



Rep. Jay Hoffman

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LRB098 10482 JDS 42883 a

1 AMENDMENT TO HOUSE BILL 2741

2 AMENDMENT NO. _____. Amend House Bill 2741 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 15-301 as follows:

6 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

7 Sec. 15-301. Permits for excess size and weight.

8 (a) The Department with respect to highways under its
9 jurisdiction and local authorities with respect to highways
10 under their jurisdiction may, in their discretion, upon
11 application and good cause being shown therefor, issue a
12 special permit authorizing the applicant to operate or move a
13 vehicle or combination of vehicles of a size or weight of
14 vehicle or load exceeding the maximum specified in this Act or
15 otherwise not in conformity with this Act upon any highway
16 under the jurisdiction of the party granting such permit and

1 for the maintenance of which the party is responsible.
2 Applications and permits other than those in written or printed
3 form may only be accepted from and issued to the company or
4 individual making the movement. Except for an application to
5 move directly across a highway, it shall be the duty of the
6 applicant to establish in the application that the load to be
7 moved by such vehicle or combination cannot reasonably be
8 dismantled or disassembled, the reasonableness of which shall
9 be determined by the Secretary of the Department. For the
10 purpose of over length movements, more than one object may be
11 carried side by side as long as the height, width, and weight
12 laws are not exceeded and the cause for the over length is not
13 due to multiple objects. For the purpose of over height
14 movements, more than one object may be carried as long as the
15 cause for the over height is not due to multiple objects and
16 the length, width, and weight laws are not exceeded. For the
17 purpose of an over width movement, more than one object may be
18 carried as long as the cause for the over width is not due to
19 multiple objects and length, height, and weight laws are not
20 exceeded. No state or local agency shall authorize the issuance
21 of excess size or weight permits for vehicles and loads that
22 are divisible and that can be carried, when divided, within the
23 existing size or weight maximums specified in this Chapter. Any
24 excess size or weight permit issued in violation of the
25 provisions of this Section shall be void at issue and any
26 movement made thereunder shall not be authorized under the

1 terms of the void permit. In any prosecution for a violation of
2 this Chapter when the authorization of an excess size or weight
3 permit is at issue, it is the burden of the defendant to
4 establish that the permit was valid because the load to be
5 moved could not reasonably be dismantled or disassembled, or
6 was otherwise nondivisible.

7 (b) The application for any such permit shall: (1) state
8 whether such permit is requested for a single trip or for
9 limited continuous operation; (2) state if the applicant is an
10 authorized carrier under the Illinois Motor Carrier of Property
11 Law, if so, his certificate, registration or permit number
12 issued by the Illinois Commerce Commission; (3) specifically
13 describe and identify the vehicle or vehicles and load to be
14 operated or moved except that for vehicles or vehicle
15 combinations registered by the Department as provided in
16 Section 15-319 of this Chapter, only the Illinois Department of
17 Transportation's (IDT) registration number or classification
18 need be given; (4) state the routing requested including the
19 points of origin and destination, and may identify and include
20 a request for routing to the nearest certified scale in
21 accordance with the Department's rules and regulations,
22 provided the applicant has approval to travel on local roads;
23 and (5) state if the vehicles or loads are being transported
24 for hire. No permits for the movement of a vehicle or load for
25 hire shall be issued to any applicant who is required under the
26 Illinois Motor Carrier of Property Law to have a certificate,

1 registration or permit and does not have such certificate,
2 registration or permit.

3 (c) The Department or local authority when not inconsistent
4 with traffic safety is authorized to issue or withhold such
5 permit at its discretion; or, if such permit is issued at its
6 discretion to prescribe the route or routes to be traveled, to
7 limit the number of trips, to establish seasonal or other time
8 limitations within which the vehicles described may be operated
9 on the highways indicated, or otherwise to limit or prescribe
10 conditions of operations of such vehicle or vehicles, when
11 necessary to assure against undue damage to the road
12 foundations, surfaces or structures, and may require such
13 undertaking or other security as may be deemed necessary to
14 compensate for any injury to any roadway or road structure. The
15 Department shall maintain a daily record of each permit issued
16 along with the fee and the stipulated dimensions, weights,
17 conditions and restrictions authorized and this record shall be
18 presumed correct in any case of questions or dispute. The
19 Department shall install an automatic device for recording
20 applications received and permits issued by telephone. In
21 making application by telephone, the Department and applicant
22 waive all objections to the recording of the conversation.

