

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 15-301 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 Code
15 ~~Act~~ or otherwise not in conformity with this Code ~~Act~~ upon any
16 highway under the jurisdiction of the party granting such
17 permit and for the maintenance of which the party is
18 responsible. Applications and permits other than those in
19 written or printed form may only be accepted from and issued to
20 the company or individual making the movement. Except for an
21 application to move directly across a highway, it shall be the
22 duty of the applicant to establish in the application that the
23 load to be moved by such vehicle or combination cannot

1 reasonably be dismantled or disassembled, the reasonableness
2 of which shall be determined by the Secretary of the
3 Department. For the purpose of over length movements, more than
4 one object may be carried side by side as long as the height,
5 width, and weight laws are not exceeded and the cause for the
6 over length is not due to multiple objects. For the purpose of
7 over height movements, more than one object may be carried as
8 long as the cause for the over height is not due to multiple
9 objects and the length, width, and weight laws are not
10 exceeded. For the purpose of an over width movement, more than
11 one object may be carried as long as the cause for the over
12 width is not due to multiple objects and length, height, and
13 weight laws are not exceeded. Except for transporting fluid
14 milk products, no State or local agency shall authorize the
15 issuance of excess size or weight permits for vehicles and
16 loads that are divisible and that can be carried, when divided,
17 within the existing size or weight maximums specified in this
18 Chapter. Any excess size or weight permit issued in violation
19 of the provisions of this Section shall be void at issue and
20 any movement made thereunder shall not be authorized under the
21 terms of the void permit. In any prosecution for a violation of
22 this Chapter when the authorization of an excess size or weight
23 permit is at issue, it is the burden of the defendant to
24 establish that the permit was valid because the load to be
25 moved could not reasonably be dismantled or disassembled, or
26 was otherwise nondivisible.

1 (a-1) As used in this Section, "extreme heavy duty tow and
2 recovery vehicle" means a tow truck manufactured as a unit
3 having a lifting capacity of not less than 50 tons, and having
4 either 4 axles and an unladen weight of not more than 80,000
5 pounds or 5 axles and an unladen weight not more than 90,000
6 pounds. Notwithstanding otherwise applicable gross and axle
7 weight limits, an extreme heavy duty tow and recovery vehicle
8 may lawfully travel to and from the scene of a disablement and
9 clear a disabled vehicle if the towing service has obtained an
10 extreme heavy duty tow and recovery permit for the vehicle. The
11 form and content of the permit shall be determined by the
12 Department with respect to highways under its jurisdiction and
13 by local authorities with respect to highways under their
14 jurisdiction.

15 (b) The application for any such permit shall: (1) state
16 whether such permit is requested for a single trip or for
17 limited continuous operation; (2) state if the applicant is an
18 authorized carrier under the Illinois Motor Carrier of Property
19 Law, if so, his certificate, registration, or permit number
20 issued by the Illinois Commerce Commission; (3) specifically
21 describe and identify the vehicle or vehicles and load to be
22 operated or moved; (4) state the routing requested, including
23 the points of origin and destination, and may identify and
24 include a request for routing to the nearest certified scale in
25 accordance with the Department's rules and regulations,
26 provided the applicant has approval to travel on local roads;

1 and (5) state if the vehicles or loads are being transported
2 for hire. No permits for the movement of a vehicle or load for
3 hire shall be issued to any applicant who is required under the
4 Illinois Motor Carrier of Property Law to have a certificate,
5 registration, or permit and does not have such certificate,
6 registration, or permit.

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

1 (d) The Department shall, upon application in writing from
2 any local authority, issue an annual permit authorizing the
3 local authority to move oversize highway construction,
4 transportation, utility, and maintenance equipment over roads
5 under the jurisdiction of the Department. The permit shall be
6 applicable only to equipment and vehicles owned by or
7 registered in the name of the local authority, and no fee shall
8 be charged for the issuance of such permits.

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

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

24 (1) cultivated plants or agricultural produce grown,
25 including, but not limited to, corn, soybeans, wheat, oats,
26 grain sorghum, canola, and rice;

- 1 (2) livestock, including, but not limited to, hogs,
- 2 equine, sheep, and poultry;
- 3 (3) ensilage; and
- 4 (4) fruits and vegetables.

