

HB2953



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2953

by Rep. Tim Butler

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907
625 ILCS 5/12-215

from Ch. 95 1/2, par. 11-907
from Ch. 95 1/2, par. 12-215

Amends the Illinois Vehicle Code. Allows the use of red, blue, and white oscillating, rotating, or flashing lights on tow trucks.

LRB101 08683 TAE 53768 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 11-907 and 12-215 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~~, or red, blue, and white lights or amber
9 or yellow warning lights, a person who drives an approaching
10 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 approaching
17 vehicle; or

18 (2) proceeding with due caution, reduce the speed of
19 the vehicle, maintaining a safe speed for road conditions,
20 if changing lanes would be impossible or unsafe.

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

26 (d) A person who violates subsection (c) of this Section

1 commits a business offense punishable by a fine of not less
2 than \$100 or more than \$10,000. It is a factor in aggravation
3 if the person committed the offense while in violation of
4 Section 11-501 of this Code. Imposition of the penalties
5 authorized by this subsection (d) for a violation of subsection
6 (c) of this Section that results in the death of another person
7 does not preclude imposition of appropriate additional civil or
8 criminal penalties.

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

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

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

23 (h) The Secretary of State shall, upon receiving a record
24 of a judgment entered against a person under subsection (c) of
25 this Section:

26 (1) suspend the person's driving privileges for the

1 mandatory period; or

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

4 (Source: P.A. 100-201, eff. 8-18-17.)

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 4.5. Vehicles which are occasionally used as rescue
9 vehicles that have been authorized for use as rescue
10 vehicles by a volunteer EMS provider, provided that the
11 operator of the vehicle has successfully completed an
12 emergency vehicle operation training course recognized by
13 the Department of Public Health; furthermore, the lights
14 shall not be lighted except when responding to an emergency
15 call for the sick or injured;

16 5. Tow trucks licensed in a state that requires such
17 lights; furthermore, such lights shall not be lighted on
18 any such tow truck while the tow truck is operating in the
19 State of Illinois;

20 6. Vehicles of the Illinois Emergency Management
21 Agency, vehicles of the Office of the Illinois State Fire
22 Marshal, vehicles of the Illinois Department of Public
23 Health, vehicles of the Illinois Department of
24 Corrections, and vehicles of the Illinois Department of
25 Juvenile Justice;

26 7. Vehicles operated by a local or county emergency

1 management services agency as defined in the Illinois
2 Emergency Management Agency Act;

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

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

12 10. Vehicles of the Illinois Department of Natural
13 Resources that are used for mine rescue and explosives
14 emergency response;

15 11. Vehicles of the Illinois Department of
16 Transportation identified as Emergency Traffic Patrol; the
17 lights shall not be lighted except when responding to an
18 emergency call or when parked or stationary while engaged
19 in motor vehicle assistance or at the scene of the
20 emergency; and

21 12. Vehicles of the Illinois State Toll Highway
22 Authority with a gross vehicle weight rating of 9,000
23 pounds or more and those identified as Highway Emergency
24 Lane Patrol; the lights shall not be lighted except when
25 responding to an emergency call or when parked or
26 stationary while engaged in motor vehicle assistance or at

1 the scene of the emergency.

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

4 1. Second division vehicles designed and used for
5 towing or hoisting vehicles; furthermore, such lights
6 shall not be lighted except as required in this paragraph
7 1; such lights shall be lighted when such vehicles are
8 actually being used at the scene of an accident or
9 disablement; if the towing vehicle is equipped with a flat
10 bed that supports all wheels of the vehicle being
11 transported, the lights shall not be lighted while the
12 vehicle is engaged in towing on a highway; if the towing
13 vehicle is not equipped with a flat bed that supports all
14 wheels of a vehicle being transported, the lights shall be
15 lighted while the towing vehicle is engaged in towing on a
16 highway during all times when the use of headlights is
17 required under Section 12-201 of this Code; in addition,
18 these vehicles may use white oscillating, rotating, or
19 flashing lights in combination with amber oscillating,
20 rotating, or flashing lights or red, blue, and white
21 oscillating, rotating, or flashing lights as provided in
22 this paragraph;

23 2. Motor vehicles or equipment of the State of
24 Illinois, the Illinois State Toll Highway Authority, local
25 authorities and contractors; furthermore, such lights
26 shall not be lighted except while such vehicles are engaged

1 in maintenance or construction operations within the
2 limits of construction projects;

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

7 4. Vehicles of public utilities, municipalities, or
8 other construction, maintenance or automotive service
9 vehicles except that such lights shall be lighted only as a
10 means for indicating the presence of a vehicular traffic
11 hazard requiring unusual care in approaching, overtaking
12 or passing while such vehicles are engaged in maintenance,
13 service or construction on a highway;

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

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

21 6.1. The front and rear of motorized equipment or
22 vehicles that (i) are not owned by the State of Illinois or
23 any political subdivision of the State, (ii) are designed
24 and used for removal of snow and ice from highways and
25 parking lots, and (iii) are equipped with a snow plow that
26 is 12 feet in width; these lights may not be lighted except

1 when the motorized equipment or vehicle is actually being
2 used for those purposes on behalf of a unit of government;

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

6 8. Such other vehicles as may be authorized by local
7 authorities;

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

11 9.5. Propane delivery trucks;

12 10. Vehicles used for collecting or delivering mail for
13 the United States Postal Service provided that such lights
14 shall not be lighted except when such vehicles are actually
15 being used for such purposes;

16 10.5. Vehicles of the Office of the Illinois State Fire
17 Marshal, provided that such lights shall not be lighted
18 except for when such vehicles are engaged in work for the
19 Office of the Illinois State Fire Marshal;

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

22 12. All trucks equipped with self-compactors or
23 roll-off hoists and roll-on containers for garbage,
24 recycling, or refuse hauling. Such lights shall not be
25 lighted except when such vehicles are actually being used
26 for such purposes;

1 13. Vehicles used by a security company, alarm
2 responder, control agency, or the Illinois Department of
3 Corrections;

4 14. Security vehicles of the Department of Human
5 Services; however, the lights shall not be lighted except
6 when being used for security related purposes under the
7 direction of the superintendent of the facility where the
8 vehicle is located; and

9 15. Vehicles of union representatives, except that the
10 lights shall be lighted only while the vehicle is within
11 the limits of a construction project.

