

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 18c-4201, 18c-4203, and 18c-4204 as follows:

6 (625 ILCS 5/18c-4201) (from Ch. 95 1/2, par. 18c-4201)
7 Sec. 18c-4201. Licensing cases.

8 (1) Scope of Section. The provisions of this Chapter
9 relating to household goods carrier licensing apply to
10 applications:

11 (a) For a license authorizing a carrier to operate as
12 an intrastate household goods carrier;

13 (b) To transfer a certificate, permit, or license or to
14 change the name on a certificate, permit, or license; and

15 (c) To convert household goods contract carrier
16 authority to household goods common carrier authority.

17 (2) Form and content of household goods carrier licensing
18 applications. Household goods carrier licensing applications
19 shall be on such forms and contain such information as may be
20 prescribed by the Commission, be verified under oath, and shall
21 be accompanied by the required filing fee.

22 (3) Public notice of applications.

23 (a) Review of applications prior to publication. The

1 Commission may provide for preliminary review of each
2 application to determine if it is complete, if it gives
3 adequate notice, and if the authority requested is
4 unenforceably vague or otherwise contrary to the
5 provisions of this Chapter.

6 (b) Authorization to submit application for
7 publication. If the Commission determines after review
8 that the application is defective in any respect, it shall
9 promptly notify the applicant. No application shall be
10 submitted to the official newspaper for publication until
11 after it has been approved for publication, if the
12 Commission has provided for preliminary review. If the
13 Commission does not find that the application is defective,
14 or if it finds that any defects have been removed by
15 amendment, the applicant shall be permitted to submit the
16 application to the official newspaper for publication. The
17 Commission shall complete its review and notify the
18 applicant within 15 days after filing of the application.

19 (c) Additional notice prescribed by the Commission.
20 The Commission may direct applicant to give such further
21 notice in connection with its application as the Commission
22 deems necessary. The Commission may, itself, give such
23 additional notice as it deems necessary.

24 (4) Hearing on licensing applications.

25 (a) Participation at hearing. Any person having
26 standing to participate under this Chapter may appear and

1 participate in a hearing before the Commission to the
2 extent of its standing, provided that the person has
3 complied with Commission regulations concerning the filing
4 of petitions for leave to intervene and like pleadings.
5 Petitions for leave to intervene must be filed within 15
6 days after publication, unless the Commission provides for
7 filing at a later date. The Commission may permit
8 additional persons to appear and participate, on such terms
9 as the Commission shall prescribe, where such
10 participation is deemed necessary to an informed and just
11 resolution of the issues in the proceeding. ~~No shipper
12 representative shall be permitted to testify in support of
13 an application for a motor common carrier certificate or a
14 motor contract carrier permit on the issue of need for
15 service unless:~~

16 ~~(i) A supporting statement was filed on behalf of
17 the shipper at least 10 days prior to the date of
18 testimony; and~~

19 ~~(ii) If the supporting statement was not filed with
20 the application, the statement was served on all
21 parties of record at least 10 days prior to the date of
22 testimony.~~

23 (b) Setting, notice, and hearing. Notwithstanding any
24 contrary provisions in Section 18c-2101 of this Chapter, a
25 hearing shall be held on each licensing application to
26 determine that the requirements of this Chapter have been

1 satisfied, except as otherwise provided in Section
2 18c-4306 of this Chapter. The Commission shall set the
3 hearing at a time not less than 15 days after publication
4 in the official newspaper. The Commission shall serve
5 notice of hearing on each party of record.

6 (c) Issuance of orders after hearing. The Commission
7 may issue summary orders in cases where the licensing
8 application was not opposed in a timely pleading addressed
9 to the Commission, or was opposed in a timely pleading but
10 such opposition was later withdrawn or the parties in
11 opposition waived all right to other than a summary order.
12 Summary orders shall be issued within 10 days after the
13 close of oral hearing or such other period as the
14 Commission may prescribe. Where a party requests, in a
15 properly filed motion for reconsideration or rehearing, a
16 detailed statement of findings and conclusions, the
17 Commission shall vacate the summary order and issue a new
18 order in accordance with Sub-chapters 1 and 2 of this
19 Chapter. Otherwise, orders shall be issued in accordance
20 with provisions of Sub-chapters 1 and 2 of this Chapter.

21 (Source: P.A. 89-444, eff. 1-25-96.)

22 (625 ILCS 5/18c-4203) (from Ch. 95 1/2, par. 18c-4203)

23 Sec. 18c-4203. Household goods contract carrier permits.

24 (1) Prerequisite to operation as a household goods contract
25 carrier. No person shall operate as a household goods contract

1 carrier of property unless such person possesses a household
2 goods contract carrier permit issued by the Commission and in
3 good standing.

