

1 AN ACT in relation to transportation.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Intermodal Chassis Roadability Inspection Act.

6 Section 5. Definitions. As used in this Act:

7 (a) "Marine or rail terminal" means any place, station,
8 depot, or area, whether public or private, for receiving and
9 delivering passengers, articles, commodities, baggage, mail,
10 freight, or express matter and for any combination of those
11 purposes in connection with the transportation and movement
12 by water or land of persons and property, located at a port
13 or rail facility that engages in the loading and unloading of
14 the cargo of oceangoing or marine vessel intermodal chassis.

15 (b) "Intermodal chassis" or "chassis" means a trailer
16 designed to carry intermodal freight containers.

17 Section 10. Applicability.

18 (a) Any marine or rail terminal that receives and
19 dispatches intermodal chassis must implement and carry out
20 the intermodal chassis roadability inspection program, as
21 described in this Act.

22 (b) A marine or rail terminal operator may not tender
23 to, or interchange with, a motor carrier, an intermodal
24 chassis that fails to pass the inspection required by this
25 Act and that fails to meet the requirements set forth in
26 Federal Motor Carrier Safety Regulations, 49 C.F.R. 396. Any
27 marine or rail terminal operator tendering to, or
28 interchanging with, a motor carrier an intermodal chassis,
29 must provide certification that the chassis has passed the
30 inspection required under this Act. Violation of this Section

1 is a petty offense punishable by a fine of \$500 per
2 occurrence.

3 (c) Nothing in this Act is meant to supersede the
4 inspection requirement and standard under 49 C.F.R. 396,
5 which requires marine or rail terminal operators to conduct
6 annual inspections of chassis. Rather, this Act imposes an
7 additional requirement that marine or rail terminal operators
8 inspect chassis on a routine basis.

9 Section 15. Intermodal equipment roadability inspection
10 program.

11 (a) Marine or rail terminal operators must inspect all
12 chassis according to this Section before a container is
13 placed on the chassis, and before the chassis is released for
14 operation. The inspection must include, but not be limited
15 to, brake adjustment, an inspection of brake system
16 components and leaks, suspension systems, tires and wheels,
17 vehicle connecting devices, lights and electrical systems,
18 and a visual inspection of the chassis to determine that it
19 has not been tampered with.

20 (b) Each inspection must be recorded on a daily
21 roadworthiness inspection report that must include, but not
22 be limited to, all of the following:

23 (1) Positive identification of the intermodal
24 chassis, including company identification number and
25 vehicle license plate number.

26 (2) Date and nature of each inspection.

27 (3) Signature, under penalty of perjury, of the
28 marine terminal operator or an authorized representative
29 verifying that the inspection has been performed and that
30 the chassis is roadworthy. Individuals performing
31 inspections under this Section must be qualified, at a
32 minimum, as set forth in Section 49 C.F.R. 396.19.
33 Evidence of each inspector's qualification must be

1 retained by the marine or rail terminal for the period of
2 time during which the inspector is performing these
3 inspections.

4 (4) A marine or rail terminal operator may not
5 threaten, coerce, or otherwise retaliate against an
6 inspector for refusing to pass a chassis that fails an
7 inspection or for designating a chassis for repair. A
8 violation of this paragraph (4) is a Class B misdemeanor.

9 (5) As part of the inspection, the inspector must
10 affix a tamper-proof green tag on a chassis that has
11 passed inspection and a red tag on a chassis that has
12 failed inspection. The tag must contain the name of the
13 inspector and the date and time the inspection was
14 completed and must be placed on the driver's side of the
15 chassis, next to the chassis' identification plate. In
16 addition, a red tag must specify the defects that
17 warranted the failed inspection and that require repair.
18 The tag must be provided by the marine terminal operator
19 and must meet specifications determined by the Secretary
20 of State.

21 (c) Chassis must be segregated according to their red or
22 green tags, indicating whether or not they passed the
23 inspection. Green-tagged chassis must be kept in an area
24 designated for interchange with motor carriers. Red-tagged
25 chassis must be transported to an on-site facility where
26 repairs and any required maintenance may be performed.
27 Defects identified during any inspection of any intermodal
28 chassis must be repaired, and the repairs must be recorded on
29 an intermodal chassis maintenance file as provided in Section
30 20, before the chassis is released from the control of the
31 marine or rail terminal. No chassis subject to this Act may
32 be released to a motor carrier or operated on a public road
33 until all defects listed during the inspection have been
34 corrected, the chassis passes inspection, and the marine or

1 rail terminal operator's authorized representative attests to
2 that fact and affixes a green tag on the chassis.

3 (d) Any driver who believes that a chassis is in an
4 unsafe operating condition may request that the chassis be
5 reinspected by the entity responsible for the inspection and
6 maintenance of the chassis under this Act. If reinspection is
7 requested, the driver:

8 (1) may not be made responsible for delivery of the
9 chassis to the repair facility; and

10 (2) must receive a green-tagged chassis without
11 delay. If a driver is forced to wait for one or more
12 hours, the marine or rail terminal operator must
13 compensate the driver at a rate of \$100 per hour. A
14 request for reinspection, any corrective action taken, or
15 the reason why corrective action was not taken must be
16 recorded in the intermodal chassis maintenance file as
17 provided in Section 20.

