

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 Sections 18b-101 and 18b-105 as follows:

6 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

7 Sec. 18b-101. Definitions. Unless the context otherwise
8 clearly requires, as used in this Chapter:

9 "Agricultural commodities" means any agricultural
10 commodity, non-processed food, feed, fiber, or livestock,
11 including insects.

12 "Agricultural operations" means the operation of a motor
13 vehicle or combination of vehicles transporting agricultural
14 commodities or farm supplies for agricultural purposes.

15 "Air mile" means a nautical mile, which is equivalent to
16 6,076 feet or 1,852 meters. Accordingly, 100 air miles are
17 equivalent to 115.08 statute miles or 185.2 kilometers.

18 "Commercial motor vehicle" means any self propelled or
19 towed vehicle used on public highways in interstate and
20 intrastate commerce to transport passengers or property when
21 the vehicle has a gross vehicle weight, a gross vehicle weight
22 rating, a gross combination weight, or a gross combination
23 weight rating of 10,001 or more pounds; or the vehicle is used
24 or designed to transport more than 15 passengers, including the
25 driver; or the vehicle is designed to carry 15 or fewer
26 passengers and is operated by a contract carrier transporting
27 employees in the course of their employment on a highway of
28 this State; or the vehicle is used or designed to transport
29 between 9 and 15 passengers, including the driver, for direct
30 compensation, if the vehicle is being operated beyond a radius
31 of 75 air miles (86.3 statute miles or 138.9 kilometers) from
32 the driver's normal work reporting location; or the vehicle is

1 used in the transportation of hazardous materials in a quantity
2 requiring placarding under the Illinois Hazardous Materials
3 Transportation Act. This definition shall not include farm
4 machinery, fertilizer spreaders, and other special
5 agricultural movement equipment described in Section 3-809 nor
6 implements of husbandry as defined in Section 1-130;

7 "Direct compensation" means payment made to the motor
8 carrier by the passengers or a person acting on behalf of the
9 passengers for the transportation services provided, and not
10 included in a total package charge or other assessment for
11 highway transportation services;

12 "Farm supplies for agricultural purposes" means products
13 directly related to the growing or harvesting of agricultural
14 commodities and livestock feed at any time of the year;

15 "Livestock" means cattle, sheep, goats, swine, poultry
16 (including egg-producing poultry), fish used for food, and
17 other animals designated by the Secretary of the United States
18 Department of Transportation (at his or her sole discretion)
19 that are part of a foundation herd (including producing dairy
20 cattle) or offspring;

21 "Officer" means Illinois State Police Officer;

22 "Person" means any natural person or individual,
23 governmental body, firm, association, partnership,
24 copartnership, joint venture, company, corporation, joint
25 stock company, trust, estate or any other legal entity or their
26 legal representative, agent or assigns.

27 (Source: P.A. 92-108, eff. 1-1-02; 93-860, eff. 8-4-04.)

28 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

29 Sec. 18b-105. Rules and Regulations.

30 (a) The Department is authorized to make and adopt
31 reasonable rules and regulations and orders consistent with law
32 necessary to carry out the provisions of this Chapter.

33 (b) The following parts of Title 49 of the Code of Federal
34 Regulations, as now in effect, are hereby adopted by reference
35 as though they were set out in full:

1 Part 40 - Procedures For Transportation Workplace Drug and
2 Alcohol Testing Programs;

3 Part 380 - Special Training Requirements;

4 Part 382 - Controlled Substances and Alcohol Use and
5 Testing;

6 Part 383 - Commercial Driver's License Standards,
7 Requirements, and Penalties;

8 Part 385 - Safety Fitness Procedures;

9 Part 386 Appendix B - Penalty Schedule; Violations and
10 Maximum Monetary Penalties;

11 Part 387 - Minimum Levels of Financial Responsibility for
12 Motor Carriers;

13 Part 390 - Federal Motor Carrier Safety Regulations:
14 General;

15 Part 391 - Qualifications of Drivers;

16 Part 392 - Driving of Motor Vehicles;

17 Part 393 - Parts and Accessories Necessary for Safe
18 Operation;

19 Part 395 - Hours of Service of Drivers, except as provided
20 in Section 18b-106.1;

21 Part 396 - Inspection, Repair and Maintenance; and

22 Part 397 - Transportation of hazardous materials; Driving
23 and Parking Rules.

24 (b-5) Individuals who meet the requirements set forth in
25 the definition of "medical examiner" in Section 390.5 of Part
26 390 of Title 49 of the Code of Federal Regulations may act as
27 medical examiners in accordance with Part 391 of Title 49 of
28 the Code of Federal Regulations.

29 (c) The following parts and Sections of the Federal Motor
30 Carrier Safety Regulations shall not apply to those intrastate
31 carriers, drivers or vehicles subject to subsection (b).

32 (1) Section 393.93 of Part 393 for those vehicles
33 manufactured before June 30, 1972.

34 (2) Section 393.86 of Part 393 for those vehicles
35 registered as farm trucks under subsection (c) of Section
36 3-815 of this Code.

1 (3) (Blank).

2 (4) (Blank).

3 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

4 (6) All of Part 395 for all agricultural operations
5 ~~movements~~ as defined in Section 18b-101 of this Chapter at
6 any time of the year 1, between the period of February 1
7 ~~through November 30 each year,~~ and all farm to market
8 agricultural transportation as defined in Chapter 1 and for
9 grain hauling operations within a radius of 200 air miles
10 of the normal work reporting location.

11 (7) Paragraphs (b) (3) (insulin dependent diabetic) and
12 (b) (10) (minimum visual acuity) of Section 391.41 of part
13 391, but only for any driver who immediately prior to July
14 29, 1986 was eligible and licensed to operate a motor
15 vehicle subject to this Section and was engaged in
16 operating such vehicles, and who was disqualified on July
17 29, 1986 by the adoption of Part 391 by reason of the
18 application of paragraphs (b) (3) and (b) (10) of Section
19 391.41 with respect to a physical condition existing at
20 that time unless such driver has a record of accidents
21 which would indicate a lack of ability to operate a motor
22 vehicle in a safe manner.

23 (d) Intrastate carriers subject to the recording
24 provisions of Section 395.8 of Part 395 of the Federal Motor
25 Carrier Safety Regulations shall be exempt as established under
26 paragraph (1) of Section 395.8; provided, however, for the
27 purpose of this Code, drivers shall operate within a 150
28 air-mile radius of the normal work reporting location to
29 qualify for exempt status.

30 (e) Regulations adopted by the Department subsequent to
31 those adopted under subsection (b) hereof shall be identical in
32 substance to the Federal Motor Carrier Safety Regulations of
33 the United States Department of Transportation and adopted in
34 accordance with the procedures for rulemaking in Section 5-35
35 of the Illinois Administrative Procedure Act.

36 (Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05.)

1 (625 ILCS 5/1-101.6 rep.)

2 Section 10. The Illinois Vehicle Code is amended by
3 repealing Section 1-101.6.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.