



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0702

Introduced 02/01/05, by Rep. Thomas Holbrook

SYNOPSIS AS INTRODUCED:

20 ILCS 3305/4	from Ch. 127, par. 1054
20 ILCS 3305/5	from Ch. 127, par. 1055
20 ILCS 3305/10	from Ch. 127, par. 1060
20 ILCS 3305/17	from Ch. 127, par. 1067
55 ILCS 5/5-1127 new	
745 ILCS 10/1-206	from Ch. 85, par. 1-206
745 ILCS 10/Art. V heading	
745 ILCS 10/5-101	from Ch. 85, par. 5-101
745 ILCS 10/5-102	from Ch. 85, par. 5-102
745 ILCS 10/5-103	from Ch. 85, par. 5-103
745 ILCS 10/5-104	from Ch. 85, par. 5-104
745 ILCS 10/5-106	from Ch. 85, par. 5-106
625 ILCS 5/1-105	from Ch. 95 1/2, par. 1-105
625 ILCS 5/6-500	from Ch. 95 1/2, par. 6-500

Amends the Illinois Emergency Management Act. Provides that "emergency services" under the Act include services provided by a volunteer HazMat response team. Defines "volunteer HazMat response team". Requires the Agency, in consultation with the State Fire Marshal, to coordinate and establish standards and qualifications for the specialized training of members of volunteer HazMat response teams. Provides that volunteer HazMat response team members are eligible for certain State benefits if injured or killed under certain circumstances. Provides that when the Governor of the State, or the principal executive officer of a political subdivision of the State, accepts funds by way of gift or grant for purposes of emergency management, a portion of the funds should go to counties for the formation and operation of volunteer HazMat response teams. Amends the Counties Code. Allows county boards to authorize volunteer HazMat response teams. Provides that a county board may make reasonable appropriations from the county treasury to fund and encourage the formation and operation of a volunteer Hazmat response team. Requires a volunteer HazMat response team to be exempt under Section 501(c)(3) of the Internal Revenue Code. Amends the Local Government and Governmental Employees Tort Immunity Act. Makes changes to provide volunteer HazMat response teams and their members the same tort immunities that are granted to fire fighters. Amends the Illinois Vehicle Code. Provides that the vehicles of a volunteer HazMat response team are authorized emergency vehicles and are not commercial vehicles for purposes of the Uniform Commercial Driver's License Act.

LRB094 06118 RSP 36182 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning hazardous materials.

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

4 Section 10. The Illinois Emergency Management Act is
5 amended by changing Sections 4, 5, 10, and 17 as follows:

6 (20 ILCS 3305/4) (from Ch. 127, par. 1054)

7 Sec. 4. Definitions. As used in this Act, unless the
8 context clearly indicates otherwise, the following words and
9 terms have the meanings ascribed to them in this Section:

10 "Coordinator" means the staff assistant to the principal
11 executive officer of a political subdivision with the duty of
12 coordinating the emergency management programs of that
13 political subdivision.

14 "Disaster" means an occurrence or threat of widespread or
15 severe damage, injury or loss of life or property resulting
16 from any natural or technological cause, including but not
17 limited to fire, flood, earthquake, wind, storm, hazardous
18 materials spill or other water contamination requiring
19 emergency action to avert danger or damage, epidemic, air
20 contamination, blight, extended periods of severe and
21 inclement weather, drought, infestation, critical shortages of
22 essential fuels and energy, explosion, riot, hostile military
23 or paramilitary action, public health emergencies, or acts of
24 domestic terrorism.

25 "Emergency Management" means the efforts of the State and
26 the political subdivisions to develop, plan, analyze, conduct,
27 provide, implement and maintain programs for disaster
28 mitigation, preparedness, response and recovery.

29 "Emergency Services and Disaster Agency" means the agency
30 by this name, by the name Emergency Management Agency, or by
31 any other name that is established by ordinance within a
32 political subdivision to coordinate the emergency management

1 program within that political subdivision and with private
2 organizations, other political subdivisions, the State and
3 federal governments.

4 "Emergency Operations Plan" means the written plan of the
5 State and political subdivisions describing the organization,
6 mission, and functions of the government and supporting
7 services for responding to and recovering from disasters.

8 "Emergency Services" means the coordination of functions
9 by the State and its political subdivision, other than
10 functions for which military forces are primarily responsible,
11 as may be necessary or proper to prevent, minimize, repair, and
12 alleviate injury and damage resulting from any natural or
13 technological causes. These functions include, without
14 limitation, fire fighting services, police services, emergency
15 aviation services, medical and health services, volunteer
16 HazMat response team services, rescue, engineering, warning
17 services, communications, radiological, chemical and other
18 special weapons defense, evacuation of persons from stricken or
19 threatened areas, emergency assigned functions of plant
20 protection, temporary restoration of public utility services
21 and other functions related to civilian protection, together
22 with all other activities necessary or incidental to protecting
23 life or property.

