

1 AN ACT in relation to vehicles.

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 Section 15-301 as follows:

6 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

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

8 (a) The Department with respect to highways under its
9 jurisdiction and local authorities with respect to highways
10 under their jurisdiction may, in their discretion, upon
11 application and good cause being shown therefor, issue a
12 special permit authorizing the applicant to operate or move a
13 vehicle or combination of vehicles of a size or weight of
14 vehicle or load exceeding the maximum specified in this Act
15 or otherwise not in conformity with this Act upon any highway
16 under the jurisdiction of the party granting such permit and
17 for the maintenance of which the party is responsible.
18 Applications and permits other than those in written or
19 printed form may only be accepted from and issued to the
20 company or individual making the movement. Except for an
21 application to move directly across a highway, it shall be
22 the duty of the applicant to establish in the application
23 that the load to be moved by such vehicle or combination is
24 composed of a single nondivisible object that cannot
25 reasonably be dismantled or disassembled. For the purpose of
26 over length movements, more than one object may be carried
27 side by side as long as the height, width, and weight laws
28 are not exceeded and the cause for the over length is not due
29 to multiple objects. For the purpose of over height
30 movements, more than one object may be carried as long as the
31 cause for the over height is not due to multiple objects and

1 the length, width, and weight laws are not exceeded. For the
2 purpose of an over width movement, more than one object may
3 be carried as long as the cause for the over width is not due
4 to multiple objects and length, height, and weight laws are
5 not exceeded. Except as provided in subsection (a-1), no
6 state or local agency shall authorize the issuance of excess
7 size or weight permits for vehicles and loads that are
8 divisible and that can be carried, when divided, within the
9 existing size or weight maximums specified in this Chapter.
10 Any excess size or weight permit issued in violation of the
11 provisions of this Section shall be void at issue and any
12 movement made thereunder shall not be authorized under the
13 terms of the void permit. In any prosecution for a violation
14 of this Chapter when the authorization of an excess size or
15 weight permit is at issue, it is the burden of the defendant
16 to establish that the permit was valid because the load to be
17 moved could not reasonably be dismantled or disassembled, or
18 was otherwise nondivisible.

19 (a-1) In any county with a population less than
20 1,000,000, the county engineer may provide for the issuance
21 of a permit for the transportation of divisible loads not
22 exceeding 80,000 pounds in weight.

23 (b) The application for any such permit under this
24 Section shall: (1) state whether such permit is requested for
25 a single trip or for limited continuous operation; (2) state
26 if the applicant is an authorized carrier under the Illinois
27 Motor Carrier of Property Law, if so, his certificate,
28 registration or permit number issued by the Illinois Commerce
29 Commission; (3) specifically describe and identify the
30 vehicle or vehicles and load to be operated or moved except
31 that for vehicles or vehicle combinations registered by the
32 Department as provided in Section 15-319 of this Chapter,
33 only the Illinois Department of Transportation's (IDT)
34 registration number or classification need be given; (4)

1 state the routing requested including the points of origin
2 and destination, and may identify and include a request for
3 routing to the nearest certified scale in accordance with the
4 Department's rules and regulations, provided the applicant
5 has approval to travel on local roads; and (5) state if the
6 vehicles or loads are being transported for hire. No permits
7 for the movement of a vehicle or load for hire shall be
8 issued to any applicant who is required under the Illinois
9 Motor Carrier of Property Law to have a certificate,
10 registration or permit and does not have such certificate,
11 registration or permit.

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

33 (d) The Department shall, upon application in writing
34 from any local authority, issue an annual permit authorizing

1 the local authority to move oversize highway construction,
2 transportation, utility and maintenance equipment over roads
3 under the jurisdiction of the Department. The permit shall be
4 applicable only to equipment and vehicles owned by or
5 registered in the name of the local authority, and no fee
6 shall be charged for the issuance of such permits.

7 (e) As an exception to paragraph (a) of this Section,
8 the Department and local authorities, with respect to
9 highways under their respective jurisdictions, in their
10 discretion and upon application in writing may issue a
11 special permit for limited continuous operation, authorizing
12 the applicant to move loads of sweet corn, soybeans, corn,
13 wheat, milo, other small grains and ensilage during the
14 harvest season only on a 2 axle single vehicle registered by
15 the Secretary of State with axle loads not to exceed 35%
16 above those provided in Section 15-111. Permits may be issued
17 for a period not to exceed 40 days and moves may be made of a
18 distance not to exceed 25 miles from a field to a specified
19 processing plant over any highway except the National System
20 of Interstate and Defense Highways. All such vehicles shall
21 be operated in the daytime except when weather or crop
22 conditions require emergency operation at night, but with
23 respect to such night operation, every such vehicle with load
24 shall be equipped with flashing amber lights as specified
25 under Section 12-215. Upon a declaration by the Governor that
26 an emergency harvest situation exists, a special permit
27 issued by the Department under this Section shall not be
28 required from September 1 through December 31 during harvest
29 season emergencies, provided that the weight does not exceed
30 20% above the limits provided in Section 15-111. All other
31 restrictions that apply to permits issued under this Section
32 shall apply during the declared time period. With respect to
33 highways under the jurisdiction of local authorities, the
34 local authorities may, at their discretion, waive special

1 permit requirements during harvest season emergencies. This
2 permit exemption shall apply to all vehicles eligible to
3 obtain permits under this Section, including commercial
4 vehicles in use during the declared time period.

