



Rep. Daniel V. Beiser

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LRB097 02865 WGH 56617 a

1 AMENDMENT TO SENATE BILL 42

2 AMENDMENT NO. _____. Amend Senate Bill 42 by replacing
3 everything after the enacting clause with the following:

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 or
15 otherwise not in conformity with this Act upon any highway
16 under the jurisdiction of the party granting such permit and

1 for the maintenance of which the party is responsible.
2 Applications and permits other than those in written or printed
3 form may only be accepted from and issued to the company or
4 individual making the movement. Except for an application to
5 move directly across a highway, it shall be the duty of the
6 applicant to establish in the application that the load to be
7 moved by such vehicle or combination ~~is composed of a single~~
8 ~~nondivisible object that~~ cannot reasonably be dismantled or
9 disassembled, the reasonableness of which shall be determined
10 by the Secretary of the Department. For the purpose of over
11 length movements, more than one object may be carried side by
12 side as long as the height, width, and weight laws are not
13 exceeded and the cause for the over length is not due to
14 multiple objects. For the purpose of over height movements,
15 more than one object may be carried as long as the cause for
16 the over height is not due to multiple objects and the length,
17 width, and weight laws are not exceeded. For the purpose of an
18 over width movement, more than one object may be carried as
19 long as the cause for the over width is not due to multiple
20 objects and length, height, and weight laws are not exceeded.
21 No state or local agency shall authorize the issuance of excess
22 size or weight permits for vehicles and loads that are
23 divisible and that can be carried, when divided, within the
24 existing size or weight maximums specified in this Chapter. Any
25 excess size or weight permit issued in violation of the
26 provisions of this Section shall be void at issue and any

1 movement made thereunder shall not be authorized under the
2 terms of the void permit. In any prosecution for a violation of
3 this Chapter when the authorization of an excess size or weight
4 permit is at issue, it is the burden of the defendant to
5 establish that the permit was valid because the load to be
6 moved could not reasonably be dismantled or disassembled, or
7 was otherwise nondivisible.

8 (b) The application for any such permit shall: (1) state
9 whether such permit is requested for a single trip or for
10 limited continuous operation; (2) state if the applicant is an
11 authorized carrier under the Illinois Motor Carrier of Property
12 Law, if so, his certificate, registration or permit number
13 issued by the Illinois Commerce Commission; (3) specifically
14 describe and identify the vehicle or vehicles and load to be
15 operated or moved except that for vehicles or vehicle
16 combinations registered by the Department as provided in
17 Section 15-319 of this Chapter, only the Illinois Department of
18 Transportation's (IDT) registration number or classification
19 need be given; (4) state the routing requested including the
20 points of origin and destination, and may identify and include
21 a request for routing to the nearest certified scale in
22 accordance with the Department's rules and regulations,
23 provided the applicant has approval to travel on local roads;
24 and (5) state if the vehicles or loads are being transported
25 for hire. No permits for the movement of a vehicle or load for
26 hire shall be issued to any applicant who is required under the

1 Illinois Motor Carrier of Property Law to have a certificate,
2 registration or permit and does not have such certificate,
3 registration or permit.

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

24 (d) The Department shall, upon application in writing from
25 any local authority, issue an annual permit authorizing the
26 local authority to move oversize highway construction,

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

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

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

21 (1) cultivated plants or agricultural produce grown
22 including, but is not limited to, corn, soybeans, wheat,
23 oats, grain sorghum, canola, and rice;

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

26 (3) ensilage; and

1 (4) fruits and vegetables.

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

13 (e-1) Upon a declaration by the Governor that an emergency
14 harvest situation exists, a special permit issued by the
15 Department under this Section shall not be required from
16 September 1 through December 31 during harvest season
17 emergencies, provided that the weight does not exceed 20% above
18 the limits provided in Section 15-111. All other restrictions
19 that apply to permits issued under this Section shall apply
20 during the declared time period. With respect to highways under
21 the jurisdiction of local authorities, the local authorities
22 may, at their discretion, waive special permit requirements
23 during harvest season emergencies. This permit exemption shall
24 apply to all vehicles eligible to obtain permits under this
25 Section, including commercial vehicles in use during the
26 declared time period.

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

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

6 Single axle	2000 pounds
7 Tandem axle	3000 pounds
8 Gross	5000 pounds

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

26 (1) All operators shall be 18 years of age or over and

1 properly licensed to operate the vehicle.

