           10. Vehicles used for collecting or delivering mail for  
2           the United States Postal Service provided that such lights  
3           shall not be lighted except when such vehicles are actually  
4           being used for such purposes;

5           10.5. Vehicles of the Office of the Illinois State Fire  
6           Marshal, provided that such lights shall not be lighted  
7           except for when such vehicles are engaged in work for the  
8           Office of the Illinois State Fire Marshal;

9           11. Any vehicle displaying a slow-moving vehicle  
10          emblem as provided in Section 12-205.1;

11          12. All trucks equipped with self-compactors or  
12          roll-off hoists and roll-on containers for garbage or  
13          refuse hauling. Such lights shall not be lighted except  
14          when such vehicles are actually being used for such  
15          purposes;

16          13. Vehicles used by a security company, alarm  
17          responder, control agency, or the Illinois Department of  
18          Corrections;

19          14. Security vehicles of the Department of Human  
20          Services; however, the lights shall not be lighted except  
21          when being used for security related purposes under the  
22          direction of the superintendent of the facility where the  
23          vehicle is located; and

24          15. Vehicles of union representatives, except that the  
25          lights shall be lighted only while the vehicle is within  
26          the limits of a construction project.



1 (c) The use of blue oscillating, rotating or flashing  
2 lights, whether lighted or unlighted, is prohibited except on:

3 1. Rescue squad vehicles not owned by a fire department  
4 and vehicles owned or operated by a:

5 voluntary firefighter;

6 paid firefighter;

7 part-paid firefighter;

8 call firefighter;

9 member of the board of trustees of a fire  
10 protection district;

11 paid or unpaid member of a rescue squad;

12 paid or unpaid member of a voluntary ambulance  
13 unit; or

14 paid or unpaid members of a local or county  
15 emergency management services agency as defined in the  
16 Illinois Emergency Management Agency Act, designated  
17 or authorized by local authorities, in writing, and  
18 carrying that designation or authorization in the  
19 vehicle.

20 However, such lights are not to be lighted except when  
21 responding to a bona fide emergency or when parked or  
22 stationary at the scene of a fire, rescue call, ambulance  
23 call, or motor vehicle accident.

24 Any person using these lights in accordance with this  
25 subdivision (c)1 must carry on his or her person an  
26 identification card or letter identifying the bona fide

1 member of a fire department, fire protection district,  
2 rescue squad, ambulance unit, or emergency management  
3 services agency that owns or operates that vehicle. The  
4 card or letter must include:

5 (A) the name of the fire department, fire  
6 protection district, rescue squad, ambulance unit, or  
7 emergency management services agency;

8 (B) the member's position within the fire  
9 department, fire protection district, rescue squad,  
10 ambulance unit, or emergency management services  
11 agency;

12 (C) the member's term of service; and

13 (D) the name of a person within the fire  
14 department, fire protection district, rescue squad,  
15 ambulance unit, or emergency management services  
16 agency to contact to verify the information provided.

17 2. Police department vehicles in cities having a  
18 population of 500,000 or more inhabitants.

19 3. Law enforcement vehicles of State or local  
20 authorities when used in combination with red oscillating,  
21 rotating or flashing lights.

22 4. Vehicles of local fire departments and State or  
23 federal firefighting vehicles when used in combination  
24 with red oscillating, rotating or flashing lights.

25 5. Vehicles which are designed and used exclusively as  
26 ambulances or rescue vehicles when used in combination with

1 red oscillating, rotating or flashing lights; furthermore,  
2 such lights shall not be lighted except when responding to  
3 an emergency call.

4 6. Vehicles that are equipped and used exclusively as  
5 organ transport vehicles when used in combination with red  
6 oscillating, rotating, or flashing lights; furthermore,  
7 these lights shall only be lighted when the transportation  
8 is declared an emergency by a member of the transplant team  
9 or a representative of the organ procurement organization.

