

# HB4255



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4255

Introduced 1/16/2024, by Rep. Amy Elik and Kevin Schmidt

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-907  
625 ILCS 5/12-215

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

Amends the Illinois Vehicle Code. Allows the use of red, blue, and white oscillating, rotating, or flashing lights on tow trucks.

LRB103 34476 MXP 64307 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  
5 changing Sections 11-907 and 12-215 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  
3 of an authorized emergency vehicle from the duty to drive with  
4 due 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~~, or red, blue, and white lights or amber  
9 or yellow warning lights, a person who drives an approaching  
10 vehicle shall:

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

18 (2) if changing lanes would be impossible or unsafe,  
19 proceeding with due caution, reduce the speed of the  
20 vehicle, maintaining a safe speed for road conditions and  
21 leaving a safe distance until safely past the stationary  
22 emergency vehicles.

23 The visual signal specified under this subsection (c)  
24 given by an authorized emergency vehicle is an indication to  
25 drivers of approaching vehicles that a hazardous condition is  
26 present when circumstances are not immediately clear. Drivers

1 of vehicles approaching a stationary emergency vehicle in any  
2 lane shall heed the warning of the signal, reduce the speed of  
3 the vehicle, proceed with due caution, maintain a safe speed  
4 for road conditions, be prepared to stop, and leave a safe  
5 distance until safely passed the stationary emergency vehicle.

6 As used in this subsection (c), "authorized emergency  
7 vehicle" includes any vehicle authorized by law to be equipped  
8 with oscillating, rotating, or flashing lights under Section  
9 12-215 of this Code, while the owner or operator of the vehicle  
10 is engaged in his or her official duties.

11 (d) A person who violates subsection (c) of this Section  
12 commits a business offense punishable by a fine of not less  
13 than \$250 or more than \$10,000 for a first violation, and a  
14 fine of not less than \$750 or more than \$10,000 for a second or  
15 subsequent violation. It is a factor in aggravation if the  
16 person committed the offense while in violation of Section  
17 11-501, 12-610.1, or 12-610.2 of this Code. Imposition of the  
18 penalties authorized by this subsection (d) for a violation of  
19 subsection (c) of this Section that results in the death of  
20 another person does not preclude imposition of appropriate  
21 additional civil or criminal penalties. A person who violates  
22 subsection (c) and the violation results in damage to another  
23 vehicle commits a Class A misdemeanor. A person who violates  
24 subsection (c) and the violation results in the injury or  
25 death of another person commits a Class 4 felony.

26 (e) If a violation of subsection (c) of this Section

1 results in damage to the property of another person, in  
2 addition to any other penalty imposed, the person's driving  
3 privileges shall be suspended for a fixed period of not less  
4 than 90 days and not more than one year.

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

10 (g) If a violation of subsection (c) of this Section  
11 results in the death of another person, in addition to any  
12 other penalty imposed, the person's driving privileges shall  
13 be suspended for 2 years.

14 (h) The Secretary of State shall, upon receiving a record  
15 of a judgment entered against a person under subsection (c) of  
16 this Section:

17 (1) suspend the person's driving privileges for the  
18 mandatory period; or

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

21 (i) The Scott's Law Fund shall be a special fund in the  
22 State treasury. Subject to appropriation by the General  
23 Assembly and approval by the Director, the Director of the  
24 State Police shall use all moneys in the Scott's Law Fund in  
25 the Department's discretion to fund the production of  
26 materials to educate drivers on approaching stationary

1 authorized emergency vehicles, to hire off-duty Illinois  
2 ~~Department of~~ State Police for enforcement of this Section,  
3 and for other law enforcement purposes the Director deems  
4 necessary in these efforts.

5 (j) For violations of this Section issued by a county or  
6 municipal police officer, the assessment shall be deposited  
7 into the county's or municipality's Transportation Safety  
8 Highway Hire-back Fund. The county shall use the moneys in its  
9 Transportation Safety Highway Hire-back Fund to hire off-duty  
10 county police officers to monitor construction or maintenance  
11 zones in that county on highways other than interstate  
12 highways. The county, in its discretion, may also use a  
13 portion of the moneys in its Transportation Safety Highway  
14 Hire-back Fund to purchase equipment for county law  
15 enforcement and fund the production of materials to educate  
16 drivers on construction zone safe driving habits and  
17 approaching stationary authorized emergency vehicles.