24 "Exercise" means a planned event realistically simulating
25 a disaster, conducted for the purpose of evaluating the
26 political subdivision's coordinated emergency management
27 capabilities, including, but not limited to, testing the
28 emergency operations plan.

29 "Volunteer HazMat response team" means a volunteer mobile
30 support team that has been authorized by a county board under
31 Section 5-1127 of the Counties Code to respond to HazMat
32 emergencies in that county and that is primarily designed for
33 emergency response to chemical or biological terrorism,
34 radiological emergencies, hazardous material spills, releases,
35 or fires, or other contamination events.

36 "Illinois Emergency Management Agency" means the agency

1 established by this Act within the executive branch of State
2 Government responsible for coordination of the overall
3 emergency management program of the State and with private
4 organizations, political subdivisions, and the federal
5 government. Illinois Emergency Management Agency also means
6 the State Emergency Response Commission responsible for the
7 implementation of Title III of the Superfund Amendments and
8 Reauthorization Act of 1986.

9 "Mobile Support Team" means a group of individuals
10 designated as a team by the Governor or Director to train prior
11 to and to be dispatched, if the Governor or the Director so
12 determines, to aid and reinforce the State and political
13 subdivision emergency management efforts in response to a
14 disaster.

15 "Municipality" means any city, village, and incorporated
16 town.

17 "Political Subdivision" means any county, city, village,
18 or incorporated town or township if the township is in a county
19 having a population of more than 2,000,000.

20 "Principal Executive Officer" means chair of the county
21 board, supervisor of a township if the township is in a county
22 having a population of more than 2,000,000, mayor of a city or
23 incorporated town, president of a village, or in their absence
24 or disability, the interim successor as established under
25 Section 7 of the Emergency Interim Executive Succession Act.

26 "Public health emergency" means an occurrence or imminent
27 threat of an illness or health condition that:

28 (a) is believed to be caused by any of the following:

29 (i) bioterrorism;

30 (ii) the appearance of a novel or previously
31 controlled or eradicated infectious agent or
32 biological toxin;

33 (iii) a natural disaster;

34 (iv) a chemical attack or accidental release; or

35 (v) a nuclear attack or accident; and

36 (b) poses a high probability of any of the following

1 harms:

2 (i) a large number of deaths in the affected
3 population;

4 (ii) a large number of serious or long-term
5 disabilities in the affected population; or

6 (iii) widespread exposure to an infectious or
7 toxic agent that poses a significant risk of
8 substantial future harm to a large number of people in
9 the affected population.

10 (Source: P.A. 92-73, eff. 1-1-02; 93-249, eff. 7-22-03.)

11 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

12 Sec. 5. Illinois Emergency Management Agency.

13 (a) There is created within the executive branch of the
14 State Government an Illinois Emergency Management Agency and a
15 Director of the Illinois Emergency Management Agency, herein
16 called the "Director" who shall be the head thereof. The
17 Director shall be appointed by the Governor, with the advice
18 and consent of the Senate, and shall serve for a term of 2
19 years beginning on the third Monday in January of the
20 odd-numbered year, and until a successor is appointed and has
21 qualified; except that the term of the first Director appointed
22 under this Act shall expire on the third Monday in January,
23 1989. The Director shall not hold any other remunerative public
24 office. The Director shall receive an annual salary as set by
25 the Governor from time to time or the amount set by the
26 Compensation Review Board, whichever is higher. If set by the
27 Governor, the Director's annual salary may not exceed 85% of
28 the Governor's annual salary.

29 (b) The Illinois Emergency Management Agency shall obtain,
30 under the provisions of the Personnel Code, technical,
31 clerical, stenographic and other administrative personnel, and
32 may make expenditures within the appropriation therefor as may
33 be necessary to carry out the purpose of this Act. The agency
34 created by this Act is intended to be a successor to the agency
35 created under the Illinois Emergency Services and Disaster

1 Agency Act of 1975 and the personnel, equipment, records, and
2 appropriations of that agency are transferred to the successor
3 agency as of the effective date of this Act.

4 (c) The Director, subject to the direction and control of
5 the Governor, shall be the executive head of the Illinois
6 Emergency Management Agency and the State Emergency Response
7 Commission and shall be responsible under the direction of the
8 Governor, for carrying out the program for emergency management
9 of this State. The Director shall also maintain liaison and
10 cooperate with the emergency management organizations of this
11 State and other states and of the federal government.

12 (d) The Illinois Emergency Management Agency shall take an
13 integral part in the development and revision of political
14 subdivision emergency operations plans prepared under
15 paragraph (f) of Section 10. To this end it shall employ or
16 otherwise secure the services of professional and technical
17 personnel capable of providing expert assistance to the
18 emergency services and disaster agencies. These personnel
19 shall consult with emergency services and disaster agencies on
20 a regular basis and shall make field examinations of the areas,
21 circumstances, and conditions that particular political
22 subdivision emergency operations plans are intended to apply.

