



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5416

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907

from Ch. 95 1/2, par. 11-907

Amends the Illinois Vehicle Code. Increases the penalty for failure to yield the right-of-way to an emergency vehicle or police vehicle making use of audible and visual signals from a business offense with a fine of not less than \$100 or more than \$10,000 to a Class B misdemeanor and if the offense results in the death of another person it is a Class 4 felony in addition to suspension of the person's license for 2 years.

LRB098 17706 MLW 52821 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Section 11-907 as follows:

6 (625 ILCS 5/11-907) (from Ch. 95 1/2, par. 11-907)

7 Sec. 11-907. Operation of vehicles and streetcars on
8 approach of authorized emergency vehicles.

9 (a) Upon the immediate approach of an authorized emergency
10 vehicle making use of audible and visual signals meeting the
11 requirements of this Code or a police vehicle properly and
12 lawfully making use of an audible or visual signal,

13 (1) the driver of every other vehicle shall yield the
14 right-of-way and shall immediately drive to a position
15 parallel to, and as close as possible to, the right-hand
16 edge or curb of the highway clear of any intersection and
17 shall, if necessary to permit the safe passage of the
18 emergency vehicle, stop and remain in such position until
19 the authorized emergency vehicle has passed, unless
20 otherwise directed by a police officer and

21 (2) the operator of every streetcar shall immediately
22 stop such car clear of any intersection and keep it in such
23 position until the authorized emergency vehicle has

1 passed, unless otherwise directed by a police officer.

2 (b) This Section shall not operate to relieve the driver of
3 an authorized emergency vehicle from the duty to drive with due
4 regard for the safety of all persons using the highway.

5 (c) Upon approaching a stationary authorized emergency
6 vehicle, when the authorized emergency vehicle is giving a
7 signal by displaying alternately flashing red, red and white,
8 blue, or red and blue lights or amber or yellow warning lights,
9 a person who drives an approaching vehicle shall:

10 (1) proceeding with due caution, yield the
11 right-of-way by making a lane change into a lane not
12 adjacent to that of the authorized emergency vehicle, if
13 possible with due regard to safety and traffic conditions,
14 if on a highway having at least 4 lanes with not less than
15 2 lanes proceeding in the same direction as the approaching
16 vehicle; or

17 (2) proceeding with due caution, reduce the speed of
18 the vehicle, maintaining a safe speed for road conditions,
19 if changing lanes would be impossible or unsafe.

20 As used in this subsection (c), "authorized emergency
21 vehicle" includes any vehicle authorized by law to be equipped
22 with oscillating, rotating, or flashing lights under Section
23 12-215 of this Code, while the owner or operator of the vehicle
24 is engaged in his or her official duties.

25 (d) Except as provided in subsection (g) of this Section, a
26 ~~A~~ person who violates subsection (c) of this Section commits a

1 ~~Class B misdemeanor business offense punishable by a fine of~~
2 ~~not less than \$100 or more than \$10,000.~~ It is a factor in
3 aggravation if the person committed the offense while in
4 violation of Section 11-501 of this Code. ~~Imposition of the~~
5 ~~penalties authorized by this subsection (d) for a violation of~~
6 ~~subsection (c) of this Section that results in the death of~~
7 ~~another person does not preclude imposition of appropriate~~
8 ~~additional civil or criminal penalties.~~

9 (e) If a violation of subsection (c) of this Section
10 results in damage to the property of another person, in
11 addition to any other penalty imposed, the person's driving
12 privileges shall be suspended for a fixed period of not less
13 than 90 days and not more than one year.

14 (f) If a violation of subsection (c) of this Section
15 results in injury to another person, in addition to any other
16 penalty imposed, the person's driving privileges shall be
17 suspended for a fixed period of not less than 180 days and not
18 more than 2 years.

19 (g) If a violation of subsection (c) of this Section
20 results in the death of another person, the person commits a
21 Class 4 felony and, in addition to any other penalty imposed,
22 the person's driving privileges shall be suspended for 2 years.

23 (h) The Secretary of State shall, upon receiving a record
24 of a judgment entered against a person under subsection (c) of
25 this Section:

26 (1) suspend the person's driving privileges for the

1 mandatory period; or

2 (2) extend the period of an existing suspension by the
3 appropriate mandatory period.

4 (i) Imposition of the penalties authorized by this Section
5 for a violation of subsection (c) of this Section does not
6 preclude imposition of appropriate additional civil or
7 criminal penalties.

8 (Source: P.A. 95-884, eff. 1-1-09.)