



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5057

by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2610/18

from Ch. 121, par. 307.18

625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-301

Amends the State Police Act. Provides that the Director of State Police may also authorize any civilian employee of the Department of State Police who is not a State policeman to be a truck weighing inspector with the power of enforcing a provision of the Illinois Vehicle Code which allows upon application and good cause for the issuing of a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum permitted or otherwise not in conformity with the Illinois Vehicle Code upon any highway under the jurisdiction of the party granting the permit. Amends the Illinois Vehicle Code. Provides that any person, firm, or corporation convicted of a violation for a permit issued for excess size and weight for the third offense by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than \$300 nor more than \$500 and the Department of State Police may not issue permits to the person, firm, or corporation convicted of a third offense during a period of one year after the date of conviction or supervision for such third offense, unless the violation is the cause or contributing cause in a motor vehicle accident causing damage to property, injury, or death to a person. Provides that if the violation is the cause or contributing cause in a motor vehicle accident of damage to property, injury, or death to a person, the person, firm, or corporation shall not be issued a permit for one year after the date of conviction or supervision for the offense.

LRB100 17352 SLF 32516 b

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 State Police Act is amended by changing  
5 Section 18 as follows:

6 (20 ILCS 2610/18) (from Ch. 121, par. 307.18)

7 Sec. 18. The Director may also authorize any civilian  
8 employee of the Department who is not a State policeman to be a  
9 truck weighing inspector with the power of enforcing the  
10 provisions of Sections 15-102, 15-103, 15-107, 15-111, and  
11 15-301 and subsection (d) of Section 3-401 of the Illinois  
12 Vehicle Code.

13 (Source: P.A. 88-476; 89-117, eff. 7-7-95.)

14 Section 10. The Illinois Vehicle Code is amended by  
15 changing Section 15-301 as follows:

16 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

17 Sec. 15-301. Permits for excess size and weight.

18 (a) The Department with respect to highways under its  
19 jurisdiction and local authorities with respect to highways  
20 under their jurisdiction may, in their discretion, upon  
21 application and good cause being shown therefor, issue a

1 special permit authorizing the applicant to operate or move a  
2 vehicle or combination of vehicles of a size or weight of  
3 vehicle or load exceeding the maximum specified in this Act or  
4 otherwise not in conformity with this Act upon any highway  
5 under the jurisdiction of the party granting such permit and  
6 for the maintenance of which the party is responsible.  
7 Applications and permits other than those in written or printed  
8 form may only be accepted from and issued to the company or  
9 individual making the movement. Except for an application to  
10 move directly across a highway, it shall be the duty of the  
11 applicant to establish in the application that the load to be  
12 moved by such vehicle or combination cannot reasonably be  
13 dismantled or disassembled, the reasonableness of which shall  
14 be determined by the Secretary of the Department. For the  
15 purpose of over length movements, more than one object may be  
16 carried side by side as long as the height, width, and weight  
17 laws are not exceeded and the cause for the over length is not  
18 due to multiple objects. For the purpose of over height  
19 movements, more than one object may be carried as long as the  
20 cause for the over height is not due to multiple objects and  
21 the length, width, and weight laws are not exceeded. For the  
22 purpose of an over width movement, more than one object may be  
23 carried as long as the cause for the over width is not due to  
24 multiple objects and length, height, and weight laws are not  
25 exceeded. Except for transporting fluid milk products, no State  
26 or local agency shall authorize the issuance of excess size or

1 weight permits for vehicles and loads that are divisible and  
2 that can be carried, when divided, within the existing size or  
3 weight maximums specified in this Chapter. Any excess size or  
4 weight permit issued in violation of the provisions of this  
5 Section shall be void at issue and any movement made thereunder  
6 shall not be authorized under the terms of the void permit. In  
7 any prosecution for a violation of this Chapter when the  
8 authorization of an excess size or weight permit is at issue,  
9 it is the burden of the defendant to establish that the permit  
10 was valid because the load to be moved could not reasonably be  
11 dismantled or disassembled, or was otherwise nondivisible.