23 (e) The Illinois Emergency Management Agency and political
24 subdivisions shall be encouraged to form an emergency
25 management advisory committee composed of private and public
26 personnel representing the emergency management phases of
27 mitigation, preparedness, response, and recovery. The Local
28 Emergency Planning Committee, as created under the Illinois
29 Emergency Planning and Community Right to Know Act, shall serve
30 as an advisory committee to the emergency services and disaster
31 agency or agencies serving within the boundaries of that Local
32 Emergency Planning Committee planning district for:

33 (1) the development of emergency operations plan
34 provisions for hazardous chemical emergencies; and

35 (2) the assessment of emergency response capabilities
36 related to hazardous chemical emergencies.

1 (f) The Illinois Emergency Management Agency shall:

2 (1) Coordinate the overall emergency management
3 program of the State.

4 (2) Cooperate with local governments, the federal
5 government and any public or private agency or entity in
6 achieving any purpose of this Act and in implementing
7 emergency management programs for mitigation,
8 preparedness, response, and recovery.

9 (2.5) Cooperate with the Department of Nuclear Safety
10 in development of the comprehensive emergency preparedness
11 and response plan for any nuclear accident in accordance
12 with Section 2005-65 of the Department of Nuclear Safety
13 Law of the Civil Administrative Code of Illinois and in
14 development of the Illinois Nuclear Safety Preparedness
15 program in accordance with Section 8 of the Illinois
16 Nuclear Safety Preparedness Act.

17 (2.6) Coordinate with the Department of Public Health
18 with respect to planning for and responding to public
19 health emergencies.

20 (3) Prepare, for issuance by the Governor, executive
21 orders, proclamations, and regulations as necessary or
22 appropriate in coping with disasters.

23 (4) Promulgate rules and requirements for political
24 subdivision emergency operations plans that are not
25 inconsistent with and are at least as stringent as
26 applicable federal laws and regulations.

27 (5) Review and approve, in accordance with Illinois
28 Emergency Management Agency rules, emergency operations
29 plans for those political subdivisions required to have an
30 emergency services and disaster agency pursuant to this
31 Act.

32 (5.5) Promulgate rules and requirements for the
33 political subdivision emergency management exercises,
34 including, but not limited to, exercises of the emergency
35 operations plans.

36 (5.10) Review, evaluate, and approve, in accordance

1 with Illinois Emergency Management Agency rules, political
2 subdivision emergency management exercises for those
3 political subdivisions required to have an emergency
4 services and disaster agency pursuant to this Act.

5 (6) Determine requirements of the State and its
6 political subdivisions for food, clothing, and other
7 necessities in event of a disaster.

8 (7) Establish a register of persons with types of
9 emergency management training and skills in mitigation,
10 preparedness, response, and recovery.

11 (7.5) In consultation with the State Fire Marshal,
12 coordinate and establish, by rule, standards,
13 qualifications, and certification procedures for members
14 of volunteer HazMat response teams.

15 (8) Establish a register of government and private
16 response resources available for use in a disaster.

17 (9) Expand the Earthquake Awareness Program and its
18 efforts to distribute earthquake preparedness materials to
19 schools, political subdivisions, community groups, civic
20 organizations, and the media. Emphasis will be placed on
21 those areas of the State most at risk from an earthquake.
22 Maintain the list of all school districts, hospitals,
23 airports, power plants, including nuclear power plants,
24 lakes, dams, emergency response facilities of all types,
25 and all other major public or private structures which are
26 at the greatest risk of damage from earthquakes under
27 circumstances where the damage would cause subsequent harm
28 to the surrounding communities and residents.

29 (10) Disseminate all information, completely and
30 without delay, on water levels for rivers and streams and
31 any other data pertaining to potential flooding supplied by
32 the Division of Water Resources within the Department of
33 Natural Resources to all political subdivisions to the
34 maximum extent possible.

35 (11) Develop agreements, if feasible, with medical
36 supply and equipment firms to supply resources as are

1 necessary to respond to an earthquake or any other disaster
2 as defined in this Act. These resources will be made
3 available upon notifying the vendor of the disaster.
4 Payment for the resources will be in accordance with
5 Section 7 of this Act. The Illinois Department of Public
6 Health shall determine which resources will be required and
7 requested.

8 (11.5) In coordination with the Department of State
9 Police, develop and implement a community outreach program
10 to promote awareness among the State's parents and children
11 of child abduction prevention and response.

