



Rep. Jerry F. Costello, II

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09900HB2580ham002

LRB099 03909 RJF 34047 a

1 AMENDMENT TO HOUSE BILL 2580

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2580, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Highway Code is amended by  
6 changing Sections 6-201.8, 6-311, and 6-312 and by adding  
7 Section 6-201.22 as follows:

8 (605 ILCS 5/6-201.8) (from Ch. 121, par. 6-201.8)

9 Sec. 6-201.8. Have general charge of the roads of his  
10 district, keep the same in repair and to improve them so far as  
11 practicable and cooperate and assist in the construction or  
12 improvement of such roads with labor furnished, in whole or in  
13 part, by the Department of Human Services (acting as successor  
14 to the State Department of Public Aid under the Department of  
15 Human Services Act) or other public assistance authorities;  
16 except that a highway commissioner may not permanently post at

1 a reduced weight limit any road or portion thereof unless the  
2 decision to do so is made in accordance with Section 6-201.22  
3 of this Code.

4 (Source: P.A. 89-507, eff. 7-1-97.)

5 (605 ILCS 5/6-201.22 new)

6 Sec. 6-201.22. Road weight restriction; notice and  
7 hearing. Whenever the highway commissioner wishes to  
8 permanently post a road at a reduced weight limit, he or she  
9 shall fix a time and place to examine the route of the township  
10 or district road, and hear reasons for or against permanently  
11 posting a road at a reduced weight limit.

12 The highway commissioner shall give written notice at least  
13 10 days prior to the time of examination and hearing to the  
14 county superintendent of highways. He or she shall also provide  
15 notice by publication in at least one newspaper published in  
16 the township or district. In the absence of a newspaper  
17 published in the township or district, notice by publication  
18 shall be provided in at least one newspaper of general  
19 circulation in the township or district. In the absence of a  
20 generally circulated newspaper in the township or district,  
21 notice by publication shall be made by posting notices in 5 of  
22 the most public places in the district in the vicinity of the  
23 road to be permanently posted at a reduced weight limit.

24 The highway commissioner may, by written notice to the  
25 county superintendent of highways, by public announcement, and

1 by posting notice at the time and place named for the first  
2 hearing, adjourn a hearing from time to time, but not for a  
3 longer period than 10 days. At the hearing, or the adjourned  
4 hearing, the commissioner shall decide and publicly announce  
5 whether he or she will permanently post a road at a reduced  
6 weight limit. The highway commissioner shall issue a signed  
7 memorandum explaining the decision to permanently post a road  
8 at a reduced weight limit, and address any concerns raised at  
9 the public hearing. The signed memorandum shall be filed within  
10 5 days after the hearing in the office of the district clerk.  
11 The highway commissioner shall also send a copy of the signed  
12 memorandum to the county superintendent of highways. The county  
13 superintendent of highways may approve the decision of the  
14 highway commissioner by signing the memorandum and filing it in  
15 the office of the district clerk. Upon the approval of the  
16 decision by the county superintendent of highways and filing of  
17 the memorandum with the office of the district clerk, the road  
18 may be posted at a reduced weight limit by the highway  
19 commissioner.

20 (605 ILCS 5/6-311) (from Ch. 121, par. 6-311)

21 Sec. 6-311. Within 20 days after the damages likely to be  
22 sustained by reason of the proposed laying out, widening,  
23 alteration or vacation of any township or district road have  
24 been finally ascertained, either by agreement of the parties or  
25 by condemnation proceedings, or within 20 days after such

1 damages may have been released, the highway commissioner or the  
2 county superintendent of highways, as the case may be, shall  
3 hold a public hearing at which he shall hear and consider  
4 reasons for or against the proposed laying out, widening,  
5 alteration or vacation of such road, and at which time and  
6 place he shall publicly announce his final decision relative  
7 thereto. The highway commissioner or the county superintendent  
8 of highways, as the case may be, shall give public notice of  
9 such public hearing by publication in at least one newspaper  
10 published in the township or district or, in the absence of  
11 such published newspaper, in at least one newspaper of general  
12 circulation in the township or district or, in the absence of  
13 such generally circulated newspaper at the time prescribed for  
14 notice, by posting notices thereof in at least 5 of the most  
15 public places in the district in the vicinity of the road for  
16 at least 5 days prior thereto. A written notice shall be mailed  
17 or delivered to all owners of the property adjacent to the road  
18 which is the subject of the hearing. A written notice may be  
19 mailed or delivered to every person known to have been present  
20 at the hearings conducted pursuant to Sections 6-305 and 6-306  
21 of this Act and to every other person who has requested such  
22 notice.

23 At such time and place the highway commissioner, if he is  
24 the official conducting the hearing, shall determine the  
25 advisability of such proposed laying out, widening, alteration  
26 or vacation of such road, shall make an order for the same and

1 shall within 5 days thereafter file such order in the office of  
2 the district clerk.

3 At such time and place the county superintendent of  
4 highways, if he is the official conducting the hearing, shall:

5 (a) Be empowered to administer oaths;

6 (b) Permit the appearance in person or by counsel, the  
7 introduction of evidence and the cross examination of witnesses  
8 by not less than 3 of the qualified petitioners, not less than  
9 3 other legal voters residing within 2 miles of any portion of  
10 such road, and not less than 3 other persons owning land in the  
11 road district or owning land ~~operated as a farm and~~ wholly or  
12 partially situated within 2 miles of any portion of such road,  
13 except that no such permission shall extend to a person other  
14 than a petitioner unless it appears that he will be directly  
15 and adversely affected by the change requested in the petition;

16 (c) Provide that every person offering testimony shall  
17 testify under oath or affirmation and shall be subject to cross  
18 examination, except that the technical rules of evidence  
19 governing proceedings in circuit courts are inapplicable in  
20 such hearing;

21 (d) Secure and retain a stenographic transcript of the  
22 proceedings, including all evidence offered or introduced at  
23 the hearing; and

24 (e) Determine the advisability of such proposed laying out,  
25 widening, alteration or vacation of such road, shall make an  
26 order for the same and shall within 5 days thereafter file such

1 final order in the office of the district clerk.