12 (b) The application for any such permit shall: (1) state  
13 whether such permit is requested for a single trip or for  
14 limited continuous operation; (2) state if the applicant is an  
15 authorized carrier under the Illinois Motor Carrier of Property  
16 Law, if so, his certificate, registration or permit number  
17 issued by the Illinois Commerce Commission; (3) specifically  
18 describe and identify the vehicle or vehicles and load to be  
19 operated or moved except that for vehicles or vehicle  
20 combinations registered by the Department as provided in  
21 Section 15-319 of this Chapter, only the Illinois Department of  
22 Transportation's (IDT) registration number or classification  
23 need be given; (4) state the routing requested including the  
24 points of origin and destination, and may identify and include  
25 a request for routing to the nearest certified scale in  
26 accordance with the Department's rules and regulations,

1 provided the applicant has approval to travel on local roads;  
2 and (5) state if the vehicles or loads are being transported  
3 for hire. No permits for the movement of a vehicle or load for  
4 hire shall be issued to any applicant who is required under the  
5 Illinois Motor Carrier of Property Law to have a certificate,  
6 registration or permit and does not have such certificate,  
7 registration or permit.

8 (c) The Department or local authority when not inconsistent  
9 with traffic safety is authorized to issue or withhold such  
10 permit at its discretion; or, if such permit is issued at its  
11 discretion to prescribe the route or routes to be traveled, to  
12 limit the number of trips, to establish seasonal or other time  
13 limitations within which the vehicles described may be operated  
14 on the highways indicated, or otherwise to limit or prescribe  
15 conditions of operations of such vehicle or vehicles, when  
16 necessary to assure against undue damage to the road  
17 foundations, surfaces or structures, and may require such  
18 undertaking or other security as may be deemed necessary to  
19 compensate for any injury to any roadway or road structure. The  
20 Department shall maintain a daily record of each permit issued  
21 along with the fee and the stipulated dimensions, weights,  
22 conditions and restrictions authorized and this record shall be  
23 presumed correct in any case of questions or dispute. The  
24 Department shall install an automatic device for recording  
25 applications received and permits issued by telephone. In  
26 making application by telephone, the Department and applicant

1 waive all objections to the recording of the conversation.

2 (d) The Department shall, upon application in writing from  
3 any local authority, issue an annual permit authorizing the  
4 local authority to move oversize highway construction,  
5 transportation, utility and maintenance equipment over roads  
6 under the jurisdiction of the Department. The permit shall be  
7 applicable only to equipment and vehicles owned by or  
8 registered in the name of the local authority, and no fee shall  
9 be charged for the issuance of such permits.

10 (e) As an exception to subsection ~~paragraph~~ (a) of this  
11 Section, the Department and local authorities, with respect to  
12 highways under their respective jurisdictions, in their  
13 discretion and upon application in writing may issue a special  
14 permit for limited continuous operation, authorizing the  
15 applicant to move loads of agricultural commodities on a 2-axle  
16 ~~2-axle~~ single vehicle registered by the Secretary of State with  
17 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4 axle~~  
18 vehicle registered by the Secretary of State with axle loads  
19 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by  
20 the Secretary of State not to exceed 10% above those provided  
21 in Section 15-111. The total gross weight of the vehicle,  
22 however, may not exceed the maximum gross weight of the  
23 registration class of the vehicle allowed under Section 3-815  
24 or 3-818 of this Code.

25 As used in this Section, "agricultural commodities" means:

26 (1) cultivated plants or agricultural produce grown

1 including, but ~~is~~ not limited to, corn, soybeans, wheat,  
2 oats, grain sorghum, canola, and rice;

3 (2) livestock, including, but not limited to, hogs,  
4 equine, sheep, and poultry;

5 (3) ensilage; and

6 (4) fruits and vegetables.

7 Permits may be issued for a period not to exceed 40 days  
8 and moves may be made of a distance not to exceed 50 miles from  
9 a field, an on-farm grain storage facility, a warehouse as  
10 defined in the ~~Illinois~~ Grain Code, or a livestock management  
11 facility as defined in the Livestock Management Facilities Act  
12 over any highway except the National System of Interstate and  
13 Defense Highways. The operator of the vehicle, however, must  
14 abide by posted bridge and posted highway weight limits. All  
15 implements of husbandry operating under this Section between  
16 sunset and sunrise shall be equipped as prescribed in Section  
17 12-205.1.