18 (k) In addition to other penalties imposed by this  
19 Section, the court may order a person convicted of a violation  
20 of subsection (c) to perform community service as determined  
21 by the court.

22 (Source: P.A. 101-173, eff. 1-1-20; 102-336, eff. 1-1-22;  
23 102-338, eff. 1-1-22; 102-813, eff. 5-13-22.)

24 (625 ILCS 5/12-215)

25 Sec. 12-215. Oscillating, rotating, or flashing lights on

1 motor vehicles. Except as otherwise provided in this Code:

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

5 1. Law enforcement vehicles of State, federal, or  
6 local authorities;

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

12 2.1. A vehicle operated by a fire chief, deputy fire  
13 chief, or assistant fire chief who has completed an  
14 emergency vehicle operation training course approved by  
15 the Office of the State Fire Marshal and designated or  
16 authorized by local authorities, fire departments, or fire  
17 protection districts, in writing, as a fire department,  
18 fire protection district, or township fire department  
19 vehicle; however, the designation or authorization must be  
20 carried in the vehicle, and the lights may be visible or  
21 activated only when responding to 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

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

3 4.5. Vehicles which are occasionally used as rescue  
4 vehicles that have been authorized for use as rescue  
5 vehicles by a volunteer EMS provider, provided that the  
6 operator of the vehicle has successfully completed an  
7 emergency vehicle operation training course recognized by  
8 the Department of Public Health; furthermore, the lights  
9 shall not be lighted except when responding to an  
10 emergency call for the sick or injured;

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

15 6. Vehicles of the Illinois Emergency Management  
16 Agency and Office of Homeland Security, vehicles of the  
17 Office of the Illinois State Fire Marshal, vehicles of the  
18 Illinois Department of Public Health, vehicles of the  
19 Illinois Department of Corrections, and vehicles of the  
20 Illinois Department of Juvenile Justice;

21 7. Vehicles operated by a local or county emergency  
22 management services agency as defined in the Illinois  
23 Emergency Management Agency Act;

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

26 9. Vehicles that are equipped and used exclusively as



1 organ transplant vehicles when used in combination with  
2 blue oscillating, rotating, or flashing lights;  
3 furthermore, these lights shall be lighted only when the  
4 transportation is declared an emergency by a member of the  
5 transplant team or a representative of the organ  
6 procurement organization;

7 10. Vehicles of the Illinois Department of Natural  
8 Resources that are used for mine rescue and explosives  
9 emergency response;

10 11. Vehicles of the Illinois Department of  
11 Transportation identified as Emergency Traffic Patrol; the  
12 lights shall not be lighted except when responding to an  
13 emergency call or when parked or stationary while engaged  
14 in motor vehicle assistance or at the scene of the  
15 emergency; and

16 12. Vehicles of the Illinois State Toll Highway  
17 Authority with a gross vehicle weight rating of 9,000  
18 pounds or more and those identified as Highway Emergency  
19 Lane Patrol; the lights shall not be lighted except when  
20 responding to an emergency call or when parked or  
21 stationary while engaged in motor vehicle assistance or at  
22 the scene of the emergency.

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

25 1. Second division vehicles designed and used for  
26 towing or hoisting vehicles; furthermore, such lights

1 shall not be lighted except as required in this paragraph  
2 1; such lights shall be lighted when such vehicles are  
3 actually being used at the scene of a crash or  
4 disablement; if the towing vehicle is equipped with a flat  
5 bed that supports all wheels of the vehicle being  
6 transported, the lights shall not be lighted while the  
7 vehicle is engaged in towing on a highway; if the towing  
8 vehicle is not equipped with a flat bed that supports all  
9 wheels of a vehicle being transported, the lights shall be  
10 lighted while the towing vehicle is engaged in towing on a  
11 highway during all times when the use of headlights is  
12 required under Section 12-201 of this Code; in addition,  
13 these vehicles may use white oscillating, rotating, or  
14 flashing lights in combination with amber oscillating,  
15 rotating, or flashing lights or red, blue, and white  
16 oscillating, rotating, or flashing lights as provided in  
17 this paragraph;

