



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB1524

Introduced 2/6/2015, by Rep. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-316

from Ch. 95 1/2, par. 15-316

Amends the Illinois Vehicle Code. Allows highway commissioners to prohibit operation of trucks or other commercial vehicles, or impose weight limitations on those vehicles, on designated highways after conducting a public hearing and approving a resolution. Provides that if written notice requesting a road not be posted at a permanently reduced weight is signed by 3 persons owning land in that road district and is given to the highway commissioner who fails to change or evaluate a permanently reduced weight limit, the 3 landowners may petition the county superintendent of highways. Requires a petitioned county superintendent of highways to hold a hearing on the petitioned issue, and allows him or her to order the highway commissioner to change a posted weight limit. Provides that if the highway commissioner disobeys the order of the county superintendent, he or she is guilty of a petty offense, and subject to removal from office.

LRB099 05973 RJF 26024 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 Illinois Vehicle Code is amended by changing  
5 Section 15-316 as follows:

6 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

7 Sec. 15-316. When the Department or local authority may  
8 restrict right to use highways.

9 (a) Except as provided in subsection (g), local authorities  
10 with respect to highways under their jurisdiction may by  
11 ordinance or resolution prohibit the operation of vehicles upon  
12 any such highway or impose restrictions as to the weight of  
13 vehicles to be operated upon any such highway, for a total  
14 period of not to exceed 90 days in any one calendar year,  
15 whenever any said highway by reason of deterioration, rain,  
16 snow, or other climate conditions will be seriously damaged or  
17 destroyed unless the use of vehicles thereon is prohibited or  
18 the permissible weights thereof reduced.

19 (b) The local authority enacting any such ordinance or  
20 resolution shall erect or cause to be erected and maintained  
21 signs designating the provision of the ordinance or resolution  
22 at each end of that portion of any highway affected thereby,  
23 and the ordinance or resolution shall not be effective unless

1 and until such signs are erected and maintained.

2 (c) Local authorities, with exception of road districts as  
3 provided in subsection (c-5) of this Section, with respect to  
4 highways under their jurisdiction may also, by ordinance or  
5 resolution, prohibit the operation of trucks or other  
6 commercial vehicles, or may impose limitations as the weight  
7 thereof, on designated highways, which prohibitions and  
8 limitations shall be designated by appropriate signs placed on  
9 such highways.

10 (c-1) (Blank).

11 (c-5) Highway commissioners, as used in the Illinois  
12 Highway Code, with respect to highways under their jurisdiction  
13 may, after conducting a public hearing and approving a  
14 resolution, prohibit the operation of trucks or other  
15 commercial vehicles, or may impose limitation on the weight  
16 thereof, on designated highways, which prohibition and  
17 limitation shall be designated by appropriate signs placed on  
18 these highways with written approval of the county  
19 superintendent of highways. If any highway commissioner fails  
20 or refuses to change or evaluate a permanently reduced weight  
21 limit on any road or section of a road in his or her district  
22 within 10 days after he or she is given a notice in writing  
23 signed by 3 persons that own land in the road district that the  
24 road or section of a road should not be permanently posted at a  
25 reduced weight limit, the 3 landowners whose request was not  
26 complied with may petition the county superintendent of

1 highways that the road or section thereof is in need of  
2 evaluation or change of the permanently reduced weight limit by  
3 the highway commissioner. The county superintendent of  
4 highways shall set a day, not less than 10 nor more than 20  
5 days after the petition is filed with him or her, for hearing  
6 the complaint alleged in the petition, and shall post notice of  
7 the hearing not less than 10 days prior to the hearing in a  
8 newspaper of general circulation in the road district  
9 containing the road or section of road described in the  
10 petition and also by delivering a copy of the notice to the  
11 commissioner or mailing a copy of the petition to the  
12 commissioner. If the county superintendent of highways  
13 determines as a result of the hearing that the road described  
14 in the petition is in need of a change in the permanently  
15 reduced weight limit by the highway commissioner of the  
16 district, he or she shall order the highway commissioner of the  
17 district to make any necessary change to the posted weight  
18 limit. If any highway commissioner wilfully disobeys the order  
19 of the county superintendent of highways issued under this  
20 Section, when there are sufficient funds to permit compliance  
21 with the order, he or she shall be guilty of a petty offense,  
22 and shall upon proper proceedings being brought in the circuit  
23 court of the county, be subject to removal from office.

24 (d) The Department shall likewise have authority as  
25 hereinbefore granted to local authorities to determine by  
26 resolution and to impose restrictions as to the weight of

1 vehicles operated upon any highway under the jurisdiction of  
2 said department, and such restrictions shall be effective when  
3 signs giving notice thereof are erected upon the highway or  
4 portion of any highway affected by such resolution.

5 (d-1) (Blank).

6 (d-2) (Blank).

7 (e) When any vehicle is operated in violation of this  
8 Section, the owner or driver of the vehicle shall be deemed  
9 guilty of a violation and either the owner or the driver of the  
10 vehicle may be prosecuted for the violation. Any person, firm,  
11 or corporation convicted of violating this Section shall be  
12 fined \$50 for any weight exceeding the posted limit up to the  
13 axle or gross weight limit allowed a vehicle as provided for in  
14 subsections (a) or (b) of Section 15-111 and \$75 per every 500  
15 pounds or fraction thereof for any weight exceeding that which  
16 is provided for in subsections (a) or (b) of Section 15-111.

17 (f) A municipality is authorized to enforce a county weight  
18 limit ordinance applying to county highways within its  
19 corporate limits and is entitled to the proceeds of any fines  
20 collected from the enforcement.

21 (g) An ordinance or resolution enacted by a county or  
22 township pursuant to subsection (a) of this Section shall not  
23 apply to cargo tank vehicles with two or three permanent axles  
24 when delivering propane for emergency heating purposes if the  
25 cargo tank is loaded at no more than 50 percent capacity, the  
26 gross vehicle weight of the vehicle does not exceed 32,000

1 pounds, and the driver of the cargo tank vehicle notifies the  
2 appropriate agency or agencies with jurisdiction over the  
3 highway before driving the vehicle on the highway pursuant to  
4 this subsection. The cargo tank vehicle must have an operating  
5 gauge on the cargo tank which indicates the amount of propane  
6 as a percent of capacity of the cargo tank. The cargo tank must  
7 have the capacity displayed on the cargo tank, or documentation  
8 of the capacity of the cargo tank must be available in the  
9 vehicle. For the purposes of this subsection, propane weighs  
10 4.2 pounds per gallon. This subsection does not apply to  
11 municipalities. Nothing in this subsection shall allow cargo  
12 tank vehicles to cross bridges with posted weight restrictions  
13 if the vehicle exceeds the posted weight limit.

14 (Source: P.A. 96-1337, eff. 1-1-11.)