5 (f) The form and content of the permit shall be
6 determined by the Department with respect to highways under
7 its jurisdiction and by local authorities with respect to
8 highways under their jurisdiction. Every permit shall be in
9 written form and carried in the vehicle or combination of
10 vehicles to which it refers and shall be open to inspection
11 by any police officer or authorized agent of any authority
12 granting the permit and no person shall violate any of the
13 terms or conditions of such special permit. Violation of the
14 terms and conditions of the permit shall not be deemed a
15 revocation of the permit; however, any vehicle and load found
16 to be off the route prescribed in the permit shall be held to
17 be operating without a permit. Any off route vehicle and
18 load shall be required to obtain a new permit or permits, as
19 necessary, to authorize the movement back onto the original
20 permit routing. No rule or regulation, nor anything herein
21 shall be construed to authorize any police officer, court, or
22 authorized agent of any authority granting the permit to
23 remove the permit from the possession of the permittee unless
24 the permittee is charged with a fraudulent permit violation
25 as provided in paragraph (i). However, upon arrest for an
26 offense of violation of permit, operating without a permit
27 when the vehicle is off route, or any size or weight offense
28 under this Chapter when the permittee plans to raise the
29 issuance of the permit as a defense, the permittee, or his
30 agent, must produce the permit at any court hearing
31 concerning the alleged offense.

32 If the permit designates and includes a routing to a
33 certified scale, the permittee, while enroute to the
34 designated scale, shall be deemed in compliance with the

1 weight provisions of the permit provided the axle or gross
2 weights do not exceed any of the permitted limits by more
3 than the following amounts:

4	Single axle	2000 pounds
5	Tandem axle	3000 pounds
6	Gross	5000 pounds

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

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

26 (2) Vehicles escorting oversized loads more than
27 12-feet wide must be equipped with a rotating or flashing
28 amber light mounted on top as specified under Section
29 12-215.

30 The Department shall establish reasonable rules and
31 regulations regarding liability insurance or self insurance
32 for vehicles with oversized loads promulgated under The
33 Illinois Administrative Procedure Act. Police vehicles may be
34 required for escort under circumstances as required by rules

1 and regulations of the Department.

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

18 (i) Whenever any vehicle is operated or movement made
19 under a fraudulent permit the permit shall be void, and the
20 person, firm, or corporation to whom such permit was granted,
21 the driver of such vehicle in addition to the person who
22 issued such permit and any accessory, shall be guilty of
23 fraud and either one or all persons may be prosecuted for
24 such violation. Any person, firm, or corporation committing
25 such violation shall be guilty of a Class 4 felony and the
26 Department shall not issue permits to the person, firm or
27 corporation convicted of such violation for a period of one
28 year after the date of conviction. Penalties for violations
29 of this Section shall be in addition to any penalties imposed
30 for violation of other Sections of this Act.

31 (j) Whenever any vehicle is operated or movement made in
32 violation of a permit issued in accordance with this Section,
33 the person to whom such permit was granted, or the driver of
34 such vehicle, is guilty of such violation and either, but not

1 both, persons may be prosecuted for such violation as stated
2 in this subsection (j). Any person, firm or corporation
3 convicted of such violation shall be guilty of a petty
4 offense and shall be fined for the first offense, not less
5 than \$50 nor more than \$200 and, for the second offense by
6 the same person, firm or corporation within a period of one
7 year, not less than \$200 nor more than \$300 and, for the
8 third offense by the same person, firm or corporation within
9 a period of one year after the date of the first offense, not
10 less than \$300 nor more than \$500 and the Department shall
11 not issue permits to the person, firm or corporation
12 convicted of a third offense during a period of one year
13 after the date of conviction for such third offense.

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

19 (l) Notwithstanding any other provision of this Section,
20 the Department, with respect to highways under its
21 jurisdiction, and local authorities, with respect to highways
22 under their jurisdiction, may at their discretion authorize
23 the movement of a vehicle in violation of any size or weight
24 requirement, or both, that would not ordinarily be eligible
25 for a permit, when there is a showing of extreme necessity
26 that the vehicle and load should be moved without unnecessary
27 delay.

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

32 (m) Penalties for violations of this Section shall be in
33 addition to any penalties imposed for violating any other
34 Section of this Code.

1 (n) The Department with respect to highways under its
2 jurisdiction and local authorities with respect to highways
3 under their jurisdiction, in their discretion and upon
4 application in writing, may issue a special permit for
5 continuous limited operation, authorizing the applicant to
6 operate a tow-truck that exceeds the weight limits provided
7 for in subsection (d) of Section 15-111, provided:

8 (1) no rear single axle of the tow-truck exceeds
9 26,000 pounds;

10 (2) no rear tandem axle of the tow-truck exceeds
11 50,000 pounds;

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

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

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

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

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

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

27 (9) the tow-truck is equipped with air brakes;

28 (10) the tow-truck is capable of utilizing the
29 lighting and braking systems of the disabled vehicle or
30 combination of vehicles;

31 (11) the tow distance of the tow does not exceed 50
32 miles from the point of disablement to a place of repair
33 or safekeeping;

34 (12) the permit issued to the tow-truck is carried

1 in the tow-truck and exhibited on demand by a police
2 officer; and

3 (13) the movement shall be valid only on state
4 routes approved by the Department.

5 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;
6 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff.
7 1-1-00.)