

1 AN ACT concerning highways.

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

4 Section 5. The Illinois Highway Code is amended by adding
5 Section 9-119.5 as follows:

6 (605 ILCS 5/9-119.5 new)

7 Sec. 9-119.5. Hay harvesting permit.

8 (a) The Department may issue a hay harvesting permit
9 authorizing the mowing and harvesting of hay on a specified
10 right-of-way in this State. An owner or owner's designee has
11 priority until July 30 of each year to receive a permit for the
12 portion of right-of-way that is adjacent to the owner's land.
13 After July 30 of each year, a permit may be issued to an
14 applicant that is not the owner of the land adjacent to the
15 right-of-way for a maximum distance of 5 miles each year. A
16 permit issued under this subsection may be valid from July 15
17 of each year until September 15 of each year, and the
18 Department must include the timeframe that the permit is valid
19 on every permit issued under this subsection. Commencement of
20 harvesting activity notice instructions must be included on
21 every permit under this subsection in accordance with paragraph
22 (1) of subsection (c) of this Section. The non-refundable
23 application fee for every permit under this subsection is \$40,

1 and all fees collected by the Department shall be deposited
2 into the Road Fund.

3 (b) An applicant for a permit in subsection (a) must:

4 (1) sign a release acknowledging that the applicant (i)
5 assumes all risk for the quality of the hay harvested under
6 the permit, (ii) assumes all liability for accidents or
7 injury that results from the activities permitted by the
8 Department, (iii) is liable for any damage to the
9 right-of-way described in paragraphs (5) and (6) of
10 subsection (c), and (iv) understands that the State or any
11 instrumentality thereof assumes no risk or liability for
12 the activities permitted by the Department;

13 (2) demonstrate proof that a liability insurance
14 policy in the amount of not less than \$1,000,000 is in
15 force to cover any accident, damage, or loss that may occur
16 to persons or property as a result of the activities
17 permitted by the Department; and

18 (3) pay a non-refundable application fee of \$40.

19 (c) The usage of a permit in subsection (a) is subject to
20 the following limitations:

21 (1) The permittee must give the Department 48 hours
22 notice prior to commencing any activities permitted by the
23 Department;

24 (2) The permittee must identify the location of noxious
25 weeds pursuant to the Noxious Weed Law. Noxious weeds may
26 be mowed but may not be windrowed or baled;

1 (3) The permittee may use the permit only during the
2 timeframes specified on the permit;

3 (4) The permittee must carry a copy of the permit at
4 all times while performing the activities permitted by the
5 Department;

6 (5) The permittee may use the permit only when soil in
7 the right-of-way is dry enough to prevent rutting or other
8 similar type of damage to the right-of-way; and

9 (6) The permittee may not alter, damage, or remove any
10 right-of-way markers, land monuments, fences, signs,
11 trees, shrubbery or similar landscape vegetation, or other
12 highway features or structures.

13 (d) The Department may immediately terminate a permit in
14 subsection (a) issued to a permittee for failure to comply with
15 the use limitations of subsection (c).

16 (e) The Department or the permittee may cancel the permit
17 at any time upon 3 days written notice.

18 (f) The Department may promulgate rules for the
19 administration of this Section.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.