18 Alternatively, the driver may contact a law enforcement
19 agency with regard to the physical condition of the chassis.

20 (e) A marine or rail terminal operator may not threaten,
21 coerce, or otherwise retaliate against a driver for
22 requesting that the intermodal chassis be reinspected or
23 repaired or for contacting a law enforcement agency with
24 regard to the physical condition of a chassis. A violation of
25 this subsection (e) is a Class B misdemeanor.

26 Section 20. Maintenance and inspection of records.

27 (a) Records of each inspection conducted under this Act
28 must be:

29 (1) maintained for 90 days at the marine or rail
30 terminal where each chassis is inspected;

31 (2) made available upon request by any authorized
32 employee of the Secretary of State; and

33 (3) made available during normal business hours to

1 any motor carrier, driver, or authorized representative
2 of a motor carrier who has been engaged to transport an
3 intermodal container on a chassis inspected under this
4 Section from the marine or rail terminal.

5 (b) Records of maintenance or repairs performed
6 according to the inspection in Section 15 must be:

7 (1) maintained for 2 years at the marine or rail
8 terminal; and

9 (2) made available upon request of the Secretary of
10 State.

11 (c) Requests for reinspection under subsection (d) of
12 Section 15 must be recorded in the intermodal chassis
13 maintenance file and must be maintained and made available as
14 provided in subsection (a) of this Section.

15 (d) Records of inspections, maintenance, or repairs may
16 be kept in a computer system if printouts of those records
17 may be provided upon request.

18 Section 25. Compliance with the intermodal chassis
19 roadability inspection program.

20 (a) The Secretary of State must conduct, on a random
21 basis and at least twice per year, an on-site review of each
22 marine or rail terminal to determine whether the terminal is
23 complying with the requirements of this Act, including but
24 not limited to inspection, tagging, segregation and repair,
25 and record keeping.

26 (b) After an inspection in which the Secretary
27 determines that a marine or rail terminal operator has failed
28 to comply with any requirement of this Act, the Secretary
29 must:

30 (1) direct the marine or rail terminal to comply
31 immediately with the requirements of this Act;

32 (2) impose on the marine or rail terminal a fine of
33 \$100 for every day, after the day of inspection, that the

1 terminal fails to comply with the requirements of this
2 Act;

3 (3) after 10 days of noncompliance, immediately
4 forward a recommendation to the Illinois Commerce
5 Commission to suspend the terminal's motor carrier of
6 property license, and forward a recommendation to the
7 Federal Motor Carrier Safety Administration for
8 administrative or other action deemed necessary against
9 the terminal's interstate operating authority.

10 (c) If a marine or rail terminal has not complied with
11 the requirements of this Act within 20 days of the inspection
12 which revealed the noncompliance, or if any inspection
13 results in an unsatisfactory rating due to conditions
14 presenting an imminent danger to the public safety, the
15 Illinois Commerce Commission must revoke the marine or rail
16 terminal's motor carrier of property license.

17 Section 30. Inspection by a State Police officer.

18 (a) Any State Police officer, in the performance of his
19 or her duties, is authorized to enter upon and perform
20 inspections of green-tagged chassis at any marine or rail
21 terminal which are intended to be tendered to or interchanged
22 with a motor carrier for use on a highway.

23 (b) If the officer determines that any green-tagged
24 chassis is not roadworthy, the marine or rail terminal
25 operator is guilty of a petty offense punishable by a fine of
26 \$500 per occurrence.

27 Section 35. Responsibility for violations.

28 (a) A citation issued for violation of this Act related
29 to the defective condition of an intermodal chassis must be
30 issued to the marine or rail terminal operator responsible
31 for the inspection and maintenance of the chassis, unless (i)
32 the chassis is owned by the driver of the commercial vehicle

1 or (ii) the defective condition of the chassis was caused by
2 the failure of the motor carrier or its driver to operate the
3 commercial vehicle in a safe manner.

4 Section 40. Hold-harmless clauses void. Any provision in
5 a contract between an owner or lessee of an intermodal
6 chassis and a driver that contains a hold-harmless or
7 indemnity clause concerning defects in the physical condition
8 of the intermodal chassis is void as against public policy.
9 This Section does not apply to damage to the intermodal
10 chassis caused by the negligent or willful failure of the
11 motor carrier or its driver to operate the commercial vehicle
12 in a safe manner.

13 Section 45. Rules. The Secretary of State must adopt
14 rules for implementing this Act.

15 Section 50. Effect of this Act. Nothing in this Act
16 relieves a commercial driver or commercial motor carrier of
17 any duty under State or federal law regarding the safe
18 operation of a commercial motor vehicle.