

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Emergency Management Act is amended
5 by changing Sections 4 and 5 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, HazMat and
16 technical rescue teams, rescue, engineering, warning services,
17 communications, radiological, chemical and other special
18 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 "HazMat team" means a career or volunteer mobile support
30 team that has been authorized by a unit of local government to
31 respond to hazardous materials emergencies and that is
32 primarily designed for emergency response to chemical or
33 biological terrorism, radiological emergencies, hazardous
34 material spills, releases, or fires, or other contamination
35 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 "Technical rescue team" means a career or volunteer mobile
11 support team that has been authorized by a unit of local
12 government to respond to building collapse, high angle rescue,
13 and other specialized rescue emergencies and that is primarily
14 designated for emergency response to technical rescue events.

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

16 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

17 Sec. 5. Illinois Emergency Management Agency.

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

34 (b) The Illinois Emergency Management Agency shall obtain,
35 under the provisions of the Personnel Code, technical,

1 clerical, stenographic and other administrative personnel, and
2 may make expenditures within the appropriation therefor as may
3 be necessary to carry out the purpose of this Act. The agency
4 created by this Act is intended to be a successor to the agency
5 created under the Illinois Emergency Services and Disaster
6 Agency Act of 1975 and the personnel, equipment, records, and
7 appropriations of that agency are transferred to the successor
8 agency as of the effective date of this Act.

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

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

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

1 Emergency Planning Committee planning district for:

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

4 (2) the assessment of emergency response capabilities
5 related to hazardous chemical emergencies.

6 (f) The Illinois Emergency Management Agency shall:

7 (1) Coordinate the overall emergency management
8 program of the State.

9 (2) Cooperate with local governments, the federal
10 government and any public or private agency or entity in
11 achieving any purpose of this Act and in implementing
12 emergency management programs for mitigation,
13 preparedness, response, and recovery.

14 (2.5) Develop a ~~Cooperate with the Department of~~
15 ~~Nuclear Safety in development of the~~ comprehensive
16 emergency preparedness and response plan for any nuclear
17 accident in accordance with Section 65 ~~2005-65~~ of the
18 Department of Nuclear Safety Law of 2004 (20 ILCS 3310) ~~the~~
19 ~~Civil Administrative Code of Illinois~~ and in development of
20 the Illinois Nuclear Safety Preparedness program in
21 accordance with Section 8 of the Illinois Nuclear Safety
22 Preparedness Act.

23 (2.6) Coordinate with the Department of Public Health
24 with respect to planning for and responding to public
25 health emergencies.

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

29 (4) Promulgate rules and requirements for political
30 subdivision emergency operations plans that are not
31 inconsistent with and are at least as stringent as
32 applicable federal laws and regulations.

33 (5) Review and approve, in accordance with Illinois
34 Emergency Management Agency rules, emergency operations
35 plans for those political subdivisions required to have an
36 emergency services and disaster agency pursuant to this

1 Act.

2 (5.5) Promulgate rules and requirements for the
3 political subdivision emergency management exercises,
4 including, but not limited to, exercises of the emergency
5 operations plans.

6 (5.10) Review, evaluate, and approve, in accordance
7 with Illinois Emergency Management Agency rules, political
8 subdivision emergency management exercises for those
9 political subdivisions required to have an emergency
10 services and disaster agency pursuant to this Act.

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

14 (7) Establish a register of persons with types of
15 emergency management training and skills in mitigation,
16 preparedness, response, and recovery.

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

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

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

1 (11) Develop agreements, if feasible, with medical
2 supply and equipment firms to supply resources as are
3 necessary to respond to an earthquake or any other disaster
4 as defined in this Act. These resources will be made
5 available upon notifying the vendor of the disaster.
6 Payment for the resources will be in accordance with
7 Section 7 of this Act. The Illinois Department of Public
8 Health shall determine which resources will be required and
9 requested.

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

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

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

36 (Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249,

1 eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

2 Section 10. The Counties Code is amended by adding Section
3 5-1127 as follows:

4 (55 ILCS 5/5-1127 new)

5 Sec. 5-1127. HazMat and technical rescue teams.

6 (a) The county board of any county may, by ordinance,
7 authorize a HazMat team to provide emergency response to
8 chemical and biological terrorism, radiological emergencies,
9 hazardous material spills, releases, or fires, or other
10 contamination events. The county board may make reasonable
11 appropriations from the county treasury to fund and encourage
12 the formation and operation of a Hazmat team. The ordinance may
13 provide for benefits to be paid by the county if a team member
14 suffers disease, injury, or death in the line of duty. A HazMat
15 team authorized under this subsection may be a not-for-profit
16 organization exempt from federal income taxes under Section
17 501(c)(3) of the Internal Revenue Code.

18 (b) The county board of any county may, by ordinance,
19 authorize a technical rescue team to provide emergency response
20 to building collapse, high angle rescue, and other technical
21 and specialized rescue emergencies. The county board may make
22 reasonable appropriations from the county treasury to fund and
23 encourage the formation and operation of a technical rescue
24 team. The ordinance may provide for benefits to be paid by the
25 county if a team member suffers disease, injury, or death in
26 the line of duty. A technical rescue team authorized under this
27 subsection may be a not-for-profit organization exempt from
28 federal income taxes under Section 501(c)(3) of the Internal
29 Revenue Code.

