



☎ 847-291-0200
✉ mvictor@ifmklaw.com
📍 **IFMK Law, Ltd.**
650 Dundee Road
Suite 475
Northbrook, IL 60062

**MEMORANDUM ON CONDITIONS FOR OPERATING
AMBULANCES AND RESCUE VEHICLES BY FIRST RESPONDERS AND
COMPLIANCE WITH 625 ILCS 5/11-1421**

To: ICRMT Members

From: IFMK Law, Ltd.
(Michael Victor; mvictor@ifmklaw.com)

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Firefighters are brave first responders, and they are indispensable to keeping the public safe. There is no doubt that firefighting is a dangerous job, and this has been recognized by the Illinois courts. “[A]s a part of their job, firefighters knowingly and voluntarily expose themselves to certain hazards” and “they are specially trained to anticipate and guard against risks ordinarily associated with fighting a fire.” *Walsh v. Serrano*, 2014 IL App (1st) 140924-U, ¶ 10.

The hazards extend beyond fighting fires and include hazards related to the operation of rescue vehicles and ambulances during calls. The Illinois General Assembly recognizes the need for first responders, at times, to disregard laws in the course of their duties and their operation of vehicles; however, the law also requires that first responders fulfill certain safety conditions in their operation of vehicles. This memorandum reviews the statutory requirements of an important law applicable to first responders, specifically, Section 11-1421 of the Illinois Vehicle Code, entitled “Conditions for operating ambulances and rescue vehicles.” 625 ILCS 5/11-1421.

Illinois first responders must be aware of and comply with this statute. They are especially encouraged to review Section 11-1421, as it was recently amended following the passage of the “the Donald (DJ) Stallworth, III Act” (hereinafter referred to as the “Stallworth Act”) which became effective on January 1, 2024, and added certain additional mandatory conditions to those that already existed in Section 11-1421. The Stallworth Act was passed in the wake of the death of Donald Stallworth, III, who was struck and killed while riding his motorcycle when an ambulance, while on a call, drove through a stop sign without a siren.

By complying with Section 11-1421, Illinois first responders will significantly reduce liability exposure and keep the public and themselves safe.

Discussion and Analysis

Section 11-1421 applies to ambulances and “rescue vehicles.” “Rescue vehicles” are defined as: “Any publicly or privately owned vehicle which is specifically designed, configured, and equipped for the performance of access and extrication of persons from hazardous or life-endangering situations, as well as for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.” 625 ILCS 5/1-171.8.

The core of Section 11-1421, in pertinent part, provides: “No person shall operate an ambulance or rescue vehicle in a manner not conforming to the motor vehicle laws and regulations of this State or of any political subdivision of this State as such laws and regulations apply to motor vehicles in general, **unless in compliance with the following conditions . . .**” 625 ILCS 5/11-1421(a) (emphasis added). The statute proceeds to set forth the several conditions that a first responder must meet in order to operate an ambulance or rescue vehicle in nonconformity with the law. First responders must meet each and every one of these mandatory statutory conditions.

First responders should be aware that when meeting all of the conditions required by Section 11-1421, the driver of the ambulance or rescue vehicle still has the “duty of driving with due regard for the safety of all persons” and compliance with the conditions do not “protect the driver from the consequences resulting from the reckless disregard for the safety of others.” 625 ILCS 5/11-1421(b). Put simply, first responders must always evaluate the safety of everyone while operating and must do so continuously and at all times.

Condition No. 1: Training requirements. Section 11-1421(a)(0.5) was added by the recently passed Stallworth Act and provides: “The operator of the ambulance or rescue vehicle shall have documented training in the operation of an ambulance or rescue vehicle prior to operating that vehicle. This training shall include the proper use of warning lights and sirens, situations where warning lights and sirens are warranted, and the provisions of this Section. 625 ILCS 5/11-1421(a)(0.5). Accordingly, agencies should ensure that they provide the appropriate training to all first responders, and that training should include the content required by Section 11-1421. In situations where an accident or injury occurs, and suit is subsequently filed against a first responder and an agency, the lack of training (or deficient training) can significantly enhance the liability exposure. The fact that operator training is statutorily required makes compliance of paramount importance.

Condition 2: Ambulance restrictions. Section 11-1421(a)(1) relates to the operation of an ambulance and provides that “the person operating the ambulance shall be either responding to a bona fide emergency call or specifically directed by a licensed physician to disregard traffic laws in operating the ambulance during and for the purpose of the specific trip or journey that is involved.” 625 ILCS 5/11-1421(a)(1). Therefore, ambulance-operators must ensure that the call is “bona fide emergency call” or they have the requisite physician permission prior to acting in nonconformity with the law.