2 (2) Vehicles escorting oversized loads more than
3 12-feet wide must be equipped with a rotating or flashing
4 amber light mounted on top as specified under Section
5 12-215.

6 The Department shall establish reasonable rules and
7 regulations regarding liability insurance or self insurance
8 for vehicles with oversized loads promulgated under The
9 Illinois Administrative Procedure Act. Police vehicles may be
10 required for escort under circumstances as required by rules
11 and regulations of the Department.

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

1 are being operated.

2 (i) Whenever any vehicle is operated or movement made under
3 a fraudulent permit the permit shall be void, and the person,
4 firm, or corporation to whom such permit was granted, the
5 driver of such vehicle in addition to the person who issued
6 such permit and any accessory, shall be guilty of fraud and
7 either one or all persons may be prosecuted for such violation.
8 Any person, firm, or corporation committing such violation
9 shall be guilty of a Class 4 felony and the Department shall
10 not issue permits to the person, firm or corporation convicted
11 of such violation for a period of one year after the date of
12 conviction. Penalties for violations of this Section shall be
13 in addition to any penalties imposed for violation of other
14 Sections of this Act.

15 (j) Whenever any vehicle is operated or movement made in
16 violation of a permit issued in accordance with this Section,
17 the person to whom such permit was granted, or the driver of
18 such vehicle, is guilty of such violation and either, but not
19 both, persons may be prosecuted for such violation as stated in
20 this subsection (j). Any person, firm or corporation convicted
21 of such violation shall be guilty of a petty offense and shall
22 be fined for the first offense, not less than \$50 nor more than
23 \$200 and, for the second offense by the same person, firm or
24 corporation within a period of one year, not less than \$200 nor
25 more than \$300 and, for the third offense by the same person,
26 firm or corporation within a period of one year after the date

1 of the first offense, not less than \$300 nor more than \$500 and
2 the Department shall not issue permits to the person, firm or
3 corporation convicted of a third offense during a period of one
4 year after the date of conviction for such third offense.

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

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

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

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

25 (n) The Department with respect to highways under its
26 jurisdiction and local authorities with respect to highways

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

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

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

10 (2.1) no triple rear axle on a manufactured recovery
11 unit exceeds 60,000 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 the
17 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, rotating,
21 or oscillating amber lights, visible for at least 500 feet
22 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 of
26 sufficient capacity to safely handle the load;

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

2 (10) the tow-truck is capable of utilizing the lighting
3 and braking systems of the disabled vehicle or combination
4 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 is carried in
9 the tow-truck and exhibited on demand by a police officer;
10 and

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

13 (o) The Department, with respect to highways under its
14 jurisdiction, and local authorities, with respect to highways
15 under their jurisdiction, in their discretion and upon
16 application in writing, may issue a special permit for
17 continuous limited operation, authorizing the applicant to
18 transport raw milk that exceeds the weight limits provided for
19 in subsections (b) and (f) of Section 15-111 of this Code,
20 provided:

21 (1) no single axle exceeds 20,000 pounds;

22 (2) no gross weight exceeds 80,000 pounds;

23 (3) permits issued by the State are good only for
24 federal and State highways and are not applicable to
25 interstate highways; and

26 (4) all road and bridge postings must be obeyed.

1 (p) In determining whether a load may be reasonably
2 dismantled or disassembled for the purpose of paragraph (a),
3 the Department shall consider whether there is a significant
4 negative impact on the condition of the pavement and structures
5 along the proposed route, whether the load or vehicle as
6 proposed causes a safety hazard to the traveling public,
7 whether dismantling or disassembling the load promotes or
8 stifles economic development and whether the proposed route
9 travels less than 5 miles. A load is not required to be
10 dismantled or disassembled for the purposes of paragraph (a) if
11 the Secretary of the Department determines there will be no
12 significant negative impact to pavement or structures along the
13 proposed route, the proposed load or vehicle causes no safety
14 hazard to the traveling public, dismantling or disassembling
15 the load does not promote economic development and the proposed
16 route travels less than 5 miles. The Department may promulgate
17 rules for the purpose of establishing the divisibility of a
18 load pursuant to paragraph (a). Any load determined by the
19 Secretary to be nondivisible shall otherwise comply with the
20 existing size or weight maximums specified in this Chapter.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-666, eff. 10-11-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."