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

15 (e-1) A special permit shall be issued by the Department
16 under this Section and shall be required from September 1
17 through December 31 for a vehicle that exceeds the maximum axle
18 weight and gross weight limits under Section 15-111 of this
19 Code or exceeds the vehicle's registered gross weight, provided
20 that the vehicle's axle weight and gross weight do not exceed
21 10% above the maximum limits under Section 15-111 of this Code
22 and does not exceed the vehicle's registered gross weight by
23 10%. All other restrictions that apply to permits issued under
24 this Section shall apply during the declared time period and no
25 fee shall be charged for the issuance of those permits. Permits
26 issued by the Department under this subsection (e-1) are only

1 valid on federal and State highways under the jurisdiction of
2 the Department, except interstate highways. With respect to
3 highways under the jurisdiction of local authorities, the local
4 authorities may, at their discretion, waive special permit
5 requirements, and set a divisible load weight limit not to
6 exceed 10% above a vehicle's registered gross weight, provided
7 that the vehicle's axle weight and gross weight do not exceed
8 10% above the maximum limits specified in Section 15-111.
9 Permits issued under this subsection (e-1) shall apply to all
10 registered vehicles eligible to obtain permits under this
11 Section, including vehicles used in private or for-hire
12 movement of divisible load agricultural commodities during the
13 declared time period.

14 (f) The form and content of the permit shall be determined
15 by the Department with respect to highways under its
16 jurisdiction and by local authorities with respect to highways
17 under their jurisdiction. Every permit shall be in written form
18 and carried in the vehicle or combination of vehicles to which
19 it refers and shall be open to inspection by any police officer
20 or authorized agent of any authority granting the permit and no
21 person shall violate any of the terms or conditions of such
22 special permit. Violation of the terms and conditions of the
23 permit shall not be deemed a revocation of the permit; however,
24 any vehicle and load found to be off the route prescribed in
25 the permit shall be held to be operating without a permit. Any
26 off-route ~~off-route~~ vehicle and load shall be required to

1 obtain a new permit or permits, as necessary, to authorize the
2 movement back onto the original permit routing. No rule or
3 regulation, nor anything herein, shall be construed to
4 authorize any police officer, court, or authorized agent of any
5 authority granting the permit to remove the permit from the
6 possession of the permittee unless the permittee is charged
7 with a fraudulent permit violation as provided in subsection
8 (i). However, upon arrest for an offense of violation of
9 permit, operating without a permit when the vehicle is off
10 route, or any size or weight offense under this Chapter when
11 the permittee plans to raise the issuance of the permit as a
12 defense, the permittee, or his agent, must produce the permit
13 at any court hearing concerning the alleged offense.

14 If the permit designates and includes a routing to a
15 certified scale, the permittee, while en route ~~enroute~~ to the
16 designated scale, shall be deemed in compliance with the weight
17 provisions of the permit provided the axle or gross weights do
18 not exceed any of the permitted limits by more than the
19 following amounts:

20	Single axle	2000 pounds
21	Tandem axle	3000 pounds
22	Gross	5000 pounds

23 (g) The Department is authorized to adopt, amend, and ~~to~~
24 make available to interested persons a policy concerning
25 reasonable rules, limitations and conditions or provisions of
26 operation upon highways under its jurisdiction in addition to

1 those contained in this Section for the movement by special
2 permit of vehicles, combinations, or loads which cannot
3 reasonably be dismantled or disassembled, including
4 manufactured and modular home sections and portions thereof.
5 All rules, limitations and conditions or provisions adopted in
6 the policy shall have due regard for the safety of the
7 traveling public and the protection of the highway system and
8 shall have been promulgated in conformity with the provisions
9 of the Illinois Administrative Procedure Act. The requirements
10 of the policy for flagmen and escort vehicles shall be the same
11 for all moves of comparable size and weight. When escort
12 vehicles are required, they shall meet the following
13 requirements:

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

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

20 The Department shall establish reasonable rules and
21 regulations regarding liability insurance or self insurance
22 for vehicles with oversized loads promulgated under the
23 Illinois Administrative Procedure Act. Police vehicles may be
24 required for escort under circumstances as required by rules
25 and regulations of the Department.

26 (h) Violation of any rule, limitation or condition or

1 provision of any permit issued in accordance with the
2 provisions of this Section shall not render the entire permit
3 null and void but the violator shall be deemed guilty of
4 violation of permit and guilty of exceeding any size, weight,
5 or load limitations in excess of those authorized by the
6 permit. The prescribed route or routes on the permit are not
7 mere rules, limitations, conditions, or provisions of the
8 permit, but are also the sole extent of the authorization
9 granted by the permit. If a vehicle and load are found to be
10 off the route or routes prescribed by any permit authorizing
11 movement, the vehicle and load are operating without a permit.
12 Any off-route movement shall be subject to the size and weight
13 maximums, under the applicable provisions of this Chapter, as
14 determined by the type or class highway upon which the vehicle
15 and load are being operated.

