



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5924

Introduced 2/16/2012, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-316

from Ch. 95 1/2, par. 15-316

Amends the Illinois Vehicle Code. Limits the concurrent exercise of home rule powers with respect to penalties for exceeding vehicle weight limits.

LRB097 18743 HEP 63978 b

HOME RULE NOTE
ACT MAY APPLY

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 15-316 as follows:

6 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

7 Sec. 15-316. When the Department or local authority may
8 restrict right to use highways.

9 (a) Except as provided in subsection (g), local authorities
10 with respect to highways under their jurisdiction may by
11 ordinance or resolution prohibit the operation of vehicles upon
12 any such highway or impose restrictions as to the weight of
13 vehicles to be operated upon any such highway, for a total
14 period of not to exceed 90 days in any one calendar year,
15 whenever any said highway by reason of deterioration, rain,
16 snow, or other climate conditions will be seriously damaged or
17 destroyed unless the use of vehicles thereon is prohibited or
18 the permissible weights thereof reduced.

19 (b) The local authority enacting any such ordinance or
20 resolution shall erect or cause to be erected and maintained
21 signs designating the provision of the ordinance or resolution
22 at each end of that portion of any highway affected thereby,
23 and the ordinance or resolution shall not be effective unless

1 and until such signs are erected and maintained.

2 (c) Local authorities with respect to highways under their
3 jurisdiction may also, by ordinance or resolution, prohibit the
4 operation of trucks or other commercial vehicles, or may impose
5 limitations as to the weight thereof, on designated highways,
6 which prohibitions and limitations shall be designated by
7 appropriate signs placed on such highways.

8 (c-1) (Blank).

9 (d) The Department shall likewise have authority as
10 hereinbefore granted to local authorities to determine by
11 resolution and to impose restrictions as to the weight of
12 vehicles operated upon any highway under the jurisdiction of
13 said department, and such restrictions shall be effective when
14 signs giving notice thereof are erected upon the highway or
15 portion of any highway affected by such resolution.

16 (d-1) (Blank).

17 (d-2) (Blank).

18 (e) When any vehicle is operated in violation of this
19 Section, the owner or driver of the vehicle shall be deemed
20 guilty of a violation and either the owner or the driver of the
21 vehicle may be prosecuted for the violation. Any person, firm,
22 or corporation convicted of violating this Section shall be
23 fined \$50 for any weight exceeding the posted limit up to the
24 axle or gross weight limit allowed a vehicle as provided for in
25 subsections (a) or (b) of Section 15-111 and \$75 per every 500
26 pounds or fraction thereof for any weight exceeding that which

1 is provided for in subsections (a) or (b) of Section 15-111.

2 (f) A municipality is authorized to enforce a county weight
3 limit ordinance applying to county highways within its
4 corporate limits and is entitled to the proceeds of any fines
5 collected from the enforcement. A municipality may not adopt an
6 ordinance that provides for penalties greater than the
7 penalties listed in Section 15-113 of this Code. This
8 subsection is a limitation under subsection (i) of Section 6 of
9 Article VII of the Illinois Constitution on the concurrent
10 exercise by home rule units of powers and functions exercised
11 by the State.

12 (g) An ordinance or resolution enacted by a county or
13 township pursuant to subsection (a) of this Section shall not
14 apply to cargo tank vehicles with two or three permanent axles
15 when delivering propane for emergency heating purposes if the
16 cargo tank is loaded at no more than 50 percent capacity, the
17 gross vehicle weight of the vehicle does not exceed 32,000
18 pounds, and the driver of the cargo tank vehicle notifies the
19 appropriate agency or agencies with jurisdiction over the
20 highway before driving the vehicle on the highway pursuant to
21 this subsection. The cargo tank vehicle must have an operating
22 gauge on the cargo tank which indicates the amount of propane
23 as a percent of capacity of the cargo tank. The cargo tank must
24 have the capacity displayed on the cargo tank, or documentation
25 of the capacity of the cargo tank must be available in the
26 vehicle. For the purposes of this subsection, propane weighs

1 4.2 pounds per gallon. This subsection does not apply to
2 municipalities. Nothing in this subsection shall allow cargo
3 tank vehicles to cross bridges with posted weight restrictions
4 if the vehicle exceeds the posted weight limit.

5 (Source: P.A. 96-1337, eff. 1-1-11.)