12 (12) Out of funds appropriated for these purposes,
13 award capital and non-capital grants to Illinois hospitals
14 or health care facilities located outside of a city with a
15 population in excess of 1,000,000 to be used for purposes
16 that include, but are not limited to, preparing to respond
17 to mass casualties and disasters, maintaining and
18 improving patient safety and quality of care, and
19 protecting the confidentiality of patient information. No
20 single grant for a capital expenditure shall exceed
21 \$300,000. No single grant for a non-capital expenditure
22 shall exceed \$100,000. In awarding such grants, preference
23 shall be given to hospitals that serve a significant number
24 of Medicaid recipients, but do not qualify for
25 disproportionate share hospital adjustment payments under
26 the Illinois Public Aid Code. To receive such a grant, a
27 hospital or health care facility must provide funding of at
28 least 50% of the cost of the project for which the grant is
29 being requested. In awarding such grants the Illinois
30 Emergency Management Agency shall consider the
31 recommendations of the Illinois Hospital Association.

32 (13) Do all other things necessary, incidental or
33 appropriate for the implementation of this Act.

34 (Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249,
35 eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

1 (20 ILCS 3305/10) (from Ch. 127, par. 1060)

2 Sec. 10. Emergency Services and Disaster Agencies.

3 (a) Each political subdivision within this State shall be
4 within the jurisdiction of and served by the Illinois Emergency
5 Management Agency and by an emergency services and disaster
6 agency responsible for emergency management programs. A
7 township, if the township is in a county having a population of
8 more than 2,000,000, must have approval of the county
9 coordinator before establishment of a township emergency
10 services and disaster agency.

11 (b) Unless multiple county emergency services and disaster
12 agency consolidation is authorized by the Illinois Emergency
13 Management Agency with the consent of the respective counties,
14 each county shall maintain an emergency services and disaster
15 agency that has jurisdiction over and serves the entire county,
16 except as otherwise provided under this Act and except that in
17 any county with a population of over 3,000,000 containing a
18 municipality with a population of over 500,000 the jurisdiction
19 of the county agency shall not extend to the municipality when
20 the municipality has established its own agency.

21 (c) Each municipality with a population of over 500,000
22 shall maintain an emergency services and disaster agency which
23 has jurisdiction over and serves the entire municipality. A
24 municipality with a population less than 500,000 may establish,
25 by ordinance, an agency or department responsible for emergency
26 management within the municipality's corporate limits.

27 (d) The Governor shall determine which municipal
28 corporations, other than those specified in paragraph (c) of
29 this Section, need emergency services and disaster agencies of
30 their own and require that they be established and maintained.
31 The Governor shall make these determinations on the basis of
32 the municipality's disaster vulnerability and capability of
33 response related to population size and concentration. The
34 emergency services and disaster agency of a county or township,
35 shall not have a jurisdiction within a political subdivision
36 having its own emergency services and disaster agency, but

1 shall cooperate with the emergency services and disaster agency
2 of a city, village or incorporated town within their borders.
3 The Illinois Emergency Management Agency shall publish and
4 furnish a current list to the municipalities required to have
5 an emergency services and disaster agency under this
6 subsection.

7 (e) Each municipality that is not required to and does not
8 have an emergency services and disaster agency shall have a
9 liaison officer designated to facilitate the cooperation and
10 protection of that municipal corporation with the county
11 emergency services and disaster agency in which it is located
12 in the work of disaster mitigation, preparedness, response, and
13 recovery.

14 (f) The principal executive officer or his or her designee
15 of each political subdivision in the State shall annually
16 notify the Illinois Emergency Management Agency of the manner
17 in which the political subdivision is providing or securing
18 emergency management, identify the executive head of the agency
19 or the department from which the service is obtained, or the
20 liaison officer in accordance with paragraph (d) of this
21 Section and furnish additional information relating thereto as
22 the Illinois Emergency Management Agency requires.

23 (g) Each emergency services and disaster agency shall
24 prepare an emergency operations plan for its geographic
25 boundaries that complies with planning, review, and approval
26 standards promulgated by the Illinois Emergency Management
27 Agency. The Illinois Emergency Management Agency shall
28 determine which jurisdictions will be required to include
29 earthquake preparedness in their local emergency operations
30 plans.

31 (h) The emergency services and disaster agency shall
32 prepare and distribute to all appropriate officials in written
33 form a clear and complete statement of the emergency
34 responsibilities of all local departments and officials and of
35 the disaster chain of command.