16 (i) Whenever any vehicle is operated or movement made under
17 a fraudulent permit, the permit shall be void, and the person,
18 firm, or corporation to whom such permit was granted, the
19 driver of such vehicle in addition to the person who issued
20 such permit and any accessory, shall be guilty of fraud and
21 either one or all persons may be prosecuted for such violation.
22 Any person, firm, or corporation committing such violation
23 shall be guilty of a Class 4 felony and the Department shall
24 not issue permits to the person, firm, or corporation convicted
25 of such violation for a period of one year after the date of
26 conviction. Penalties for violations of this Section shall be

1 in addition to any penalties imposed for violation of other
2 Sections of this Code.

3 (j) Whenever any vehicle is operated or movement made in
4 violation of a permit issued in accordance with this Section,
5 the person to whom such permit was granted, or the driver of
6 such vehicle, is guilty of such violation and either, but not
7 both, persons may be prosecuted for such violation as stated in
8 this subsection (j). Any person, firm, or corporation convicted
9 of such violation shall be guilty of a petty offense and shall
10 be fined, for the first offense, not less than \$50 nor more
11 than \$200 and, for the second offense by the same person, firm,
12 or corporation within a period of one year, not less than \$200
13 nor more than \$300 and, for the third offense by the same
14 person, firm, or corporation within a period of one year after
15 the date of the first offense, not less than \$300 nor more than
16 \$500 and the Department may, in its discretion ~~descretion~~, not
17 issue permits to the person, firm, or corporation convicted of
18 a third offense during a period of one year after the date of
19 conviction or supervision for such third offense. If any
20 violation is the cause or contributing cause in a motor vehicle
21 accident causing damage to property, injury, or death to a
22 person, the Department may, in its discretion, not issue a
23 permit to the person, firm, or corporation for a period of one
24 year after the date of conviction or supervision for the
25 offense.

26 (k) Whenever any vehicle is operated on local roads under

1 permits for excess width or length issued by local authorities,
2 such vehicle may be moved upon a State highway for a distance
3 not to exceed one-half mile without a permit for the purpose of
4 crossing the State highway.

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

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

17 (m) Penalties for violations of this Section shall be in
18 addition to any penalties imposed for violating any other
19 Section of this Code.

20 (n) The Department with respect to highways under its
21 jurisdiction and local authorities with respect to highways
22 under their jurisdiction, in their discretion and upon
23 application in writing, may issue a special permit for
24 continuous limited operation, authorizing the applicant to
25 operate a tow truck that exceeds the weight limits provided for
26 in subsection (a) of Section 15-111, provided:

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

3 (2) no rear tandem axle of the tow truck exceeds 50,000
4 pounds;

5 (2.1) no triple rear axle on a manufactured recovery
6 unit exceeds 60,000 pounds;

7 (3) neither the disabled vehicle nor the disabled
8 combination of vehicles exceed the weight restrictions
9 imposed by this Chapter 15, or the weight limits imposed
10 under a permit issued by the Department prior to hookup;

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

13 (5) during the tow operation the tow truck does not
14 violate any weight restriction sign;

15 (6) the tow truck is equipped with flashing, rotating,
16 or oscillating amber lights, visible for at least 500 feet
17 in all directions;

18 (7) the tow truck is specifically designed and licensed
19 as a tow truck;

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

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

23 (10) the tow truck is capable of utilizing the lighting
24 and braking systems of the disabled vehicle or combination
25 of vehicles;

26 (11) the tow commences at the initial point of wreck or

1 disablement and terminates at a point where the repairs are
2 actually to occur;

3 (12) the permit issued to the tow truck is carried in
4 the tow truck and exhibited on demand by a police officer;
5 and

6 (13) the movement shall be valid only on State routes
7 approved by the Department.

8 (o) (Blank).

9 (p) In determining whether a load may be reasonably
10 dismantled or disassembled for the purpose of subsection (a),
11 the Department shall consider whether there is a significant
12 negative impact on the condition of the pavement and structures
13 along the proposed route, whether the load or vehicle as
14 proposed causes a safety hazard to the traveling public,
15 whether dismantling or disassembling the load promotes or
16 stifles economic development, and whether the proposed route
17 travels less than 5 miles. A load is not required to be
18 dismantled or disassembled for the purposes of subsection (a)
19 if the Secretary of the Department determines there will be no
20 significant negative impact to pavement or structures along the
21 proposed route, the proposed load or vehicle causes no safety
22 hazard to the traveling public, dismantling or disassembling
23 the load does not promote economic development, and the
24 proposed route travels less than 5 miles. The Department may
25 promulgate rules for the purpose of establishing the
26 divisibility of a load pursuant to subsection (a). Any load

1 determined by the Secretary to be nondivisible shall otherwise
2 comply with the existing size or weight maximums specified in
3 this Chapter.

4 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;
5 100-728, eff. 1-1-19; 100-830, eff. 1-1-19; 100-863, eff.
6 8-14-18; 100-1090, eff. 1-1-19; revised 10-9-18.)

7 Section 99. Effective date. This Act takes effect January
8 1, 2020.