



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4279

Introduced 1/30/2004, by Robert S. Molaro

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907	from Ch. 95 1/2, par. 11-907
625 ILCS 5/11-908	from Ch. 95 1/2, par. 11-908

Amends the Illinois Vehicle Code. Provides that the fine for failing to follow proper procedures upon entering a construction or maintenance zone is not less than \$100 (as well as not more than \$10,000). Deletes language providing that a person charged with that offense or with failing to follow proper procedures on approaching an authorized emergency vehicle must appear in court to answer the charges. Effective immediately.

LRB093 16216 DRH 41849 b

1 AN ACT concerning vehicles.

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 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
24 passed, unless otherwise directed by a police officer.

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

28 (c) Upon approaching a stationary authorized emergency
29 vehicle, when the authorized emergency vehicle is giving a
30 signal by displaying alternately flashing red, red and white,
31 blue, or red and blue lights or amber or yellow warning lights,
32 a person who drives an approaching vehicle shall:

1 (1) proceeding with due caution, yield the
2 right-of-way by making a lane change into a lane not
3 adjacent to that of the authorized emergency vehicle, if
4 possible with due regard to safety and traffic conditions,
5 if on a highway having at least 4 lanes with not less than
6 2 lanes proceeding in the same direction as the approaching
7 vehicle; or

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

11 As used in this subsection (c), "authorized emergency
12 vehicle" includes any vehicle authorized by law to be equipped
13 with oscillating, rotating, or flashing lights under Section
14 12-215 of this Code, while the owner or operator of the vehicle
15 is engaged in his or her official duties.

16 (d) A person who violates subsection (c) of this Section
17 commits a business offense punishable by a fine of not less
18 than \$100 or more than \$10,000. ~~A person charged with the~~
19 ~~offense must appear in court to answer the charges.~~ It is a
20 factor in aggravation if the person committed the offense while
21 in violation of Section 11-501 of this Code.

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

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

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

36 (h) The Secretary of State shall, upon receiving a record

1 of a judgment entered against a person under subsection (c) of
2 this Section:

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

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

7 (Source: P.A. 92-283, eff. 1-1-02; 92-872, eff. 6-1-03; 93-173,
8 eff. 7-11-03.)

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 to
13 any authorized vehicle or pedestrian actually engaged in work
14 upon a highway within any highway construction or maintenance
15 area indicated by official traffic-control devices.

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

18 (1) proceeding with due caution, make a lane change
19 into a lane not adjacent to that of the workers present, if
20 possible with due regard to safety and traffic conditions,
21 if on a highway having at least 4 lanes with not less than
22 2 lanes proceeding in the same direction as the approaching
23 vehicle; or

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

27 (a-2) A person who violates subsection (a-1) of this
28 Section commits a business offense punishable by a fine of not
29 less than \$100 and not more than \$10,000. ~~A person charged with~~
30 ~~the offense must appear in court to answer the charges.~~ It is a
31 factor in aggravation if the person committed the offense while
32 in violation of Section 11-501 of this Code.

33 (a-3) If a violation of subsection (a-1) of this Section
34 results in damage to the property of another person, in
35 addition to any other penalty imposed, the person's driving

1 privileges shall be suspended for a fixed period of not less
2 than 90 days and not more than one year.

3 (a-4) If a violation of subsection (a-1) of this Section
4 results in injury to another person, in addition to any other
5 penalty imposed, the person's driving privileges shall be
6 suspended for a fixed period of not less than 180 days and not
7 more than 2 years.

8 (a-5) If a violation of subsection (a-1) of this Section
9 results in the death of another person, in addition to any
10 other penalty imposed, the person's driving privileges shall be
11 suspended for 2 years.

12 (a-6) The Secretary of State shall, upon receiving a record
13 of a judgment entered against a person under subsection (a-1)
14 of this Section:

15 (1) suspend the person's driving privileges for the
16 mandatory period; or

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

19 (b) The driver of a vehicle shall yield the right of way to
20 any authorized vehicle obviously and actually engaged in work
21 upon a highway whenever the vehicle engaged in construction or
22 maintenance work displays flashing lights as provided in
23 Section 12-215 of this Act.

24 (c) The driver of a vehicle shall stop if signaled to do so
25 by a flagger or a traffic control signal and remain in such
26 position until signaled to proceed. If a driver of a vehicle
27 fails to stop when signaled to do so by a flagger, the flagger
28 is authorized to report such offense to the State's Attorney or
29 authorized prosecutor. The penalties imposed for a violation of
30 this subsection (c) shall be in addition to any penalties
31 imposed for a violation of subsection (a-1).

32 (Source: P.A. 92-872, eff. 6-1-03.)

33 Section 99. Effective date. This Act takes effect upon
34 becoming law.