36 (i) Each emergency services and disaster agency shall have

1 a Coordinator who shall be appointed by the principal executive
2 officer of the political subdivision in the same manner as are
3 the heads of regular governmental departments. If the political
4 subdivision is a county and the principal executive officer
5 appoints the sheriff as the Coordinator, the sheriff may, in
6 addition to his or her regular compensation, receive
7 compensation at the same level as provided in Section 3 of "An
8 Act in relation to the regulation of motor vehicle traffic and
9 the promotion of safety on public highways in counties",
10 approved August 9, 1951, as amended. The Coordinator shall have
11 direct responsibility for the organization, administration,
12 training, and operation of the emergency services and disaster
13 agency, subject to the direction and control of that principal
14 executive officer. Each emergency services and disaster agency
15 shall coordinate and may perform emergency management
16 functions within the territorial limits of the political
17 subdivision within which it is organized as are prescribed in
18 and by the State Emergency Operations Plan, and programs,
19 orders, rules and regulations as may be promulgated by the
20 Illinois Emergency Management Agency and by local ordinance
21 and, in addition, shall conduct such functions outside of those
22 territorial limits as may be required under mutual aid
23 agreements and compacts as are entered into under subparagraph
24 (5) of paragraph (c) of Section 6.

25 (j) In carrying out the provisions of this Act, each
26 political subdivision may enter into contracts and incur
27 obligations necessary to place it in a position effectively to
28 combat the disasters as are described in Section 4, to protect
29 the health and safety of persons, to protect property, and to
30 provide emergency assistance to victims of those disasters. If
31 a disaster occurs, each political subdivision may exercise the
32 powers vested under this Section in the light of the exigencies
33 of the disaster and, excepting mandatory constitutional
34 requirements, without regard to the procedures and formalities
35 normally prescribed by law pertaining to the performance of
36 public work, entering into contracts, the incurring of

1 obligations, the employment of temporary workers, the rental of
2 equipment, the purchase of supplies and materials, and the
3 appropriation, expenditure, and disposition of public funds
4 and property.

5 (k) Volunteers who, while engaged in a disaster, an
6 exercise, training related to the emergency operations plan of
7 the political subdivision, or a search-and-rescue team
8 response to an occurrence or threat of injury or loss of life
9 that is beyond local response capabilities, suffer disease,
10 injury or death, shall, for the purposes of benefits under the
11 Workers' Compensation Act or Workers' Occupational Diseases
12 Act only, be deemed to be employees of the State, if: (1) the
13 claimant is a duly qualified and enrolled (sworn in) as a
14 volunteer of the Illinois Emergency Management Agency or an
15 emergency services and disaster agency accredited by the
16 Illinois Emergency Management Agency, or is a member of a
17 volunteer HazMat response team, and (2) if: (i) the claimant
18 was participating in a disaster as defined in Section 4 of this
19 Act, (ii) the exercise or training participated in was
20 specifically and expressly approved by the Illinois Emergency
21 Management Agency prior to the exercise or training, or (iii)
22 the search-and-rescue team response was to an occurrence or
23 threat of injury or loss of life that was beyond local response
24 capabilities and was specifically and expressly approved by the
25 Illinois Emergency Management Agency prior to the
26 search-and-rescue team response. The computation of benefits
27 payable under either of those Acts shall be based on the income
28 commensurate with comparable State employees doing the same
29 type work or income from the person's regular employment,
30 whichever is greater.

31 (l) If any person who is entitled to receive benefits
32 through the application of this Section receives, in connection
33 with the disease, injury or death giving rise to such
34 entitlement, benefits under an Act of Congress or federal
35 program, benefits payable under this Section shall be reduced
36 to the extent of the benefits received under that other Act or

1 program.

2 (m) (1) Prior to conducting an exercise, the principal
3 executive officer of a political subdivision or his or her
4 designee shall provide area media with written
5 notification of the exercise. The notification shall
6 indicate that information relating to the exercise shall
7 not be released to the public until the commencement of the
8 exercise. The notification shall also contain a request
9 that the notice be so posted to ensure that all relevant
10 media personnel are advised of the exercise before it
11 begins.

12 (2) During the conduct of an exercise, all messages,
13 two-way radio communications, briefings, status reports,
14 news releases, and other oral or written communications
15 shall begin and end with the following statement: "This is
16 an exercise message".

17 (Source: P.A. 92-16, eff. 6-28-01; 92-73, eff. 1-1-02.)

18 (20 ILCS 3305/17) (from Ch. 127, par. 1067)

19 Sec. 17. Authority to Accept Services, Gifts, Grants or
20 Loans. Whenever the federal government or any agency or officer
21 thereof or whenever any person, firm or corporation shall offer
22 to the State, or to any political subdivision thereof,
23 services, equipment, supplies, materials, or funds by way of
24 gift or grant, for purposes of emergency management, the State,
25 acting through the Governor, or such political subdivision,
26 acting through the principal executive officer, may accept such
27 offer and upon such acceptance the Governor of the State, or
28 the principal executive officer of such political subdivision,
29 may authorize an officer of the State or of the political
30 subdivision, as the case may be, to receive such services,
31 equipment, supplies, materials, or funds on behalf of the State
32 or such political subdivision. It is the duty of the Governor,
33 or the principal executive officer of the political subdivision
34 receiving services, equipment, supplies, materials, or funds
35 by way of gift or grant under this Section, to ensure that a

1 portion of the services, equipment, supplies, materials, or
2 funds are assigned to the counties of the State to encourage
3 the formation and operation of volunteer HazMat response teams
4 for emergency response to chemical or biological terrorism,
5 radiological emergencies, hazardous materials spills, releases
6 or fires, or other contamination events.