18 2. Motor vehicles or equipment of the State of  
19 Illinois, the Illinois State Toll Highway Authority, local  
20 authorities, and contractors; furthermore, such lights  
21 shall not be lighted except while such vehicles are  
22 engaged in maintenance or construction operations within  
23 the limits of construction projects;

24 3. Vehicles or equipment used by engineering or survey  
25 crews; furthermore, such lights shall not be lighted  
26 except while such vehicles are actually engaged in work on

1 a highway;

2 4. Vehicles of public utilities, municipalities, or  
3 other construction, maintenance, or automotive service  
4 vehicles except that such lights shall be lighted only as  
5 a means for indicating the presence of a vehicular traffic  
6 hazard requiring unusual care in approaching, overtaking,  
7 or passing while such vehicles are engaged in maintenance,  
8 service, or construction on a highway;

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

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

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

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

1           8. Such other vehicles as may be authorized by local  
2 authorities;

3           9. Law enforcement vehicles of State or local  
4 authorities when used in combination with red oscillating,  
5 rotating, or flashing lights;

6           9.5. Propane delivery trucks;

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

11           10.5. Vehicles of the Office of the Illinois State  
12 Fire Marshal, provided that such lights shall not be  
13 lighted except for when such vehicles are engaged in work  
14 for the Office of the Illinois State Fire Marshal;

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

17           12. All trucks equipped with self-compactors or  
18 roll-off hoists and roll-on containers for garbage,  
19 recycling, or refuse hauling. Such lights shall not be  
20 lighted except when such vehicles are actually being used  
21 for such purposes;

22           13. Vehicles used by a security company, alarm  
23 responder, control agency, or the Illinois Department of  
24 Corrections;

25           14. Security vehicles of the Department of Human  
26 Services; however, the lights shall not be lighted except

1 when being used for security related purposes under the  
2 direction of the superintendent of the facility where the  
3 vehicle is located; and

4 15. Vehicles of union representatives, except that the  
5 lights shall be lighted only while the vehicle is within  
6 the limits of a construction project.

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

9 1. Rescue squad vehicles not owned by a fire  
10 department or fire protection district and vehicles owned  
11 or operated by a:

12 voluntary firefighter;

13 paid firefighter;

14 part-paid firefighter;

15 call firefighter;

16 member of the board of trustees of a fire  
17 protection district;

18 paid or unpaid member of a rescue squad;

19 paid or unpaid member of a voluntary ambulance  
20 unit; or

21 paid or unpaid members of a local or county  
22 emergency management services agency as defined in the  
23 Illinois Emergency Management Agency Act, designated  
24 or authorized by local authorities, in writing, and  
25 carrying that designation or authorization in the  
26 vehicle.

1           However, such lights are not to be lighted except when  
2           responding to a bona fide emergency or when parked or  
3           stationary at the scene of a fire, rescue call, ambulance  
4           call, or motor vehicle crash.

5           Any person using these lights in accordance with this  
6           subdivision (c)1 must carry on his or her person an  
7           identification card or letter identifying the bona fide  
8           member of a fire department, fire protection district,  
9           rescue squad, ambulance unit, or emergency management  
10          services agency that owns or operates that vehicle. The  
11          card or letter must include:

12                 (A) the name of the fire department, fire  
13                 protection district, rescue squad, ambulance unit, or  
14                 emergency management services agency;

15                 (B) the member's position within the fire  
16                 department, fire protection district, rescue squad,  
17                 ambulance unit, or emergency management services  
18                 agency;

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

20                 (D) the name of a person within the fire  
21                 department, fire protection district, rescue squad,  
22                 ambulance unit, or emergency management services  
23                 agency to contact to verify the information provided.

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

26           3. Law enforcement vehicles of State or local

1 authorities when used in combination with red oscillating,  
2 rotating, or flashing lights.

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

6 5. Vehicles which are designed and used exclusively as  
7 ambulances or rescue vehicles when used in combination  
8 with red oscillating, rotating, or flashing lights;  
9 furthermore, such lights shall not be lighted except when  
10 responding to an emergency call.