10 7. Vehicles of the Illinois Emergency Management  
11 Agency, vehicles of the Office of the Illinois State Fire  
12 Marshal, vehicles of the Illinois Department of Public  
13 Health, vehicles of the Illinois Department of  
14 Corrections, and vehicles of the Illinois Department of  
15 Juvenile Justice, when used in combination with red  
16 oscillating, rotating, or flashing lights.

17 8. Vehicles operated by a local or county emergency  
18 management services agency as defined in the Illinois  
19 Emergency Management Agency Act, when used in combination  
20 with red oscillating, rotating, or flashing lights.

21 9. Vehicles of the Illinois Department of Natural  
22 Resources that are used for mine rescue and explosives  
23 emergency response, when used in combination with red  
24 oscillating, rotating, or flashing lights.

25 (c-1) In addition to the blue oscillating, rotating, or  
26 flashing lights permitted under subsection (c), and

1 notwithstanding subsection (a), a vehicle operated by a  
2 voluntary firefighter, a voluntary member of a rescue squad, or  
3 a member of a voluntary ambulance unit may be equipped with  
4 flashing white headlights and blue grill lights, which may be  
5 used only in responding to an emergency call or when parked or  
6 stationary at the scene of a fire, rescue call, ambulance call,  
7 or motor vehicle accident.

8 (c-2) In addition to the blue oscillating, rotating, or  
9 flashing lights permitted under subsection (c), and  
10 notwithstanding subsection (a), a vehicle operated by a paid or  
11 unpaid member of a local or county emergency management  
12 services agency as defined in the Illinois Emergency Management  
13 Agency Act, may be equipped with white oscillating, rotating,  
14 or flashing lights to be used in combination with blue  
15 oscillating, rotating, or flashing lights, if authorization by  
16 local authorities is in writing and carried in the vehicle.

17 (d) The use of a combination of amber and white  
18 oscillating, rotating or flashing lights, whether lighted or  
19 unlighted, is prohibited except on second division vehicles  
20 designed and used for towing or hoisting vehicles or motor  
21 vehicles or equipment of the State of Illinois, local  
22 authorities, contractors, and union representatives;  
23 furthermore, such lights shall not be lighted on second  
24 division vehicles designed and used for towing or hoisting  
25 vehicles or vehicles of the State of Illinois, local  
26 authorities, and contractors except while such vehicles are

1 engaged in a tow operation, highway maintenance, or  
2 construction operations within the limits of highway  
3 construction projects, and shall not be lighted on the vehicles  
4 of union representatives except when those vehicles are within  
5 the limits of a construction project.

6 (e) All oscillating, rotating or flashing lights referred  
7 to in this Section shall be of sufficient intensity, when  
8 illuminated, to be visible at 500 feet in normal sunlight.

9 (f) Nothing in this Section shall prohibit a manufacturer  
10 of oscillating, rotating or flashing lights or his  
11 representative or authorized vendor from temporarily mounting  
12 such lights on a vehicle for demonstration purposes only. If  
13 the lights are not covered while the vehicle is operated upon a  
14 highway, the vehicle shall display signage indicating that the  
15 vehicle is out of service or not an emergency vehicle. The  
16 signage shall be displayed on all sides of the vehicle in  
17 letters at least 2 inches tall and one-half inch wide. A  
18 vehicle authorized to have oscillating, rotating, or flashing  
19 lights mounted for demonstration purposes may not activate the  
20 lights while the vehicle is operated upon a highway.

21 (g) Any person violating the provisions of subsections (a),  
22 (b), (c) or (d) of this Section who without lawful authority  
23 stops or detains or attempts to stop or detain another person  
24 shall be guilty of a Class 2 felony.

25 (h) Except as provided in subsection (g) above, any person  
26 violating the provisions of subsections (a) or (c) of this

1 Section shall be guilty of a Class A misdemeanor.

2 (Source: P.A. 97-39, eff. 1-1-12; 97-149, eff. 7-14-11; 97-813,  
3 eff. 7-13-12; 97-1173, eff. 1-1-14; 98-80, eff. 7-15-13;  
4 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; 98-756, eff.  
5 7-16-14; 98-873, eff. 1-1-15; revised 10-6-14.)