



Sen. John M. Sullivan

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09400HB0708sam001

LRB094 05958 DRH 49679 a

1 AMENDMENT TO HOUSE BILL 708

2 AMENDMENT NO. _____. Amend House Bill 708 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 driver; or the vehicle is designed to carry 15 or fewer
2 passengers and is operated by a contract carrier transporting
3 employees in the course of their employment on a highway of
4 this State; or the vehicle is used or designed to transport
5 between 9 and 15 passengers, including the driver, for direct
6 compensation, if the vehicle is being operated beyond a radius
7 of 75 air miles (86.3 statute miles or 138.9 kilometers) from
8 the driver's normal work reporting location; or the vehicle is
9 used in the transportation of hazardous materials in a quantity
10 requiring placarding under the Illinois Hazardous Materials
11 Transportation Act. This definition shall not include farm
12 machinery, fertilizer spreaders, and other special
13 agricultural movement equipment described in Section 3-809 nor
14 implements of husbandry as defined in Section 1-130;

15 "Direct compensation" means payment made to the motor
16 carrier by the passengers or a person acting on behalf of the
17 passengers for the transportation services provided, and not
18 included in a total package charge or other assessment for
19 highway transportation services;

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

23 "Livestock" means cattle, sheep, goats, swine, poultry
24 (including egg-producing poultry), fish used for food, and
25 other animals designated by the Secretary of the United States
26 Department of Transportation (at his or her sole discretion)
27 that are part of a foundation herd (including producing dairy
28 cattle) or offspring;

29 "Officer" means Illinois State Police Officer;

30 "Person" means any natural person or individual,
31 governmental body, firm, association, partnership,
32 copartnership, joint venture, company, corporation, joint
33 stock company, trust, estate or any other legal entity or their
34 legal representative, agent or assigns.

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

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

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

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

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

10 Part 40 - Procedures For Transportation Workplace Drug and
11 Alcohol Testing Programs;

12 Part 380 - Special Training Requirements;

13 Part 382 - Controlled Substances and Alcohol Use and
14 Testing;

15 Part 383 - Commercial Driver's License Standards,
16 Requirements, and Penalties;

17 Part 385 - Safety Fitness Procedures;

18 Part 386 Appendix B - Penalty Schedule; Violations and
19 Maximum Monetary Penalties;

20 Part 387 - Minimum Levels of Financial Responsibility for
21 Motor Carriers;

22 Part 390 - Federal Motor Carrier Safety Regulations:
23 General;

24 Part 391 - Qualifications of Drivers;

25 Part 392 - Driving of Motor Vehicles;

26 Part 393 - Parts and Accessories Necessary for Safe
27 Operation;

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

30 Part 396 - Inspection, Repair and Maintenance; and

31 Part 397 - Transportation of hazardous materials; Driving
32 and Parking Rules.

33 (b-5) Individuals who meet the requirements set forth in

1 the definition of "medical examiner" in Section 390.5 of Part
2 390 of Title 49 of the Code of Federal Regulations may act as
3 medical examiners in accordance with Part 391 of Title 49 of
4 the Code of Federal Regulations.

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

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

10 (2) Section 393.86 of Part 393 for those vehicles
11 registered as farm trucks under subsection (c) of Section
12 3-815 of this Code.

13 (3) (Blank).

14 (4) (Blank).

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

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

23 (7) Paragraphs (b) (3) (insulin dependent diabetic) and
24 (b) (10) (minimum visual acuity) of Section 391.41 of part
25 391, but only for any driver who immediately prior to July
26 29, 1986 was eligible and licensed to operate a motor
27 vehicle subject to this Section and was engaged in
28 operating such vehicles, and who was disqualified on July
29 29, 1986 by the adoption of Part 391 by reason of the
30 application of paragraphs (b) (3) and (b) (10) of Section
31 391.41 with respect to a physical condition existing at
32 that time unless such driver has a record of accidents
33 which would indicate a lack of ability to operate a motor
34 vehicle in a safe manner.

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

8 (e) Regulations adopted by the Department subsequent to
9 those adopted under subsection (b) hereof shall be identical in
10 substance to the Federal Motor Carrier Safety Regulations of
11 the United States Department of Transportation and adopted in
12 accordance with the procedures for rulemaking in Section 5-35
13 of the Illinois Administrative Procedure Act.

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

15 (625 ILCS 5/1-101.6 rep.)

16 Section 10. The Illinois Vehicle Code is amended by
17 repealing Section 1-101.6.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."