

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 Container Safety Act.

6 Section 5. Findings. The Legislature finds and declares
7 the following:

8 (a) Under Section 15-111 of the Illinois Vehicle Code,
9 vehicles must meet certain gross vehicle weight restrictions
10 to travel on State roadways. In addition, most states
11 regulate the allowable gross weight on a single axle or set
12 of axles. Often, however, these axle weight limits are
13 violated because containers are loaded with cargo well beyond
14 any vehicle's axle or overall weight-bearing capacity.

15 (b) Transporting overweight containers on public
16 roadways presents significant dangers to the driver and the
17 public. Due to the weight, balance, and force of the load, a
18 driver transporting an overweight or improperly loaded
19 container requires increased braking distance to reach a
20 complete stop. Moreover, a higher center of gravity, coupled
21 with an overweight or unbalanced load, increases the risk of
22 chassis separation and a flipped rig when a driver makes a
23 turn.

24 (c) The Secretary of State should pursue more strict
25 enforcement of existing State and federal laws regarding
26 improperly packed or unsafely loaded intermodal containers
27 and maximum vehicle weight restrictions.

28 Section 10. Applicability

29 (a) Any marine terminal that receives and dispatches
30 intermodal containers must implement the intermodal container

1 safety program, as described in this Act.

2 (b) A Marine terminal operator may not tender to, or
3 interchange with, a motor carrier an intermodal container
4 that, when loaded upon a vehicle, causes the vehicle to
5 exceed the State's axle weight restrictions or federal gross
6 vehicle weight restrictions. Any marine terminal operator
7 tendering to a motor carrier a container violating this
8 subsection (b) is guilty of a petty offense punishable by a
9 fine of \$500 per occurrence.

10 (c) A marine terminal operator may not tender to, or
11 interchange with, a motor carrier an intermodal container
12 that, upon inspection, is determined to be improperly packed
13 or unsafely loaded. Any marine terminal operator tendering to
14 a motor carrier a container violating this subsection (c) is
15 guilty of a petty offense punishable by a fine of \$500 per
16 occurrence.

17 (d) Nothing in this Act is meant to supersede the
18 federal weight restrictions provided in 49 C.F.R. 5903.
19 Rather, this Act imposes compliance with both the Illinois
20 Vehicle Code's axle weight restrictions and federal gross
21 vehicle weight restrictions.

22 Section 15. Intermodal container safety program.

23 (a) Marine terminal operators must weigh and inspect all
24 containers upon the container's arrival at the terminal.
25 Containers that weigh less than or equal to an amount that,
26 when loaded upon a vehicle, does not cause the vehicle to
27 exceed the State's axle weight restrictions, and are
28 determined upon inspection to be safely loaded and properly
29 packed, must be marked with a green tag and placed in an area
30 designated for interchange to a motor carrier. The tag must:

31 (1) indicate the names of the persons who weighed
32 and inspected the container;

33 (2) show the date and time that the container was

1 weighed and inspected;

2 (3) indicate the weight of the container and
3 determination of the inspection; and

4 (4) designate the appropriate vehicle, with the
5 necessary number of axles, for transporting that
6 container.

7 (b) The tag must be provided by the ocean marine
8 terminal operator and must meet specifications determined by
9 the Secretary of State.

10 (c) If, however, a container weighs more than an amount
11 that, when loaded upon a vehicle, causes the vehicle to
12 exceed the State's axle weight restrictions, or is determined
13 upon inspection to be improperly packed or unsafely loaded,
14 the container must be marked with a red tag and must be
15 transported to a facility located at the ocean marine
16 terminal to be unloaded and repacked.

17 Alternatively, the marine terminal operator may return
18 the overweight container to its original sender. The marine
19 terminal must bear the costs of transporting the container to
20 the facility and unloading and repacking the container,
21 however; and to ensure both compliance and reimbursement, a
22 container may be embargoed until payment is received.

23 (d) Once a container has been unloaded and repacked, and
24 has been determined to be of proper weight and safely loaded,
25 it must be green-tagged and transported to an area designated
26 for interchange to a motor carrier.