18 (e-1) Upon a declaration by the Governor that an emergency  
19 harvest situation exists, a special permit issued by the  
20 Department under this Section shall be required from September  
21 1 through December 31 during harvest season emergencies for a  
22 vehicle that exceeds the maximum axle weight and gross weight  
23 limits under Section 15-111 of this Code or exceeds the  
24 vehicle's registered gross weight, provided that the vehicle's  
25 axle weight and gross weight do not exceed 10% above the  
26 maximum limits under Section 15-111 of this Code and does not

1 exceed the vehicle's registered gross weight by 10%. All other  
2 restrictions that apply to permits issued under this Section  
3 shall apply during the declared time period and no fee shall be  
4 charged for the issuance of those permits. Permits issued by  
5 the Department under this subsection (e-1) are only valid on  
6 federal and State highways under the jurisdiction of the  
7 Department, except interstate highways. With respect to  
8 highways under the jurisdiction of local authorities, the local  
9 authorities may, at their discretion, waive special permit  
10 requirements during harvest season emergencies, and set a  
11 divisible load weight limit not to exceed 10% above a vehicle's  
12 registered gross weight, provided that the vehicle's axle  
13 weight and gross weight do not exceed 10% above the maximum  
14 limits specified in Section 15-111. Permits issued under this  
15 subsection (e-1) shall apply to all registered vehicles  
16 eligible to obtain permits under this Section, including  
17 vehicles used in private or for-hire movement of divisible load  
18 agricultural commodities during the declared time period.

19 (f) The form and content of the permit shall be determined  
20 by the Department with respect to highways under its  
21 jurisdiction and by local authorities with respect to highways  
22 under their jurisdiction. Every permit shall be in written form  
23 and carried in the vehicle or combination of vehicles to which  
24 it refers and shall be open to inspection by any police officer  
25 or authorized agent of any authority granting the permit and no  
26 person shall violate any of the terms or conditions of such



1 special permit. Violation of the terms and conditions of the  
2 permit shall not be deemed a revocation of the permit; however,  
3 any vehicle and load found to be off the route prescribed in  
4 the permit shall be held to be operating without a permit. Any  
5 off route vehicle and load shall be required to obtain a new  
6 permit or permits, as necessary, to authorize the movement back  
7 onto the original permit routing. No rule or regulation, nor  
8 anything herein shall be construed to authorize any police  
9 officer, court, or authorized agent of any authority granting  
10 the permit to remove the permit from the possession of the  
11 permittee unless the permittee is charged with a fraudulent  
12 permit violation as provided in subsection ~~paragraph~~ (i).  
13 However, upon arrest for an offense of violation of permit,  
14 operating without a permit when the vehicle is off route, or  
15 any size or weight offense under this Chapter when the  
16 permittee plans to raise the issuance of the permit as a  
17 defense, the permittee, or his agent, must produce the permit  
18 at any court hearing concerning the alleged offense.

19 If the permit designates and includes a routing to a  
20 certified scale, the permittee, while enroute to the designated  
21 scale, shall be deemed in compliance with the weight provisions  
22 of the permit provided the axle or gross weights do not exceed  
23 any of the permitted limits by more than the following amounts:

24	Single axle	2000 pounds
25	Tandem axle	3000 pounds
26	Gross	5000 pounds

1 (g) The Department is authorized to adopt, amend, and to  
2 make available to interested persons a policy concerning  
3 reasonable rules, limitations and conditions or provisions of  
4 operation upon highways under its jurisdiction in addition to  
5 those contained in this Section for the movement by special  
6 permit of vehicles, combinations, or loads which cannot  
7 reasonably be dismantled or disassembled, including  
8 manufactured and modular home sections and portions thereof.  
9 All rules, limitations and conditions or provisions adopted in  
10 the policy shall have due regard for the safety of the  
11 traveling public and the protection of the highway system and  
12 shall have been promulgated in conformity with the provisions  
13 of the Illinois Administrative Procedure Act. The requirements  
14 of the policy for flagmen and escort vehicles shall be the same  
15 for all moves of comparable size and weight. When escort  
16 vehicles are required, they shall meet the following  
17 requirements:

18 (1) All operators shall be 18 years of age or over and  
19 properly licensed to operate the vehicle.

