



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5674

Introduced 2/9/2010, by Rep. Ronald A. Wait

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-205

from Ch. 95 1/2, par. 11-205

Amends the Illinois Vehicle Code. Provides that audible signals shall be used to warn pedestrians and other drivers of an authorized emergency vehicle's approach. Provides that the driver of a police vehicle must: (1) activate oscillating, rotating, or flashing lights at all times during an emergency response when the maximum speed limit or other traffic regulations are disregarded; (2) use sirens to warn pedestrians and other persons of his or her approach during an emergency response situation; and when the maximum speed limit or other traffic regulations are disregarded; and (3) drive with due regard for the safety of other persons and exercise due care when operating a police vehicle. Provides that the driver of a police vehicle may use a covert approach during an emergency response situation when the situation dictates such covert approach, but must comply with all traffic laws if not utilizing lights and sirens as required by this Act. Defines "emergency response situation". Effective immediately.

LRB096 16268 AJT 31525 b

1 AN ACT concerning transportation, which may be referred to
2 as Bachman's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 11-205 as follows:

7 (625 ILCS 5/11-205) (from Ch. 95 1/2, par. 11-205)

8 Sec. 11-205. Public officers and employees to obey
9 Act-Exceptions.

10 (a) The provisions of this Chapter applicable to the
11 drivers of vehicles upon the highways shall apply to the
12 drivers of all vehicles owned or operated by the United States,
13 this State or any county, city, town, district or any other
14 political subdivision of the State, except as provided in this
15 Section and subject to such specific exceptions as set forth in
16 this Chapter with reference to authorized emergency vehicles.

17 (b) The driver of an authorized emergency vehicle, when
18 responding to an emergency call or when in the pursuit of an
19 actual or suspected violator of the law or when responding to
20 but not upon returning from a fire alarm, may exercise the
21 privileges set forth in this Section, but subject to the
22 conditions herein stated.

23 (c) The driver of an authorized emergency vehicle may:

1 1. Park or stand, irrespective of the provisions of
2 this Chapter;

3 2. Proceed past a red or stop signal or stop sign, but
4 only after slowing down as may be required and necessary
5 for safe operation;

6 3. Exceed the maximum speed limits so long as he does
7 not endanger life or property;

8 4. Disregard regulations governing direction of
9 movement or turning in specified directions.

10 (d) The exceptions herein granted to an authorized
11 emergency vehicle, ~~other than a police vehicle,~~ shall apply
12 only when the vehicle is making use of ~~either an audible signal~~
13 ~~when in motion or~~ visual signals meeting the requirements of
14 Section 12-215 of this Act. Audible signals shall be used to
15 warn pedestrians and other drivers of its approach.

16 (d-5) The driver of a police vehicle must:

17 1. activate oscillating, rotating, or flashing lights
18 at all times during an emergency response when the maximum
19 speed limit or other traffic regulations are disregarded in
20 accordance with subsection (c).

21 2. use sirens to warn pedestrians and other persons of
22 his or her approach during an emergency response situation;
23 and when the maximum speed limit or other traffic
24 regulations are disregarded in accordance with subsection
25 (c).

26 3. drive with due regard for the safety of other

1 persons and exercise due care when operating a police
2 vehicle.

3 The driver of a police vehicle may use a covert approach
4 during an emergency response situation when the situation
5 dictates such covert approach, but must comply with all traffic
6 laws if not utilizing lights and sirens as required by this
7 Act.

8 For the purposes of this subsection (d-5):

9 "Emergency response situation" means an incident or
10 call in which the responding officer reasonably believes
11 that the probability of death, personal injury, or the
12 apprehension of suspected offenders exists and a rapid
13 response by a law enforcement officer will reduce the
14 seriousness of the incident.

15 (e) The foregoing provisions do not relieve the driver of
16 an authorized emergency vehicle from the duty of driving with
17 due regard for the safety of all persons, nor do such
18 provisions protect the driver from the consequences of his
19 reckless disregard for the safety of others.

20 (f) Unless specifically made applicable, the provisions of
21 this Chapter, except those contained in Section 11-204 and
22 Articles IV and V of this Chapter, shall not apply to persons,
23 motor vehicles and equipment while actually engaged in work
24 upon a highway but shall apply to such persons and vehicles
25 when traveling to or from such work.

26 (Source: P.A. 89-710, eff. 2-14-97; 90-257, eff. 7-30-97.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.