11 6. Vehicles that are equipped and used exclusively as  
12 organ transport vehicles when used in combination with red  
13 oscillating, rotating, or flashing lights; furthermore,  
14 these lights shall only be lighted when the transportation  
15 is declared an emergency by a member of the transplant  
16 team or a representative of the organ procurement  
17 organization.

18 7. Vehicles of the Illinois Emergency Management  
19 Agency and Office of Homeland Security, vehicles of the  
20 Office of the Illinois State Fire Marshal, vehicles of the  
21 Illinois Department of Public Health, vehicles of the  
22 Illinois Department of Corrections, and vehicles of the  
23 Illinois Department of Juvenile Justice, when used in  
24 combination with red oscillating, rotating, or flashing  
25 lights.

26 8. Vehicles operated by a local or county emergency

1 management services agency as defined in the Illinois  
2 Emergency Management Agency Act, when used in combination  
3 with red oscillating, rotating, or flashing lights.

4 9. Vehicles of the Illinois Department of Natural  
5 Resources that are used for mine rescue and explosives  
6 emergency response, when used in combination with red  
7 oscillating, rotating, or flashing lights.

8 (c-1) In addition to the blue oscillating, rotating, or  
9 flashing lights permitted under subsection (c), and  
10 notwithstanding subsection (a), a vehicle operated by a  
11 voluntary firefighter, a voluntary member of a rescue squad,  
12 or a member of a voluntary ambulance unit may be equipped with  
13 flashing white headlights and blue grill lights, which may be  
14 used only in responding to an emergency call or when parked or  
15 stationary at the scene of a fire, rescue call, ambulance  
16 call, or motor vehicle crash.

17 (c-2) In addition to the blue oscillating, rotating, or  
18 flashing lights permitted under subsection (c), and  
19 notwithstanding subsection (a), a vehicle operated by a paid  
20 or unpaid member of a local or county emergency management  
21 services agency as defined in the Illinois Emergency  
22 Management Agency Act, may be equipped with white oscillating,  
23 rotating, or flashing lights to be used in combination with  
24 blue oscillating, rotating, or flashing lights, if  
25 authorization by local authorities is in writing and carried  
26 in the vehicle.



1           (d) The use of a combination of amber and white  
2 oscillating, rotating, or flashing lights, whether lighted or  
3 unlighted, is prohibited except on second division vehicles  
4 designed and used for towing or hoisting vehicles or motor  
5 vehicles or equipment of the State of Illinois, local  
6 authorities, contractors, and union representatives;  
7 furthermore, such lights shall not be lighted on second  
8 division vehicles designed and used for towing or hoisting  
9 vehicles or vehicles of the State of Illinois, local  
10 authorities, and contractors except while such vehicles are  
11 engaged in a tow operation, highway maintenance, or  
12 construction operations within the limits of highway  
13 construction projects, and shall not be lighted on the  
14 vehicles of union representatives except when those vehicles  
15 are within the limits of a construction project.

16           (e) All oscillating, rotating, or flashing lights referred  
17 to in this Section shall be of sufficient intensity, when  
18 illuminated, to be visible at 500 feet in normal sunlight.

19           (f) Nothing in this Section shall prohibit a manufacturer  
20 of oscillating, rotating, or flashing lights or his  
21 representative or authorized vendor from temporarily mounting  
22 such lights on a vehicle for demonstration purposes only. If  
23 the lights are not covered while the vehicle is operated upon a  
24 highway, the vehicle shall display signage indicating that the  
25 vehicle is out of service or not an emergency vehicle. The  
26 signage shall be displayed on all sides of the vehicle in

1 letters at least 2 inches tall and one-half inch wide. A  
2 vehicle authorized to have oscillating, rotating, or flashing  
3 lights mounted for demonstration purposes may not activate the  
4 lights while the vehicle is operated upon a highway.

5 (g) Any person violating the provisions of subsection (a),  
6 (b), (c), or (d) of this Section who without lawful authority  
7 stops or detains or attempts to stop or detain another person  
8 shall be guilty of a Class 2 felony.

9 (h) Except as provided in subsection (g) above, any person  
10 violating the provisions of subsection (a) or (c) of this  
11 Section shall be guilty of a Class A misdemeanor.

12 (Source: P.A. 102-842, eff. 1-1-23; 102-982, eff. 7-1-23;  
13 103-154, eff. 6-30-23.)