20 (2) Vehicles escorting oversized loads more than  
21 12-feet wide must be equipped with a rotating or flashing  
22 amber light mounted on top as specified under Section  
23 12-215.

24 The Department shall establish reasonable rules and  
25 regulations regarding liability insurance or self insurance  
26 for vehicles with oversized loads promulgated under the

1 Illinois Administrative Procedure Act. Police vehicles may be  
2 required for escort under circumstances as required by rules  
3 and regulations of the Department.

4 (h) Violation of any rule, limitation or condition or  
5 provision of any permit issued in accordance with the  
6 provisions of this Section shall not render the entire permit  
7 null and void but the violator shall be deemed guilty of  
8 violation of permit and guilty of exceeding any size, weight or  
9 load limitations in excess of those authorized by the permit.  
10 The prescribed route or routes on the permit are not mere  
11 rules, limitations, conditions, or provisions of the permit,  
12 but are also the sole extent of the authorization granted by  
13 the permit. If a vehicle and load are found to be off the route  
14 or routes prescribed by any permit authorizing movement, the  
15 vehicle and load are operating without a permit. Any off-route  
16 ~~off-route~~ movement shall be subject to the size and weight  
17 maximums, under the applicable provisions of this Chapter, as  
18 determined by the type or class highway upon which the vehicle  
19 and load are being operated.

20 (i) Whenever any vehicle is operated or movement made under  
21 a fraudulent permit the permit shall be void, and the person,  
22 firm, or corporation to whom such permit was granted, the  
23 driver of such vehicle in addition to the person who issued  
24 such permit and any accessory, shall be guilty of fraud and  
25 either one or all persons may be prosecuted for such violation.  
26 Any person, firm, or corporation committing such violation

1 shall be guilty of a Class 4 felony and the Department shall  
2 not issue permits to the person, firm or corporation convicted  
3 of such violation for a period of one year after the date of  
4 conviction. Penalties for violations of this Section shall be  
5 in addition to any penalties imposed for violation of other  
6 Sections of this Code Act.

7 (j) Whenever any vehicle is operated or movement made in  
8 violation of a permit issued in accordance with this Section,  
9 the person to whom such permit was granted, or the driver of  
10 such vehicle, is guilty of such violation and either, but not  
11 both, persons may be prosecuted for such violation as stated in  
12 this subsection (j). Any person, firm, or corporation convicted  
13 of such violation shall be guilty of a petty offense and shall  
14 be fined for the first offense, not less than \$50 nor more than  
15 \$200 and, for the second offense by the same person, firm, or  
16 corporation within a period of one year, not less than \$200 nor  
17 more than \$300 and, for the third offense by the same person,  
18 firm, or corporation within a period of one year after the date  
19 of the first offense, not less than \$300 nor more than \$500 and  
20 the Department may shall not issue permits to the person, firm, or  
21 or corporation convicted of a third offense during a period of  
22 one year after the date of conviction or supervision for such  
23 third offense, unless the violation is the cause or  
24 contributing cause in a motor vehicle accident causing damage  
25 to property, injury, or death to a person. If the violation is  
26 the cause or contributing cause in a motor vehicle accident of

1 damage to property, injury, or death to a person, the person,  
2 firm, or corporation shall not be issued a permit for one year  
3 after the date of conviction or supervision for the offense.

4 (k) Whenever any vehicle is operated on local roads under  
5 permits for excess width or length issued by local authorities,  
6 such vehicle may be moved upon a State highway for a distance  
7 not to exceed one-half mile without a permit for the purpose of  
8 crossing the State highway.