23 (d) The Department shall, upon application in writing from
24 any local authority, issue an annual permit authorizing the
25 local authority to move oversize highway construction,
26 transportation, utility and maintenance equipment over roads

1 under the jurisdiction of the Department. The permit shall be
2 applicable only to equipment and vehicles owned by or
3 registered in the name of the local authority, and no fee shall
4 be charged for the issuance of such permits.

5 (e) As an exception to paragraph (a) of this Section, the
6 Department and local authorities, with respect to highways
7 under their respective jurisdictions, in their discretion and
8 upon application in writing may issue a special permit for
9 limited continuous operation, authorizing the applicant to
10 move loads of agricultural commodities on a 2 axle single
11 vehicle registered by the Secretary of State with axle loads
12 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
13 Secretary of State with axle loads not to exceed 20%, and on a
14 5 axle vehicle registered by the Secretary of State not to
15 exceed 10% above those provided in Section 15-111. The total
16 gross weight of the vehicle, however, may not exceed the
17 maximum gross weight of the registration class of the vehicle
18 allowed under Section 3-815 or 3-818 of this Code.

19 As used in this Section, "agricultural commodities" means:

20 (1) cultivated plants or agricultural produce grown
21 including, but is not limited to, corn, soybeans, wheat,
22 oats, grain sorghum, canola, and rice;

23 (2) livestock, including but not limited to hogs,
24 equine, sheep, and poultry;

25 (3) ensilage; and

26 (4) fruits and vegetables.

1 Permits may be issued for a period not to exceed 40 days
2 and moves may be made of a distance not to exceed 50 miles from
3 a field, an on-farm grain storage facility, a warehouse as
4 defined in the Illinois Grain Code, or a livestock management
5 facility as defined in the Livestock Management Facilities Act
6 over any highway except the National System of Interstate and
7 Defense Highways. The operator of the vehicle, however, must
8 abide by posted bridge and posted highway weight limits. All
9 implements of husbandry operating under this Section between
10 sunset and sunrise shall be equipped as prescribed in Section
11 12-205.1.

12 (e-1) Upon a declaration by the Governor that an emergency
13 harvest situation exists, a special permit issued by the
14 Department under this Section shall not be required from
15 September 1 through December 31 during harvest season
16 emergencies, provided that the weight does not exceed 20% above
17 the limits provided in Section 15-111. All other restrictions
18 that apply to permits issued under this Section shall apply
19 during the declared time period. With respect to highways under
20 the jurisdiction of local authorities, the local authorities
21 may, at their discretion, waive special permit requirements
22 during harvest season emergencies. This permit exemption shall
23 apply to all vehicles eligible to obtain permits under this
24 Section, including commercial vehicles in use during the
25 declared time period.

26 (f) The form and content of the permit shall be determined

1 by the Department with respect to highways under its
2 jurisdiction and by local authorities with respect to highways
3 under their jurisdiction. Every permit shall be in written form
4 and carried in the vehicle or combination of vehicles to which
5 it refers and shall be open to inspection by any police officer
6 or authorized agent of any authority granting the permit and no
7 person shall violate any of the terms or conditions of such
8 special permit. Violation of the terms and conditions of the
9 permit shall not be deemed a revocation of the permit; however,
10 any vehicle and load found to be off the route prescribed in
11 the permit shall be held to be operating without a permit. Any
12 off route vehicle and load shall be required to obtain a new
13 permit or permits, as necessary, to authorize the movement back
14 onto the original permit routing. No rule or regulation, nor
15 anything herein shall be construed to authorize any police
16 officer, court, or authorized agent of any authority granting
17 the permit to remove the permit from the possession of the
18 permittee unless the permittee is charged with a fraudulent
19 permit violation as provided in paragraph (i). However, upon
20 arrest for an offense of violation of permit, operating without
21 a permit when the vehicle is off route, or any size or weight
22 offense under this Chapter when the permittee plans to raise
23 the issuance of the permit as a defense, the permittee, or his
24 agent, must produce the permit at any court hearing concerning
25 the alleged offense.