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

32 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

1 Sec. 1-105. Authorized emergency vehicle. Emergency
2 vehicles of municipal departments or public service
3 corporations as are designated or authorized by proper local
4 authorities; police vehicles; vehicles of the fire department;
5 vehicles of a HazMat or technical rescue team authorized by a
6 county board under Section 5-1127 of the Counties Code;
7 ambulances; vehicles of the Illinois Emergency Management
8 Agency; and vehicles of the Illinois Department of Public
9 Health, ~~and vehicles of the Department of Nuclear Safety.~~

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

11 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

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

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

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

21 (A) the number of grams of alcohol per 210 liters of
22 breath; or

23 (B) the number of grams of alcohol per 100 milliliters
24 of blood; or

25 (C) the number of grams of alcohol per 67 milliliters
26 of urine.

27 Alcohol tests administered within 2 hours of the driver
28 being "stopped or detained" shall be considered that driver's
29 "alcohol concentration" for the purposes of enforcing this
30 UCDLA.

31 (3) (Blank).

32 (4) (Blank).

33 (5) (Blank).

34 (6) Commercial Motor Vehicle.

35 (A) "Commercial motor vehicle" means a motor vehicle,

1 except those referred to in subdivision (B), designed to
2 transport passengers or property if:

3 (i) the vehicle has a GVWR of 26,001 pounds or more
4 or such a lesser GVWR as subsequently determined by
5 federal regulations or the Secretary of State; or any
6 combination of vehicles with a GCWR of 26,001 pounds or
7 more, provided the GVWR of any vehicle or vehicles
8 being towed is 10,001 pounds or more; or

9 (ii) the vehicle is designed to transport 16 or
10 more persons; or

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

14 (B) Pursuant to the interpretation of the Commercial
15 Motor Vehicle Safety Act of 1986 by the Federal Highway
16 Administration, the definition of "commercial motor
17 vehicle" does not include:

18 (i) recreational vehicles, when operated primarily
19 for personal use;

20 (ii) United States Department of Defense vehicles
21 being operated by non-civilian personnel. This
22 includes any operator on active military duty; members
23 of the Reserves; National Guard; personnel on
24 part-time training; and National Guard military
25 technicians (civilians who are required to wear
26 military uniforms and are subject to the Code of
27 Military Justice); or

28 (iii) firefighting and other emergency equipment
29 (including, without limitation, equipment owned or
30 operated by a HazMat or technical rescue team
31 authorized by a county board under Section 5-1127 of
32 the Counties Code), with audible and visual signals,
33 owned or operated by or for a governmental entity,
34 which is necessary to the preservation of life or
35 property or the execution of emergency governmental
36 functions which are normally not subject to general

1 traffic rules and regulations.

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

6 (8) Conviction. "Conviction" means an unvacated
7 adjudication of guilt or a determination that a person has
8 violated or failed to comply with the law in a court of
9 original jurisdiction or an authorized administrative
10 tribunal; an unvacated forfeiture of bail or collateral
11 deposited to secure the person's appearance in court; the
12 payment of a fine or court cost regardless of whether the
13 imposition of sentence is deferred and ultimately a judgment
14 dismissing the underlying charge is entered; or a violation of
15 a condition of release without bail, regardless of whether or
16 not the penalty is rebated, suspended or probated.

17 (9) (Blank).

18 (10) (Blank).

19 (11) (Blank).

20 (12) (Blank).

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

24 (14) Employee. "Employee" means a person who is employed as
25 a commercial motor vehicle driver. A person who is
26 self-employed as a commercial motor vehicle driver must comply
27 with the requirements of this UCCLA pertaining to employees. An
28 owner-operator on a long-term lease shall be considered an
29 employee.

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

35 (16) (Blank).

36 (17) Foreign jurisdiction. "Foreign jurisdiction" means a

1 sovereign jurisdiction that does not fall within the definition
2 of "State".

3 (18) (Blank).

4 (19) (Blank).

5 (20) Hazardous Material. Upon a finding by the United
6 States Secretary of Transportation, in his or her discretion,
7 under 49 App. U.S.C. 5103(a), that the transportation of a
8 particular quantity and form of material in commerce may pose
9 an unreasonable risk to health and safety or property, he or
10 she shall designate the quantity and form of material or group
11 or class of the materials as a hazardous material. The
12 materials so designated may include but are not limited to
13 explosives, radioactive materials, etiologic agents, flammable
14 liquids or solids, combustible liquids or solids, poisons,
15 oxidizing or corrosive materials, and compressed gases.

16 (21) Long-term lease. "Long-term lease" means a lease of a
17 commercial motor vehicle by the owner-lessor to a lessee, for a
18 period of more than 29 days.

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

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

27 (24) (Blank).

28 (25) (Blank).

29 (25.5) Railroad-Highway Grade Crossing Violation.
30 "Railroad-highway grade crossing violation" means a violation,
31 while operating a commercial motor vehicle, of any of the
32 following:

33 (A) Section 11-1201, 11-1202, or 11-1425 of this
34 Code.

35 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law
36 or local ordinance of any state relating to

1 railroad-highway grade crossing. ~~(A)-(G)~~

2 (26) Serious Traffic Violation. "Serious traffic
3 violation" means:

4 (A) a conviction when operating a commercial motor
5 vehicle of:

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

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

10 (iii) a violation of any State law or local
11 ordinance relating to motor vehicle traffic control
12 (other than parking violations) arising in connection
13 with a fatal traffic accident; or

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

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

18 (vi) a violation relating to improper or erratic
19 traffic lane changes; or

20 (vii) a violation relating to following another
21 vehicle too closely; or

22 (B) any other similar violation of a law or local
23 ordinance of any state relating to motor vehicle traffic
24 control, other than a parking violation, which the
25 Secretary of State determines by administrative rule to be
26 serious.

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

29 (28) (Blank).

30 (29) (Blank).

31 (30) (Blank).

32 (31) (Blank).

33 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;
34 92-834, eff. 8-22-02; revised 8-26-02.)