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

14 1. Rescue squad vehicles not owned by a fire department
15 and vehicles owned or operated by a:

16 voluntary firefighter;

17 paid firefighter;

18 part-paid firefighter;

19 call firefighter;

20 member of the board of trustees of a fire
21 protection district;

22 paid or unpaid member of a rescue squad;

23 paid or unpaid member of a voluntary ambulance
24 unit; or

25 paid or unpaid members of a local or county
26 emergency management services agency as defined in the

1 Illinois Emergency Management Agency Act, designated
2 or authorized by local authorities, in writing, and
3 carrying that designation or authorization in the
4 vehicle.

5 However, such lights are not to be lighted except when
6 responding to a bona fide emergency or when parked or
7 stationary at the scene of a fire, rescue call, ambulance
8 call, or motor vehicle accident.

9 Any person using these lights in accordance with this
10 subdivision (c)1 must carry on his or her person an
11 identification card or letter identifying the bona fide
12 member of a fire department, fire protection district,
13 rescue squad, ambulance unit, or emergency management
14 services agency that owns or operates that vehicle. The
15 card or letter must include:

16 (A) the name of the fire department, fire
17 protection district, rescue squad, ambulance unit, or
18 emergency management services agency;

19 (B) the member's position within the fire
20 department, fire protection district, rescue squad,
21 ambulance unit, or emergency management services
22 agency;

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

24 (D) the name of a person within the fire
25 department, fire protection district, rescue squad,
26 ambulance unit, or emergency management services

1 agency to contact to verify the information provided.

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

4 3. Law enforcement vehicles of State or local
5 authorities when used in combination with red oscillating,
6 rotating or flashing lights.

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

10 5. Vehicles which are designed and used exclusively as
11 ambulances or rescue vehicles when used in combination with
12 red oscillating, rotating or flashing lights; furthermore,
13 such lights shall not be lighted except when responding to
14 an emergency call.

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

21 7. Vehicles of the Illinois Emergency Management
22 Agency, vehicles of the Office of the Illinois State Fire
23 Marshal, vehicles of the Illinois Department of Public
24 Health, vehicles of the Illinois Department of
25 Corrections, and vehicles of the Illinois Department of
26 Juvenile Justice, when used in combination with red

1 oscillating, rotating, or flashing lights.

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

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

10 (c-1) In addition to the blue oscillating, rotating, or
11 flashing lights permitted under subsection (c), and
12 notwithstanding subsection (a), a vehicle operated by a
13 voluntary firefighter, a voluntary member of a rescue squad, or
14 a member of a voluntary ambulance unit may be equipped with
15 flashing white headlights and blue grill lights, which may be
16 used only in responding to an emergency call or when parked or
17 stationary at the scene of a fire, rescue call, ambulance call,
18 or motor vehicle accident.

19 (c-2) In addition to the blue oscillating, rotating, or
20 flashing lights permitted under subsection (c), and
21 notwithstanding subsection (a), a vehicle operated by a paid or
22 unpaid member of a local or county emergency management
23 services agency as defined in the Illinois Emergency Management
24 Agency Act, may be equipped with white oscillating, rotating,
25 or flashing lights to be used in combination with blue
26 oscillating, rotating, or flashing lights, if authorization by

1 local authorities is in writing and carried in the vehicle.

2 (d) The use of a combination of amber and white
3 oscillating, rotating or flashing lights, whether lighted or
4 unlighted, is prohibited except on second division vehicles
5 designed and used for towing or hoisting vehicles or motor
6 vehicles or equipment of the State of Illinois, local
7 authorities, contractors, and union representatives;
8 furthermore, such lights shall not be lighted on second
9 division vehicles designed and used for towing or hoisting
10 vehicles or vehicles of the State of Illinois, local
11 authorities, and contractors except while such vehicles are
12 engaged in a tow operation, highway maintenance, or
13 construction operations within the limits of highway
14 construction projects, and shall not be lighted on the vehicles
15 of union representatives except when those vehicles are within
16 the limits of a construction project.

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

20 (f) Nothing in this Section shall prohibit a manufacturer
21 of oscillating, rotating or flashing lights or his
22 representative or authorized vendor from temporarily mounting
23 such lights on a vehicle for demonstration purposes only. If
24 the lights are not covered while the vehicle is operated upon a
25 highway, the vehicle shall display signage indicating that the
26 vehicle is out of service or not an emergency vehicle. The

1 signage shall be displayed on all sides of the vehicle in
2 letters at least 2 inches tall and one-half inch wide. A
3 vehicle authorized to have oscillating, rotating, or flashing
4 lights mounted for demonstration purposes may not activate the
5 lights while the vehicle is operated upon a highway.

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

10 (h) Except as provided in subsection (g) above, any person
11 violating the provisions of subsections (a) or (c) of this
12 Section shall be guilty of a Class A misdemeanor.

13 (Source: P.A. 99-40, eff. 1-1-16; 99-78, eff. 7-20-15; 99-125,
14 eff. 1-1-16; 99-642, eff. 7-28-16; 100-62, eff. 8-11-17.)