7 (Source: P.A. 85-1027.)

8 Section 15. The Counties Code is amended by adding Section
9 5-1127 as follows:

10 (55 ILCS 5/5-1127 new)

11 Sec. 5-1127. Volunteer HazMat response teams. The county
12 board of any county may, by ordinance, authorize a volunteer
13 HazMat response team to provide emergency response to chemical
14 and biological terrorism, radiological emergencies, hazardous
15 material spills, releases, or fires, or other contamination
16 events. The county board may make reasonable appropriations
17 from the county treasury to fund and encourage the formation
18 and operation of a volunteer Hazmat response team. The
19 ordinance may provide for benefits to be paid by the county if
20 a team member suffers disease, injury, or death in the line of
21 duty. A volunteer HazMat response team must be a not-for-profit
22 organization exempt from federal income taxes under Section
23 501(c)(3) of the Internal Revenue Code.

24 Section 20. The Local Governmental and Governmental
25 Employees Tort Immunity Act is amended by changing the heading
26 of Article V and Sections 1-206, 5-101, 5-102, 5-103, 5-104,
27 and 5-106 as follows:

28 (745 ILCS 10/1-206) (from Ch. 85, par. 1-206)

29 Sec. 1-206. "Local public entity" includes a county,
30 township, municipality, municipal corporation, school
31 district, school board, educational service region, regional
32 board of school trustees, community college district,

1 community college board, forest preserve district, park
2 district, fire protection district, volunteer HazMat response
3 team authorized by a county board under Section 5-1127 of the
4 Counties Code, sanitary district, museum district, emergency
5 telephone system board, and all other local governmental
6 bodies. "Local public entity" also includes library systems and
7 any intergovernmental agency or similar entity formed pursuant
8 to the Constitution of the State of Illinois or the
9 Intergovernmental Cooperation Act as well as any
10 not-for-profit corporation organized for the purpose of
11 conducting public business. It does not include the State or
12 any office, officer, department, division, bureau, board,
13 commission, university or similar agency of the State.

14 (Source: P.A. 89-403, eff. 1-1-96.)

15 (745 ILCS 10/Art. V heading)

16 ARTICLE V - FIRE PROTECTION , HAZMAT RESPONSE, AND RESCUE
17 SERVICES

18 (745 ILCS 10/5-101) (from Ch. 85, par. 5-101)

19 Sec. 5-101. Neither a local public entity nor a public
20 employee is liable for failure to establish a fire department
21 or otherwise to provide fire protection, rescue or other
22 emergency service.

23 As used in this Article, "rescue services" includes, but is
24 not limited to, the operation of an ambulance as defined in the
25 Emergency Medical Services (EMS) Systems Act.

26 As used in this Article, "fire protection" includes, but is
27 not limited to, the operations of a volunteer HazMat response
28 team authorized by a county board under Section 5-1127 of the
29 Counties Code.

30 (Source: P.A. 84-1431.)

31 (745 ILCS 10/5-102) (from Ch. 85, par. 5-102)

32 Sec. 5-102. Neither a local public entity that has
33 undertaken to provide fire protection service nor any of its

1 employees is liable for an injury resulting from the failure to
2 suppress or contain a fire, or from the failure to suppress or
3 contain acts of chemical or biological terrorism, radiological
4 emergencies, hazardous material spills, releases, or fires, or
5 other contamination events, or from the failure to provide or
6 maintain sufficient personnel, equipment or other fire
7 protection facilities.

8 (Source: Laws 1965, p. 2983.)

9 (745 ILCS 10/5-103) (from Ch. 85, par. 5-103)

10 Sec. 5-103. (a) Neither a local public entity, nor a public
11 employee acting in the scope of his employment, is liable for
12 an injury resulting from the condition of fire protection or
13 firefighting equipment or facilities. Nothing in this section
14 shall exonerate a public entity from liability for negligence
15 by reason of the condition of a motor vehicle while it is
16 traveling on public ways.

17 (b) Neither a local public entity nor a public employee
18 acting in the scope of his employment, is liable for an injury
19 caused by an act or omission of a public employee while engaged
20 in fighting a fire or responding to chemical or biological
21 terrorism, a radiological emergency, a hazardous material
22 spill, release, or fire, or another contamination event.
23 However, this Section shall not apply if the injury is caused
24 by the willful and wanton conduct of the public employee.

25 (Source: P.A. 84-1431.)