27 (e) If an overweight, improperly packed, or unsafely
28 loaded container, regardless of whether it has been
29 green-tagged or red-tagged, is interchanged to a motor
30 carrier, and the motor carrier has not yet left the terminal:

31 (1) the driver may request that the container be
32 reweighed or repacked by the entity responsible for
33 weighing and inspecting the container under this Act;

34 (2) the driver must be compensated by the marine

1 terminal at \$100 per hour for time spent transporting the
2 container to the unloading and repacking facility and
3 locating a container that, when loaded upon vehicle, does
4 not cause the vehicle to exceed the State's axle weight
5 restrictions or highway safety rules; and

6 (3) any request for reweighing or repacking and any
7 corrective action taken, or the reason why corrective
8 action was not taken, must be recorded in the intermodal
9 container maintenance file, as provided in Section 20.

10 Alternatively, the driver may contact a law enforcement
11 agency with regard to the weight of the container.

12 (f) A marine terminal operator may not threaten, coerce,
13 or otherwise retaliate against a driver for requesting that a
14 container be reweighed or repacked or for contacting a law
15 enforcement agency with regard to the weight or safety of an
16 intermodal container. Violation of this subsection (f) is a
17 Class B misdemeanor.

18 (g) If an overweight, improperly packed, or unsafely
19 loaded container is interchanged to a motor carrier, and the
20 motor carrier has left the terminal, the marine terminal is
21 responsible for any time during which the motor carrier is
22 detained by State officials for violations of this Act. The
23 marine terminal must pay the driver at the rate specified in
24 the contract plus \$100 per hour for all time spent related to
25 the infraction.

26 (h) Any citation, summons, or complaint issued as a
27 result of a violation of a State axle weight limitation must
28 be issued to the marine terminal operator responsible for
29 weighing and inspecting the container.

30 Section 20. Maintenance and inspection of records.

31 (a) Records regarding the weight and inspection of each
32 container entering an ocean marine terminal must be:

33 (1) maintained for 90 days at the marine terminal

1 where each container is weighed and inspected;

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

4 (3) made available during normal business hours to
5 any motor carrier, driver, or authorized representative
6 of a motor carrier who has been engaged to transport a
7 container from the marine terminal.

8 (b) Records must be kept for any container that must be
9 unloaded and repacked under Section 15. The records must be:

10 (1) maintained for 2 years at the marine terminal;

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

13 (3) made available during normal business hours to
14 any motor carrier, driver, or authorized representative
15 of a motor carrier who has been engaged to transport a
16 container from the marine terminal.

17 (c) Requests made under subdivision (e)(i) of Section 15
18 that a container be reweighed or repacked must be recorded in
19 the intermodal container safety file and must be maintained
20 and made available according to subsection (a) of this
21 Section.

22 (d) These records may be kept in a computer system if
23 printouts of the records are provided upon request.

24 Section 25. Compliance with and enforcement of the
25 intermodal container safety program.

26 (a) The Secretary of State must, on a random basis and
27 at least once per year, conduct on-site reviews of marine
28 terminals to determine whether the terminal is complying with
29 the requirements of this Act, including but not limited to
30 weighing and inspecting intermodal containers, their tagging,
31 segregation and repacking, and record keeping.

32 (b) If the Secretary of State determines through an
33 inspection that a marine terminal operator has failed to

1 comply with any requirement of this Act:

2 (1) the Secretary must require the marine terminal
3 to comply immediately with the requirements of the Act;

4 (2) the marine terminal operator is guilty of a
5 petty offense punishable by a fine of \$100 for every day
6 of noncompliance after the day of inspection;

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

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

21 Section 30. Inspection by a State Police officer.

22 (a) Any State Police officer, in the performance of his
23 or her duties, is authorized to enter at any time a marine
24 terminal to weigh or inspect any intermodal containers that
25 have been green-tagged.

26 (b) If the officer determines that any green-tagged
27 container, when loaded upon a vehicle with the appropriate
28 number of axles as specified on the green tag, would cause
29 that vehicle to exceed the State's axle weight restrictions
30 or federal gross vehicle weight restrictions, or if the
31 officer determines that a container is improperly packed or
32 unsafely loaded, the marine terminal operator is guilty of a
33 petty offense punishable by a fine of \$1,000 per overweight

1 or unsafe container, in addition to the penalties listed in
2 Section 25.

3 Section 35. Rules. The Secretary of State must adopt
4 rules for implementing this Act.

5 Section 40. Effect of this Act. Nothing in this Act
6 relieves a commercial driver or commercial motor carrier of
7 any duty imposed by State or federal law regarding the safe
8 operation of a commercial motor vehicle.