



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0795

Introduced 2/9/2009, 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 the driver of a police vehicle must use oscillating, rotating, or flashing lights when: (1) parking or standing, irrespective of the provisions of the Code; (2) proceeding past a red or stop signal or stop sign; (3) exceeding the maximum speed limits; or (4) disregarding regulations governing direction of movement or turning in specified directions. Provides that the driver of a police vehicle must: (1) activate oscillating lights, rotating or flashing lights, sirens, or any combination of such lights or sirens during a high speed vehicle response; (2) use lights and sirens to warn pedestrians and other persons of his or her approach during an emergency response situation; and (3) drive with due regard for the safety of other persons and exercise due care when operating a police vehicle. Permits the driver of a police vehicle to use a covert approach when the situation dictates, but requires the driver to reduce speed to conform with the current driving conditions in order to lessen the danger posed to the general public. In connection with provisions concerning the duty of the driver of an authorized emergency vehicle to drive with due regard for the safety of all persons, provides that if an act of reckless disregard causes great bodily harm or death to any person or persons, that act shall be prima facie evidence that the duty of due regard for the safety of all persons was not met. Effective immediately.

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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.

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

16 1. activate oscillating lights, rotating or flashing
17 lights, sirens, or any combination of such lights or sirens
18 during a high-speed vehicle response;

19 2. use lights and sirens to warn pedestrians and other
20 persons of his or her approach during an emergency response
21 situation; and

22 3. drive with due regard for the safety of other
23 persons and exercise due care when operating a police
24 vehicle.

25 Notwithstanding the provisions of paragraphs 1 through 3 of
26 this subsection (d-5), the driver of a police vehicle may use a

1 covert approach during an emergency response situation when the
2 situation dictates such covert approach, but must reduce speed
3 to conform with the current driving conditions in order to
4 lessen the danger posed to the general public.

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

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

12 "High-speed vehicle response" means the operation of a
13 police vehicle at speeds in excess of the maximum speed
14 limit when responding to an emergency call.

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. If an act of
20 reckless disregard causes great bodily harm or death to any
21 person or persons, that act shall be prima facie evidence that
22 the duty of due regard for the safety of all persons was not
23 met.

24 (f) Unless specifically made applicable, the provisions of
25 this Chapter, except those contained in Section 11-204 and
26 Articles IV and V of this Chapter, shall not apply to persons,

1 motor vehicles and equipment while actually engaged in work
2 upon a highway but shall apply to such persons and vehicles
3 when traveling to or from such work.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.