9 (l) Notwithstanding any other provision of this Section,  
10 the Department, with respect to highways under its  
11 jurisdiction, and local authorities, with respect to highways  
12 under their jurisdiction, may at their discretion authorize the  
13 movement of a vehicle in violation of any size or weight  
14 requirement, or both, that would not ordinarily be eligible for  
15 a permit, when there is a showing of extreme necessity that the  
16 vehicle and load should be moved without unnecessary delay.

17 For the purpose of this subsection, showing of extreme  
18 necessity shall be limited to the following: shipments of  
19 livestock, hazardous materials, liquid concrete being hauled  
20 in a mobile cement mixer, or hot asphalt.

21 (m) Penalties for violations of this Section shall be in  
22 addition to any penalties imposed for violating any other  
23 Section of this Code.

24 (n) The Department with respect to highways under its  
25 jurisdiction and local authorities with respect to highways  
26 under their jurisdiction, in their discretion and upon

1 application in writing, may issue a special permit for  
2 continuous limited operation, authorizing the applicant to  
3 operate a tow truck ~~tow-truck~~ that exceeds the weight limits  
4 provided for in subsection (a) of Section 15-111, provided:

5 (1) no rear single axle of the tow truck ~~tow-truck~~  
6 exceeds 26,000 pounds;

7 (2) no rear tandem axle of the tow truck ~~tow-truck~~  
8 exceeds 50,000 pounds;

9 (2.1) no triple rear axle on a manufactured recovery  
10 unit exceeds 60,000 pounds;

11 (3) neither the disabled vehicle nor the disabled  
12 combination of vehicles exceed the weight restrictions  
13 imposed by this Chapter 15, or the weight limits imposed  
14 under a permit issued by the Department prior to hookup;

15 (4) the tow truck ~~tow-truck~~ prior to hookup does not  
16 exceed the weight restrictions imposed by this Chapter 15;

17 (5) during the tow operation the tow truck ~~tow-truck~~  
18 does not violate any weight restriction sign;

19 (6) the tow truck ~~tow-truck~~ is equipped with flashing,  
20 rotating, or oscillating amber lights, visible for at least  
21 500 feet in all directions;

22 (7) the tow truck ~~tow-truck~~ is specifically designed  
23 and licensed as a tow truck ~~tow-truck~~;

24 (8) the tow truck ~~tow-truck~~ has a gross vehicle weight  
25 rating of sufficient capacity to safely handle the load;

26 (9) the tow truck ~~tow-truck~~ is equipped with air

1           brakes;

2           (10) the tow truck ~~tow truck~~ is capable of utilizing  
3           the lighting and braking systems of the disabled vehicle or  
4           combination of vehicles;

5           (11) the tow commences at the initial point of wreck or  
6           disablement and terminates at a point where the repairs are  
7           actually to occur;

8           (12) the permit issued to the tow truck ~~tow truck~~ is  
9           carried in the tow truck ~~tow truck~~ and exhibited on demand  
10          by a police officer; and

11          (13) the movement shall be valid only on State ~~state~~  
12          routes approved by the Department.

13          (o) (Blank).

14          (p) In determining whether a load may be reasonably  
15          dismantled or disassembled for the purpose of subsection  
16          ~~paragraph~~ (a), the Department shall consider whether there is a  
17          significant negative impact on the condition of the pavement  
18          and structures along the proposed route, whether the load or  
19          vehicle as proposed causes a safety hazard to the traveling  
20          public, whether dismantling or disassembling the load promotes  
21          or stifles economic development and whether the proposed route  
22          travels less than 5 miles. A load is not required to be  
23          dismantled or disassembled for the purposes of subsection  
24          ~~paragraph~~ (a) if the Secretary of the Department determines  
25          there will be no significant negative impact to pavement or  
26          structures along the proposed route, the proposed load or

1 vehicle causes no safety hazard to the traveling public,  
2 dismantling or disassembling the load does not promote economic  
3 development and the proposed route travels less than 5 miles.  
4 The Department may promulgate rules for the purpose of  
5 establishing the divisibility of a load pursuant to subsection  
6 ~~paragraph~~ (a). Any load determined by the Secretary to be  
7 nondivisible shall otherwise comply with the existing size or  
8 weight maximums specified in this Chapter.

9 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;  
10 revised 10-12-17.)