26 If the permit designates and includes a routing to a

1 certified scale, the permittee, while enroute to the designated
2 scale, shall be deemed in compliance with the weight provisions
3 of the permit provided the axle or gross weights do not exceed
4 any of the permitted limits by more than the following amounts:

5	Single axle	2000 pounds
6	Tandem axle	3000 pounds
7	Gross	5000 pounds

8 (g) The Department is authorized to adopt, amend, and to
9 make available to interested persons a policy concerning
10 reasonable rules, limitations and conditions or provisions of
11 operation upon highways under its jurisdiction in addition to
12 those contained in this Section for the movement by special
13 permit of vehicles, combinations, or loads which cannot
14 reasonably be dismantled or disassembled, including
15 manufactured and modular home sections and portions thereof.
16 All rules, limitations and conditions or provisions adopted in
17 the policy shall have due regard for the safety of the
18 traveling public and the protection of the highway system and
19 shall have been promulgated in conformity with the provisions
20 of the Illinois Administrative Procedure Act. The requirements
21 of the policy for flagmen and escort vehicles shall be the same
22 for all moves of comparable size and weight. When escort
23 vehicles are required, they shall meet the following
24 requirements:

25 (1) All operators shall be 18 years of age or over and
26 properly licensed to operate the vehicle.

1 (2) Vehicles escorting oversized loads more than
2 12-feet wide must be equipped with a rotating or flashing
3 amber light mounted on top as specified under Section
4 12-215.

5 The Department shall establish reasonable rules and
6 regulations regarding liability insurance or self insurance
7 for vehicles with oversized loads promulgated under The
8 Illinois Administrative Procedure Act. Police vehicles may be
9 required for escort under circumstances as required by rules
10 and regulations of the Department.

11 (h) Violation of any rule, limitation or condition or
12 provision of any permit issued in accordance with the
13 provisions of this Section shall not render the entire permit
14 null and void but the violator shall be deemed guilty of
15 violation of permit and guilty of exceeding any size, weight or
16 load limitations in excess of those authorized by the permit.
17 The prescribed route or routes on the permit are not mere
18 rules, limitations, conditions, or provisions of the permit,
19 but are also the sole extent of the authorization granted by
20 the permit. If a vehicle and load are found to be off the route
21 or routes prescribed by any permit authorizing movement, the
22 vehicle and load are operating without a permit. Any off route
23 movement shall be subject to the size and weight maximums,
24 under the applicable provisions of this Chapter, as determined
25 by the type or class highway upon which the vehicle and load
26 are being operated.

1 (i) Whenever any vehicle is operated or movement made under
2 a fraudulent permit the permit shall be void, and the person,
3 firm, or corporation to whom such permit was granted, the
4 driver of such vehicle in addition to the person who issued
5 such permit and any accessory, shall be guilty of fraud and
6 either one or all persons may be prosecuted for such violation.
7 Any person, firm, or corporation committing such violation
8 shall be guilty of a Class 4 felony and the Department shall
9 not issue permits to the person, firm or corporation convicted
10 of such violation for a period of one year after the date of
11 conviction. Penalties for violations of this Section shall be
12 in addition to any penalties imposed for violation of other
13 Sections of this Act.

14 (j) Whenever any vehicle is operated or movement made in
15 violation of a permit issued in accordance with this Section,
16 the person to whom such permit was granted, or the driver of
17 such vehicle, is guilty of such violation and either, but not
18 both, persons may be prosecuted for such violation as stated in
19 this subsection (j). Any person, firm or corporation convicted
20 of such violation shall be guilty of a petty offense and shall
21 be fined for the first offense, not less than \$50 nor more than
22 \$200 and, for the second offense by the same person, firm or
23 corporation within a period of one year, not less than \$200 nor
24 more than \$300 and, for the third offense by the same person,
25 firm or corporation within a period of one year after the date
26 of the first offense, not less than \$300 nor more than \$500 and

1 the Department shall not issue permits to the person, firm or
2 corporation convicted of a third offense during a period of one
3 year after the date of conviction for such third offense.

4 (k) Whenever any vehicle is operated on local roads under
5 permits for excess width or length issued by local authorities,
6 such vehicle may be moved upon a State highway for a distance
7 not to exceed one-half mile without a permit for the purpose of
8 crossing the State highway.

