

HB2534



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2534

Introduced 2/20/2009, by Rep. Raymond Poe

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-112

from Ch. 95 1/2, par. 15-112

Amends the Illinois Vehicle Code. Provides that from September 15 through November 30 of each calendar year, State Police officers may not use portable scales to weigh vehicles transporting commodities or goods of production agriculture on non-interstate highways. Effective immediately.

LRB096 08423 AJT 18536 b

A BILL FOR

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 Section 15-112 as follows:

6 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

7 Sec. 15-112. Officers to weigh vehicles and require removal
8 of excess loads.

9 (a) Any police officer having reason to believe that the
10 weight of a vehicle and load is unlawful shall require the
11 driver to stop and submit to a weighing of the same either by
12 means of a portable or stationary scales that have been tested
13 and approved at a frequency prescribed by the Illinois
14 Department of Agriculture, or for those scales operated by the
15 State, when such tests are requested by the Department of State
16 Police, whichever is more frequent. If such scales are not
17 available at the place where such vehicle is stopped, the
18 police officer shall require that such vehicle be driven to the
19 nearest available scale that has been tested and approved
20 pursuant to this Section by the Illinois Department of
21 Agriculture. Notwithstanding any provisions of the Weights and
22 Measures Act or the United States Department of Commerce NIST
23 handbook 44, multi or single draft weighing is an acceptable

1 method of weighing by law enforcement for determining a
2 violation of Chapter 3 or 15 of this Code. Law enforcement is
3 exempt from the requirements of commercial weighing
4 established in NIST handbook 44.

5 Within 18 months after the effective date of this
6 amendatory Act of the 91st General Assembly, all municipal and
7 county officers, technicians, and employees who set up and
8 operate portable scales for wheel load or axle load or both and
9 issue citations based on the use of portable scales for wheel
10 load or axle load or both and who have not successfully
11 completed initial classroom and field training regarding the
12 set up and operation of portable scales, shall attend and
13 successfully complete initial classroom and field training
14 administered by the Illinois Law Enforcement Training
15 Standards Board.

16 (b) Whenever an officer, upon weighing a vehicle and the
17 load, determines that the weight is unlawful, such officer
18 shall require the driver to stop the vehicle in a suitable
19 place and remain standing until such portion of the load is
20 removed as may be necessary to reduce the weight of the vehicle
21 to the limit permitted under this Chapter, or to the limit
22 permitted under the terms of a permit issued pursuant to
23 Sections 15-301 through 15-318 and shall forthwith arrest the
24 driver or owner. All material so unloaded shall be cared for by
25 the owner or operator of the vehicle at the risk of such owner
26 or operator; however, whenever a 3 or 4 axle vehicle with a

1 tandem axle dimension greater than 72 inches, but less than 96
2 inches and registered as a Special Hauling Vehicle is
3 transporting asphalt or concrete in the plastic state that
4 exceeds axle weight or gross weight limits by less than 4,000
5 pounds, the owner or operator of the vehicle shall accept the
6 arrest ticket or tickets for the alleged violations under this
7 Section and proceed without shifting or reducing the load being
8 transported or may shift or reduce the load under the
9 provisions of subsection (d) or (e) of this Section, when
10 applicable. Any fine imposed following an overweight violation
11 by a vehicle registered as a Special Hauling Vehicle
12 transporting asphalt or concrete in the plastic state shall be
13 paid as provided in subsection 4 of paragraph (a) of Section
14 16-105 of this Code.

15 (c) The Department of Transportation may, at the request of
16 the Department of State Police, erect appropriate regulatory
17 signs on any State highway directing second division vehicles
18 to a scale. The Department of Transportation may also, at the
19 direction of any State Police officer, erect portable
20 regulating signs on any highway directing second division
21 vehicles to a portable scale. Every such vehicle, pursuant to
22 such sign, shall stop and be weighed.

23 (c-1) Beginning on September 15, and through November 30,
24 of each calendar year, State Police officers may not use
25 portable scales to weigh vehicles transporting commodities or
26 goods of production agriculture as defined in Section 3-35 of

1 the Use Tax Act on non-interstate highways.

2 (d) Whenever any axle load of a vehicle exceeds the axle or
3 tandem axle weight limits permitted by paragraph (a) or (f) of
4 Section 15-111 by 2000 pounds or less, the owner or operator of
5 the vehicle must shift or remove the excess so as to comply
6 with paragraph (a) or (f) of Section 15-111. No overweight
7 arrest ticket shall be issued to the owner or operator of the
8 vehicle by any officer if the excess weight is shifted or
9 removed as required by this paragraph.

10 (e) Whenever the gross weight of a vehicle with a
11 registered gross weight of 73,280 pounds or less exceeds the
12 weight limits of paragraph (b) or (f) of Section 15-111 of this
13 Chapter by 2000 pounds or less, the owner or operator of the
14 vehicle must remove the excess. Whenever the gross weight of a
15 vehicle with a registered gross weight of 73,281 pounds or more
16 exceeds the weight limits of paragraph (b) or (f) of Section
17 15-111 by 1,000 pounds or less or 2,000 pounds or less if
18 weighed on wheel load weighers, the owner or operator of the
19 vehicle must remove the excess. In either case no arrest ticket
20 for any overweight violation of this Code shall be issued to
21 the owner or operator of the vehicle by any officer if the
22 excess weight is removed as required by this paragraph. A
23 person who has been granted a special permit under Section
24 15-301 of this Code shall not be granted a tolerance on wheel
25 load weighers.

26 (f) Whenever an axle load of a vehicle exceeds axle weight

1 limits allowed by the provisions of a permit an arrest ticket
2 shall be issued, but the owner or operator of the vehicle may
3 shift the load so as to comply with the provisions of the
4 permit. Where such shifting of a load to comply with the permit
5 is accomplished, the owner or operator of the vehicle may then
6 proceed.

7 (g) Any driver of a vehicle who refuses to stop and submit
8 his vehicle and load to weighing after being directed to do so
9 by an officer or removes or causes the removal of the load or
10 part of it prior to weighing is guilty of a business offense
11 and shall be fined not less than \$500 nor more than \$2,000.

12 (Source: P.A. 91-129, eff. 7-16-99; 92-417, eff. 1-1-02.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.