2 Every order entered and filed pursuant to this Section in  
3 approval of the change requested in the petition shall contain  
4 an express finding that such alteration or vacation of the  
5 township or district road will be in the public and economic  
6 interest and will not deprive residents or owners of proximate  
7 land of reasonable access elsewhere as specified in Section  
8 6-305 of this Act.

9 (Source: P.A. 83-1362.)

10 (605 ILCS 5/6-312) (from Ch. 121, par. 6-312)

11 Sec. 6-312. In case such final order was entered by the  
12 highway commissioner as provided in Section 6-311 of this Code  
13 finally determining the advisability of such proposed laying  
14 out, widening, alteration or vacation of any township or  
15 district road, any 3 qualified petitioners who may have signed  
16 the petition for such proposed laying out, widening, alteration  
17 or vacation, or any 3 legal voters residing within 2 miles of  
18 any portion of such road, or any 3 other persons owning land in  
19 the road district or owning land ~~operated as a farm~~ within 2  
20 miles of any portion of such road, may (if either they are  
21 qualified petitioners or they both have raised objections at  
22 the hearing pursuant to Section 6-311 of this Act and will be  
23 directly and adversely affected by such proposed laying out,  
24 widening, alteration or vacation) appeal to the county  
25 superintendent of highways by filing a notice of such appeal in

1 the office of the district clerk within 10 days of the date of  
2 filing the decision appealed from. Thereupon such clerk shall  
3 at once transmit all papers relating to such proposed laying  
4 out, widening, altering or vacation of such road to the county  
5 superintendent of highways, who shall within 20 days after the  
6 receipt of the same, hold a public hearing within such district  
7 to finally determine upon the laying out, widening, altering or  
8 vacation of such road. Such hearing shall be upon such notice  
9 and conducted in like manner as the hearing before the highway  
10 commissioner relative to such final decision and from which  
11 appeal has been taken, except that the powers and duties of the  
12 county superintendent of highways in conducting such hearing  
13 and in determining and filing his final order shall be  
14 identical to the powers and duties of such superintendent  
15 prescribed by Section 6-311 of this Act. Judicial review may be  
16 pursued after such final order of the county superintendent of  
17 highways relative to the alteration or vacation of such roads  
18 in the manner provided in Section 6-315a of this Division.

19 (Source: Laws 1963, p. 3216.)

20 Section 10. The Illinois Vehicle Code is amended by  
21 changing Section 15-316 as follows:

22 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

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

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

11           (b) The local authority enacting any such ordinance or  
12 resolution shall erect or cause to be erected and maintained  
13 signs designating the provision of the ordinance or resolution  
14 at each end of that portion of any highway affected thereby,  
15 and the ordinance or resolution shall not be effective unless  
16 and until such signs are erected and maintained.

17           (c) Local authorities with respect to highways under their  
18 jurisdiction may also, by ordinance or resolution, prohibit the  
19 operation of trucks or other commercial vehicles, or may impose  
20 limitations as to the weight thereof, on designated highways,  
21 which prohibitions and limitations shall be designated by  
22 appropriate signs placed on such highways.

23           (c-1) (Blank).

24           (c-5) Highway commissioners, with respect to roads under  
25 their authority, may not permanently post a road or portion  
26 thereof at a reduced weight limit unless the decision to do so

1 is made in accordance with Sec. 6-201.22 of the Illinois  
2 Highway Code.

3 (d) The Department shall likewise have authority as  
4 hereinbefore granted to local authorities to determine by  
5 resolution and to impose restrictions as to the weight of  
6 vehicles operated upon any highway under the jurisdiction of  
7 said department, and such restrictions shall be effective when  
8 signs giving notice thereof are erected upon the highway or  
9 portion of any highway affected by such resolution.

10 (d-1) (Blank).

11 (d-2) (Blank).

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

22 (f) A municipality is authorized to enforce a county weight  
23 limit ordinance applying to county highways within its  
24 corporate limits and is entitled to the proceeds of any fines  
25 collected from the enforcement.

26 (g) An ordinance or resolution enacted by a county or

1 township pursuant to subsection (a) of this Section shall not  
2 apply to cargo tank vehicles with two or three permanent axles  
3 when delivering propane for emergency heating purposes if the  
4 cargo tank is loaded at no more than 50 percent capacity, the  
5 gross vehicle weight of the vehicle does not exceed 32,000  
6 pounds, and the driver of the cargo tank vehicle notifies the  
7 appropriate agency or agencies with jurisdiction over the  
8 highway before driving the vehicle on the highway pursuant to  
9 this subsection. The cargo tank vehicle must have an operating  
10 gauge on the cargo tank which indicates the amount of propane  
11 as a percent of capacity of the cargo tank. The cargo tank must  
12 have the capacity displayed on the cargo tank, or documentation  
13 of the capacity of the cargo tank must be available in the  
14 vehicle. For the purposes of this subsection, propane weighs  
15 4.2 pounds per gallon. This subsection does not apply to  
16 municipalities. Nothing in this subsection shall allow cargo  
17 tank vehicles to cross bridges with posted weight restrictions  
18 if the vehicle exceeds the posted weight limit.

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