9 (l) Notwithstanding any other provision of this Section,
10 the Department, with respect to highways under its
11 jurisdiction, and local authorities, with respect to highways
12 under their jurisdiction, may at their discretion authorize the
13 movement of a vehicle in violation of any size or weight
14 requirement, or both, that would not ordinarily be eligible for
15 a permit, when there is a showing of extreme necessity that the
16 vehicle and load should be moved without unnecessary delay.

17 For the purpose of this subsection, showing of extreme
18 necessity shall be limited to the following: shipments of
19 livestock, hazardous materials, liquid concrete being hauled
20 in a mobile cement mixer, or hot asphalt.

21 (m) Penalties for violations of this Section shall be in
22 addition to any penalties imposed for violating any other
23 Section of this Code.

24 (n) The Department with respect to highways under its
25 jurisdiction and local authorities with respect to highways
26 under their jurisdiction, in their discretion and upon

1 application in writing, may issue a special permit for
2 continuous limited operation, authorizing the applicant to
3 operate a tow-truck that exceeds the weight limits provided for
4 in subsection (a) of Section 15-111, provided:

5 (1) no rear single axle of the tow-truck exceeds 26,000
6 pounds;

7 (2) no rear tandem axle of the tow-truck exceeds 50,000
8 pounds;

9 (2.1) no triple rear axle on a manufactured recovery
10 unit exceeds 70,000 ~~60,000~~ pounds;

11 (3) neither the disabled vehicle nor the disabled
12 combination of vehicles exceed the weight restrictions
13 imposed by this Chapter 15, or the weight limits imposed
14 under a permit issued by the Department prior to hookup;

15 (4) the tow-truck prior to hookup does not exceed the
16 weight restrictions imposed by this Chapter 15;

17 (5) during the tow operation the tow-truck does not
18 violate any weight restriction sign;

19 (6) the tow-truck is equipped with flashing, rotating,
20 or oscillating amber lights, visible for at least 500 feet
21 in all directions;

22 (7) the tow-truck is specifically designed and
23 licensed as a tow-truck;

24 (8) the tow-truck has a gross vehicle weight rating of
25 sufficient capacity to safely handle the load;

26 (9) the tow-truck is equipped with air brakes;

1 (10) the tow-truck is capable of utilizing the lighting
2 and braking systems of the disabled vehicle or combination
3 of vehicles;

4 (11) the tow commences at the initial point of wreck or
5 disablement and terminates at a point where the repairs are
6 actually to occur;

7 (12) the permit issued to the tow-truck is carried in
8 the tow-truck and exhibited on demand by a police officer;
9 and

10 (13) the movement shall be valid only on state routes
11 approved by the Department.

12 (o) The Department, with respect to highways under its
13 jurisdiction, and local authorities, with respect to highways
14 under their jurisdiction, in their discretion and upon
15 application in writing, may issue a special permit for
16 continuous limited operation, authorizing the applicant to
17 transport raw milk that exceeds the weight limits provided for
18 in subsection (a) of Section 15-111 of this Code, provided:

19 (1) no single axle exceeds 20,000 pounds;

20 (2) no gross weight exceeds 80,000 pounds;

21 (3) permits issued by the State are good only for
22 federal and State highways and are not applicable to
23 interstate highways; and

24 (4) all road and bridge postings must be obeyed.

25 (p) In determining whether a load may be reasonably
26 dismantled or disassembled for the purpose of paragraph (a),

1 the Department shall consider whether there is a significant
2 negative impact on the condition of the pavement and structures
3 along the proposed route, whether the load or vehicle as
4 proposed causes a safety hazard to the traveling public,
5 whether dismantling or disassembling the load promotes or
6 stifles economic development and whether the proposed route
7 travels less than 5 miles. A load is not required to be
8 dismantled or disassembled for the purposes of paragraph (a) if
9 the Secretary of the Department determines there will be no
10 significant negative impact to pavement or structures along the
11 proposed route, the proposed load or vehicle causes no safety
12 hazard to the traveling public, dismantling or disassembling
13 the load does not promote economic development and the proposed
14 route travels less than 5 miles. The Department may promulgate
15 rules for the purpose of establishing the divisibility of a
16 load pursuant to paragraph (a). Any load determined by the
17 Secretary to be nondivisible shall otherwise comply with the
18 existing size or weight maximums specified in this Chapter.

19 (Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11;
20 97-813, eff. 7-13-12.)".