

## 23.79

### Definition Of Driving On Approach To An Emergency Vehicle

A person commits the offense of driving on approach to an emergency vehicle when:

[1] he causes damage to another vehicle as a result of driving a vehicle when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights, while 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 then failing 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.

[or]

[2] he causes damage to another vehicle as a result of driving a vehicle when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights, while on a roadway where changing lanes would be impossible or unsafe, and then failing 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.

[or]

[3] he causes the injury or death of another person as a result of driving a vehicle when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red and white) (blue) (red and blue) (amber) (yellow)] warning lights while 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 then failing 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.

[or]

[4] he causes the injury or death of another person as a result of driving a vehicle when approaching a stationary authorized emergency vehicle displaying alternately flashing [(red) (red

and white) (blue) (red and blue) (amber) (yellow)] warning lights, while on a roadway where changing lanes would be impossible or unsafe, and then failing 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.

### **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 23.79X, 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.