

# SB2034



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2034

Introduced 2/10/2011, by Sen. Antonio Muñoz

#### 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. Adds vehicles of the Office of the Illinois State Fire Marshal to the definition of authorized emergency vehicle. Provides that vehicles of the Office of the Illinois State Fire Marshal may use oscillating, rotating, or flashing lights. Effective immediately.

LRB097 09368 HEP 49503 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 Emergency Management  
14 Agency; vehicles of the Office of the Illinois State Fire  
15 Marshal; mine rescue and explosives emergency response  
16 vehicles of the Department of Natural Resources; vehicles of  
17 the Illinois Department of Public Health; and vehicles of a  
18 municipal or county emergency services and disaster agency, as  
19 defined by the Illinois Emergency Management Agency Act.

20 (Source: P.A. 96-214, eff. 8-10-09; 96-986, eff. 1-1-11;  
21 96-1190, eff. 7-22-10; revised 9-2-10.)

22 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

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

3           (a) The use of red or white oscillating, rotating or  
4 flashing lights, whether lighted or unlighted, is prohibited  
5 except on:

6           1. Law enforcement vehicles of State, Federal or local  
7 authorities;

8           2. A vehicle operated by a police officer or county  
9 coroner and designated or authorized by local authorities,  
10 in writing, as a law enforcement vehicle; however, such  
11 designation or authorization must be carried in the  
12 vehicle;

13           2.1. A vehicle operated by a fire chief who has  
14 completed an emergency vehicle operation training course  
15 approved by the Office of the State Fire Marshal and  
16 designated or authorized by local authorities, in writing,  
17 as a fire department, fire protection district, or township  
18 fire department vehicle; however, the designation or  
19 authorization must be carried in the vehicle, and the  
20 lights may be visible or activated only when responding to  
21 a bona fide emergency;

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

24           4. Vehicles which are designed and used exclusively as  
25 ambulances or rescue vehicles; furthermore, such lights  
26 shall not be lighted except when responding to an emergency

1 call for and while actually conveying the sick or injured;

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

6 6. Vehicles of the Illinois Emergency Management  
7 Agency, vehicles of the Office of the Illinois State Fire  
8 Marshal, vehicles of the Illinois Department of Public  
9 Health, and vehicles of the Department of Nuclear Safety;

10 7. Vehicles operated by a local or county emergency  
11 management services agency as defined in the Illinois  
12 Emergency Management Agency Act;

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

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

22 10. Vehicles of the Illinois Department of Natural  
23 Resources that are used for mine rescue and explosives  
24 emergency response.

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

1           1. Second division vehicles designed and used for  
2 towing or hoisting vehicles; furthermore, such lights  
3 shall not be lighted except as required in this paragraph  
4 1; such lights shall be lighted when such vehicles are  
5 actually being used at the scene of an accident or  
6 disablement; if the towing vehicle is equipped with a flat  
7 bed that supports all wheels of the vehicle being  
8 transported, the lights shall not be lighted while the  
9 vehicle is engaged in towing on a highway; if the towing  
10 vehicle is not equipped with a flat bed that supports all  
11 wheels of a vehicle being transported, the lights shall be  
12 lighted while the towing vehicle is engaged in towing on a  
13 highway during all times when the use of headlights is  
14 required under Section 12-201 of this Code;

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

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

24           4. Vehicles of public utilities, municipalities, or  
25 other construction, maintenance or automotive service  
26 vehicles except that such lights shall be lighted only as a

1 means for indicating the presence of a vehicular traffic  
2 hazard requiring unusual care in approaching, overtaking  
3 or passing while such vehicles are engaged in maintenance,  
4 service or construction on a highway;

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

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

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

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

23 8. Such other vehicles as may be authorized by local  
24 authorities;

25 9. Law enforcement vehicles of State or local  
26 authorities when used in combination with red oscillating,

1 rotating or flashing lights;

2 9.5. Propane delivery trucks;

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

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

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

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

18 13. Vehicles used by a security company, alarm  
19 responder, or control agency;

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

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

1 the limits of a construction project.

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

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

6 voluntary firefighter;

7 paid firefighter;

8 part-paid firefighter;

9 call firefighter;

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

12 paid or unpaid member of a rescue squad;

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

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

21 However, such lights are not to be lighted except when  
22 responding to a bona fide emergency.

23 Any person using these lights in accordance with this  
24 subdivision (c)1 must carry on his or her person an  
25 identification card or letter identifying the bona fide  
26 member of a fire department, fire protection district,



1 rescue squad, ambulance unit, or emergency management  
2 services agency that owns or operates that vehicle. The  
3 card or letter must include:

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

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

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

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

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

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

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

24 5. Vehicles which are designed and used exclusively as  
25 ambulances or rescue vehicles when used in combination with  
26 red oscillating, rotating or flashing lights; furthermore,

1 such lights shall not be lighted except when responding to  
2 an emergency call.

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

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

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

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

23 (c-1) In addition to the blue oscillating, rotating, or  
24 flashing lights permitted under subsection (c), and  
25 notwithstanding subsection (a), a vehicle operated by a  
26 voluntary firefighter, a voluntary member of a rescue squad, or

1 a member of a voluntary ambulance unit may be equipped with  
2 flashing white headlights and blue grill lights, which may be  
3 used only in responding to an emergency call.

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

13 (d) The use of a combination of amber and white  
14 oscillating, rotating or flashing lights, whether lighted or  
15 unlighted, is prohibited except motor vehicles or equipment of  
16 the State of Illinois, local authorities, contractors, and  
17 union representatives may be so equipped; furthermore, such  
18 lights shall not be lighted on vehicles of the State of  
19 Illinois, local authorities, and contractors except while such  
20 vehicles are engaged in highway maintenance or construction  
21 operations within the limits of highway construction projects,  
22 and shall not be lighted on the vehicles of union  
23 representatives except when those vehicles are within the  
24 limits of a construction project.

25 (e) All oscillating, rotating or flashing lights referred  
26 to in this Section shall be of sufficient intensity, when

1 illuminated, to be visible at 500 feet in normal sunlight.

2 (f) Nothing in this Section shall prohibit a manufacturer  
3 of oscillating, rotating or flashing lights or his  
4 representative from temporarily mounting such lights on a  
5 vehicle for demonstration purposes only.

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. 96-214, eff. 8-10-09; 96-1190, eff. 7-22-10.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.