

23.80

Issues In Driving On Approach To An Emergency Vehicle

To sustain the charge of driving on approach to an emergency vehicle, the State must prove the following propositions:

[1] *First Proposition:* That the defendant drove a vehicle on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the defendant's vehicle; and

Second Proposition: That while driving, the defendant approached a signaling, stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights; and

Third Proposition: That the defendant failed to proceed with due caution, reduce the speed of the vehicle, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the authorized emergency vehicle, and yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible, with due regard for safety and traffic conditions; and

Fourth Proposition: That in doing so, the defendant caused damage to another vehicle.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

[or]

[2] *First Proposition:* That the defendant drove a vehicle on a roadway where changing lanes would be impossible or unsafe, when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights; and

Second Proposition: That the defendant failed to proceed with due caution, reduce the speed of the vehicle, maintain a safe speed for road conditions, and leave a safe distance until safely past the authorized emergency vehicle; and

Third Proposition: That in doing so, the defendant caused damage to another vehicle.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

[or]

[3] *First Proposition:* That the defendant drove a vehicle on a highway having at least four lanes with not less than two lanes proceeding in the same direction as the defendant's vehicle; and

Second Proposition: That while driving, the defendant approached a signaling, stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights; and

Third Proposition: That the defendant failed to proceed with due caution, reduce the speed of the vehicle, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the authorized emergency vehicle, and yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible, with due regard for safety and traffic conditions; and

Fourth Proposition: That in doing so, the defendant caused the injury or death of another person.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

[or]

[4] *First Proposition:* That the defendant drove a vehicle on a roadway where changing lanes would be impossible or unsafe, when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights; and

Second Proposition: That the defendant failed to proceed with due caution, reduce the speed of the vehicle, maintain a safe speed for road conditions, and leave a safe distance until safely past the authorized emergency vehicle; and

Third Proposition: That in doing so, the defendant caused the injury or death of another person.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

625 ILCS 5/11-907(c) (West 2021), last amended by P.A. 102-0336, eff. Jan. 1, 2022.

Section 11-907 of the Illinois Vehicle Code is commonly referred to as Scott's Law. The most recent amendment to Scott's Law, P.A. 101-173, created a misdemeanor criminal offense for violations that result in damage to another vehicle and a felony criminal offense for violations that result in the injury or death of another person. The definition in paragraph [1] and [3] reflects the language of section 11-907(c)(1) and section 11-907(d); the definition in paragraph [2] and [4] reflects the language of section 11-907(c)(2) and section 11-907(d).

Give Instruction 23.79.

Give Instruction 23.79X, defining the term "authorized emergency vehicle".

The terms "due caution" and "due regard for safety and traffic conditions" in paragraphs [1] and [2] are undefined in the Illinois Vehicle Code, and the Committee takes no position on their meaning.

Use applicable paragraph and bracketed material.

The brackets and numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.