26 (745 ILCS 10/5-104) (from Ch. 85, par. 5-104)

27 Sec. 5-104. Except as provided in this Article, no trustee,
28 officer or employee of a fire protection district, county
29 volunteer HazMat response team, or fire department having a
30 mutual aid agreement with any other ~~such~~ district, team, or
31 department, nor any individual ~~such~~ fire protection district,
32 volunteer HazMat response team, or department, shall be liable
33 for damage caused to bridges and roads thereon, owned by the
34 State or by a unit of local government, when such damage is

1 caused by firefighting, HazMat team, or fire department
2 equipment crossing bridges and roads thereon, for which load
3 limits are lower than the weight of such equipment, when
4 responding to an alarm or returning therefrom.

5 (Source: P.A. 80-839.)

6 (745 ILCS 10/5-106) (from Ch. 85, par. 5-106)

7 Sec. 5-106. Except for willful or wanton conduct, neither a
8 local public entity, nor a public employee acting within the
9 scope of his employment, is liable for an injury caused by the
10 negligent operation of a motor vehicle or firefighting, HazMat,
11 or rescue equipment, when responding to an emergency call,
12 including transportation of a person to a medical facility.

13 (Source: P.A. 84-1431.)

14 Section 25. The Illinois Vehicle Code is amended by
15 changing Sections 1-105 and 6-500 as follows:

16 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

17 Sec. 1-105. Authorized emergency vehicle. Emergency
18 vehicles of municipal departments or public service
19 corporations as are designated or authorized by proper local
20 authorities; police vehicles; vehicles of the fire department;
21 vehicles of a volunteer HazMat response team as authorized by a
22 county board under Section 5-1127 of the Counties Code;
23 ambulances; vehicles of the Illinois Emergency Management
24 Agency; vehicles of the Illinois Department of Public Health;
25 and vehicles of the Department of Nuclear Safety.

26 (Source: P.A. 92-138, eff. 7-24-01; 93-829, eff. 7-28-04.)

27 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

28 Sec. 6-500. Definitions of words and phrases.
29 Notwithstanding the definitions set forth elsewhere in this
30 Code, for purposes of the Uniform Commercial Driver's License
31 Act (UCDLA), the words and phrases listed below have the
32 meanings ascribed to them as follows:

1 (1) Alcohol. "Alcohol" means any substance containing any
2 form of alcohol, including but not limited to ethanol,
3 methanol, propanol, and isopropanol.

4 (2) Alcohol concentration. "Alcohol concentration" means:

5 (A) the number of grams of alcohol per 210 liters of
6 breath; or

7 (B) the number of grams of alcohol per 100 milliliters
8 of blood; or

9 (C) the number of grams of alcohol per 67 milliliters
10 of urine.

11 Alcohol tests administered within 2 hours of the driver
12 being "stopped or detained" shall be considered that driver's
13 "alcohol concentration" for the purposes of enforcing this
14 UCDLA.

15 (3) (Blank).

16 (4) (Blank).

17 (5) (Blank).

18 (6) Commercial Motor Vehicle.

19 (A) "Commercial motor vehicle" means a motor vehicle,
20 except those referred to in subdivision (B), designed to
21 transport passengers or property if:

22 (i) the vehicle has a GVWR of 26,001 pounds or more
23 or such a lesser GVWR as subsequently determined by
24 federal regulations or the Secretary of State; or any
25 combination of vehicles with a GCWR of 26,001 pounds or
26 more, provided the GVWR of any vehicle or vehicles
27 being towed is 10,001 pounds or more; or

28 (ii) the vehicle is designed to transport 16 or
29 more persons; or

30 (iii) the vehicle is transporting hazardous
31 materials and is required to be placarded in accordance
32 with 49 C.F.R. Part 172, subpart F.

33 (B) Pursuant to the interpretation of the Commercial
34 Motor Vehicle Safety Act of 1986 by the Federal Highway
35 Administration, the definition of "commercial motor
36 vehicle" does not include:

1 (i) recreational vehicles, when operated primarily
2 for personal use;

3 (ii) United States Department of Defense vehicles
4 being operated by non-civilian personnel. This
5 includes any operator on active military duty; members
6 of the Reserves; National Guard; personnel on
7 part-time training; and National Guard military
8 technicians (civilians who are required to wear
9 military uniforms and are subject to the Code of
10 Military Justice); or

11 (iii) firefighting and other emergency equipment
12 (including, without limitation, equipment owned or
13 operated by a volunteer HazMat response team as
14 authorized by a county board under Section 5-1127 of
15 the Counties Code), with audible and visual signals,
16 owned or operated by or for a governmental entity,
17 which is necessary to the preservation of life or
18 property or the execution of emergency governmental
19 functions which are normally not subject to general
20 traffic rules and regulations.