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Condition 3: Equipment requirements. Section 11-1421(a)(2) provides: “The ambulance or rescue vehicle shall be equipped with a siren producing an audible signal of an intensity of 100 decibels at a distance of 50 feet from the siren, and with a lamp or lamps emitting an oscillating, rotating or flashing red beam directed in part toward the front of the vehicle, and these lamps shall have sufficient intensity to be visible at 500 feet in normal sunlight, and in addition to other lighting requirements, excluding those vehicles operated in counties with a population in excess of 2,000,000, may also operate with a lamp or lamps emitting an oscillating, rotating, or flashing green light.” 625 ILCS 5/11-1421(a)(2). Agencies should evaluate their vehicles and equipment to ensure compliance with this provision.

Condition 4: Operation of siren and lamp when “reasonably necessary.” Section 11-1421(a)(3) provides, in pertinent part, that the “aforesaid siren and lamp or lamps shall be in operation at all times when it is reasonably necessary to warn pedestrians and other drivers of the approach thereof during such trip or journey.” 625 ILCS 5/11-1421(a)(3) (emphasis added). A failure to comply with this condition (*i.e.* a failure to use lights and siren when “reasonably necessary”) could expose an operator and agency to liability for a failure to warn. Because motor vehicle accidents can result in significant bodily injury or death, it is critical that first responders strive to comply with this requirement.

Unfortunately, the statute does not define the “reasonably necessary” standard. The Illinois Supreme Court emphasized that this provision does not require operators to use lights and sirens at *all times*. See *Wilkins v. Williams*, 2013 IL 114310, ¶ 50. However, they must do so at all times when reasonably necessary to warn of an approach. The courts have not provided a specific definition or guidelines as to how this standard is met. Instead, the courts have generally held that whether the “reasonably necessary” standard is met is a question for juries to decide. See *e.g. Nolan v. Elliott*, 179 Ill. App. 3d 1077, 1086 (2d Dist.1989); *Thomas v. Consol. Sch. Dist. No. 429*, 7 Ill. App. 3d 45, 50 (4th Dist. 1972); *Perkins v. Chicago Transit Auth.*, 60 Ill. App. 2d 431, 436, 208 N.E.2d 867, 870 (1st Dist. 1965).

Thus, the decision as to whether sirens and lights are “reasonably necessary” must be made by operators in the field based on the circumstances, training, and accepted (and current) policies, procedures, and practices. In terms of guidance, it is recommended that first responders ensure that they are adequately trained on and aware of these policies and procedures. It is also recommended that first responders consult with their risk management consultants and legal advisors for further guidance.

Condition 5: Speed limitation during operation. Section 11-1421(a)(4) provides: “Whenever the ambulance or rescue vehicle is operated at a speed in excess of 40 miles per hour, the ambulance or rescue vehicle shall be operated in complete conformance with every other motor vehicle law and regulation of this State and of the political subdivision in which the ambulance or rescue vehicle is operated, relating to the operation of motor vehicles, as such provision applies to motor vehicles in general, except laws and regulations pertaining to compliance with official traffic-control devices or to vehicular operation upon the right half of the roadway.” 625 ILCS 5/11-1421(a)(4). This provision limits an operator’s ability to disregard certain laws if the operator

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is traveling at a speed in excess of 40 miles per hour. First responders are reminded to use extra caution when traveling at these speeds, given this specific limitation and restriction. First responders should be aware that, if they are traveling in excess of 40 miles per hour, they can only disregard laws pertaining to compliance with traffic-control devices or to vehicular operation upon the right half of the roadway.

Condition 6: Ambulance plates. Section 11-1421(a)(5) provides: “The ambulance shall display registration plates identifying the vehicle as an ambulance.” 625 ILCS 5/11-1421(a)(5).

Condition 7: Restrictions on disobeying red lights and stop signs. Section 11-1421(a-5) is another condition added pursuant to the Stallworth Act. It provides: “The driver of an ambulance or rescue vehicle may proceed past a red traffic control signal or stop sign if the ambulance or rescue vehicle is making use of both the audible and visual signals meeting the requirement of this Section, but only after slowing down as necessary for safe operation.” 625 ILCS 5/11-1421(a-5). This provision restricts how a first responder may proceed past a red light or stop sign, and they may do so only after slowing down as necessary for safe operation and only while making use of audible and visual signals complying with the statute. First responders are reminded that this requirement is an addition to all of the conditions. As noted above, first responders must additionally use sirens and lights at all times when it is reasonably necessary to warn pedestrians and other drivers.

Conclusion

This memorandum is intended to remind first responders of Section 11-1421 of the Illinois Vehicle Code, which provides the “[c]onditions for operating ambulances and rescue vehicles.” 625 ILCS 5/11-1421. Given the immense potential liability for noncompliance with this law, it is vital that Illinois first responders seek up-to-date training on this law and its required conditions and that they comply with the law at all times. This memorandum is also intended to draw attention to the newly-added conditions required by the Stallworth Act. Compliance will enhance the safety of the public and the safety of first responders themselves.

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