4 (2) Requirements for issuance.

5 (a) General requirements. The Commission shall grant
6 an application for a household goods contract carrier
7 permit, in whole or in part, to the extent that it finds
8 that the application was properly filed; ~~supporting~~
9 ~~shippers need the proposed service;~~ the applicant is fit,
10 willing and able to provide the service in compliance with
11 this Chapter, Commission regulations and orders; and
12 issuance of the permit will be consistent with the public
13 interest. Otherwise, the application shall be denied. The
14 burden of proving that the requirements for issuance of a
15 household goods contract carrier permit have been met shall
16 be borne by the applicant.

17 (b) Conversion to household goods common carrier
18 authority. The Commission may, at the request of the
19 holder, authorize the conversion of household goods
20 contract carrier authority to household goods common
21 carrier authority, subject to the same terms, conditions,
22 limitations, and regulations as other household goods
23 common carriers.

24 (c) Cancellation and non-renewal of contracts.
25 Cancellation or non-renewal of a contract, or failure to
26 keep on file with the Commission a copy of a valid

1 contract, shall render a permit void with regard to the
2 involved shipper.

3 (3) Duties and practices of household goods contract
4 carriers.

5 (a) Services. Household goods contract carriers shall
6 provide safe and adequate transportation service to their
7 contracting shippers within the scope of their authorities
8 and contracts and in compliance with this Chapter,
9 Commission regulations and orders.

10 (b) Contracts. Each household goods contract carrier
11 shall file with the Commission a copy of each contract
12 executed under authority of its permit, and shall provide
13 no service except in accordance with contracts on file with
14 the Commission. The Commission may, at any time, reject
15 contracts filed with it which do not comply with the
16 provisions of this Chapter, Commission regulations and
17 orders.

18 (Source: P.A. 89-444, eff. 1-25-96.)

19 (625 ILCS 5/18c-4204) (from Ch. 95 1/2, par. 18c-4204)

20 Sec. 18c-4204. Standards to be considered in issuing common
21 and contract household goods carrier licenses. The Commission
22 shall exercise its discretion in regard to issuance of common
23 carrier of household goods or contract carrier of household
24 goods licenses in accordance with standards enumerated in this
25 Section.

1 (1) Standards relevant to both common and contract
2 household goods carrier licenses. In determining whether to
3 issue a common carrier of household goods certificate or a
4 contract carrier of household goods permit under Sections
5 18c-4202 and 18c-4203 of this Chapter, the Commission shall
6 consider, in addition to other standards enumerated in this
7 Chapter:

8 (a) (Blank) ~~The characteristics of the supporting~~
9 ~~shipper or shippers transportation needs, including the~~
10 ~~total volume of shipments, the amounts handled by existing~~
11 ~~authorized carriers and others, the amounts which would be~~
12 ~~tendered to the applicant, the nature and location of~~
13 ~~points where traffic would be picked up and delivered, and~~
14 ~~any special transportation needs of the supporting shipper~~
15 ~~or shippers or their receiver or receivers;~~

16 (b) The existing authorized carriers' services,
17 including the adequacy of such services and the effect
18 which issuance of a new certificate or permit would have on
19 such services;

20 (c) (Blank) ~~The proposed service, and whether it would~~
21 ~~meet the needs of the supporting shipper or shippers;~~

22 (d) Any evidence bearing on the fitness, willingness,
23 or ability of the applicant, including but not limited to
24 any past history of violations of this Chapter, Commission
25 regulations or orders, whether or not such violations were
26 the subject of an enforcement proceeding; and

1 (e) The effect which issuing the certificate or permit
2 would have on the development, maintenance and
3 preservation of the highways of this State for commercial
4 and other public use.

5 (2) Additional standards relevant to household goods
6 contract carrier licenses. In determining whether to issue a
7 household goods contract carrier permit under Section 18c-4203
8 of this Chapter, the Commission shall consider, in addition to
9 standards enumerated in subsection (1) of this Section or
10 elsewhere in this Sub-chapter:

11 (a) Whether the proposed service is contract carrier
12 service; and

13 (b) The effect which failure to issue the permit would
14 have on the supporting shipper or shippers.

15 (3) Standards not relevant to either household goods common
16 or household goods contract carrier licenses. In determining
17 whether to issue a household goods common carrier certificate
18 or a household goods contract carrier permit under Sections
19 18c-4202 and 18c-4203 of this Chapter, the Commission shall not
20 consider:

21 (a) The mere preference of the supporting shipper or
22 shippers or their receiver or receivers for the applicant's
23 service; or

24 (b) Any illegal operations of the applicant as evidence
25 of shipper need or the inadequacy of existing carriers'
26 services.

1 (Source: P.A. 89-444, eff. 1-25-96.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.