21 (7) Controlled Substance. "Controlled substance" shall
22 have the same meaning as defined in Section 102 of the Illinois
23 Controlled Substances Act, and shall also include cannabis as
24 defined in Section 3 of the Cannabis Control Act.

25 (8) Conviction. "Conviction" means an unvacated
26 adjudication of guilt or a determination that a person has
27 violated or failed to comply with the law in a court of
28 original jurisdiction or an authorized administrative
29 tribunal; an unvacated forfeiture of bail or collateral
30 deposited to secure the person's appearance in court; the
31 payment of a fine or court cost regardless of whether the
32 imposition of sentence is deferred and ultimately a judgment
33 dismissing the underlying charge is entered; or a violation of
34 a condition of release without bail, regardless of whether or
35 not the penalty is rebated, suspended or probated.

36 (9) (Blank).

1 (10) (Blank).

2 (11) (Blank).

3 (12) (Blank).

4 (13) Driver. "Driver" means any person who drives,
5 operates, or is in physical control of a commercial motor
6 vehicle, or who is required to hold a CDL.

7 (14) Employee. "Employee" means a person who is employed as
8 a commercial motor vehicle driver. A person who is
9 self-employed as a commercial motor vehicle driver must comply
10 with the requirements of this UCCLA pertaining to employees. An
11 owner-operator on a long-term lease shall be considered an
12 employee.

13 (15) Employer. "Employer" means a person (including the
14 United States, a State or a local authority) who owns or leases
15 a commercial motor vehicle or assigns employees to operate such
16 a vehicle. A person who is self-employed as a commercial motor
17 vehicle driver must comply with the requirements of this UCCLA.

18 (16) (Blank).

19 (17) Foreign jurisdiction. "Foreign jurisdiction" means a
20 sovereign jurisdiction that does not fall within the definition
21 of "State".

22 (18) (Blank).

23 (19) (Blank).

24 (20) Hazardous Material. Upon a finding by the United
25 States Secretary of Transportation, in his or her discretion,
26 under 49 App. U.S.C. 5103(a), that the transportation of a
27 particular quantity and form of material in commerce may pose
28 an unreasonable risk to health and safety or property, he or
29 she shall designate the quantity and form of material or group
30 or class of the materials as a hazardous material. The
31 materials so designated may include but are not limited to
32 explosives, radioactive materials, etiologic agents, flammable
33 liquids or solids, combustible liquids or solids, poisons,
34 oxidizing or corrosive materials, and compressed gases.

35 (21) Long-term lease. "Long-term lease" means a lease of a
36 commercial motor vehicle by the owner-lessor to a lessee, for a

1 period of more than 29 days.

2 (22) Motor Vehicle. "Motor vehicle" means every vehicle
3 which is self-propelled, and every vehicle which is propelled
4 by electric power obtained from over head trolley wires but not
5 operated upon rails, except vehicles moved solely by human
6 power and motorized wheel chairs.

7 (23) Non-resident CDL. "Non-resident CDL" means a
8 commercial driver's license issued by a state to an individual
9 who is domiciled in a foreign jurisdiction.

10 (24) (Blank).

11 (25) (Blank).

12 (25.5) Railroad-Highway Grade Crossing Violation.
13 "Railroad-highway grade crossing violation" means a violation,
14 while operating a commercial motor vehicle, of any of the
15 following:

16 (A) Section 11-1201, 11-1202, or 11-1425 of this
17 Code.

18 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law
19 or local ordinance of any state relating to
20 railroad-highway grade crossing. ~~(A) (G)~~

21 (26) Serious Traffic Violation. "Serious traffic
22 violation" means:

23 (A) a conviction when operating a commercial motor
24 vehicle of:

25 (i) a violation relating to excessive speeding,
26 involving a single speeding charge of 15 miles per hour
27 or more above the legal speed limit; or

28 (ii) a violation relating to reckless driving; or

29 (iii) a violation of any State law or local
30 ordinance relating to motor vehicle traffic control
31 (other than parking violations) arising in connection
32 with a fatal traffic accident; or

33 (iv) a violation of Section 6-501, relating to
34 having multiple driver's licenses; or

35 (v) a violation of paragraph (a) of Section 6-507,
36 relating to the requirement to have a valid CDL; or

1 (vi) a violation relating to improper or erratic
2 traffic lane changes; or

3 (vii) a violation relating to following another
4 vehicle too closely; or

5 (B) any other similar violation of a law or local
6 ordinance of any state relating to motor vehicle traffic
7 control, other than a parking violation, which the
8 Secretary of State determines by administrative rule to be
9 serious.

10 (27) State. "State" means a state of the United States, the
11 District of Columbia and any province or territory of Canada.

12 (28) (Blank).

13 (29) (Blank).

14 (30) (Blank).

15 (31) (Blank).

16 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;
17 92-834, eff. 8-22-02; revised 8-26-02.)