

SB3091



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3091

Introduced 2/6/2020, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Removes the permit requirement, from September 1 through December 31, for a vehicle transporting agricultural commodities to exceed the maximum weight, axle weight, and gross weight limits under certain circumstances. Makes conforming changes. Effective immediately.

LRB101 16034 LNS 65396 b

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

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

26 (a-1) As used in this Section, "extreme heavy duty tow and

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

14 (b) The application for any such permit shall: (1) state
15 whether such permit is requested for a single trip or for
16 limited continuous operation; (2) state if the applicant is an
17 authorized carrier under the Illinois Motor Carrier of Property
18 Law, if so, his certificate, registration, or permit number
19 issued by the Illinois Commerce Commission; (3) specifically
20 describe and identify the vehicle or vehicles and load to be
21 operated or moved; (4) state the routing requested, including
22 the points of origin and destination, and may identify and
23 include a request for routing to the nearest certified scale in
24 accordance with the Department's rules and regulations,
25 provided the applicant has approval to travel on local roads;
26 and (5) state if the vehicles or loads are being transported

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

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

26 (d) The Department shall, upon application in writing from

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

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

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

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

26 (2) livestock, including, but not limited to, hogs,

1 equine, sheep, and poultry;

2 (3) ensilage; and

3 (4) fruits and vegetables.

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

14 (e-1) ~~From A special permit shall be issued by the~~
15 ~~Department under this Section and shall be required from~~
16 ~~September 1 through December 31, for a vehicle transporting~~
17 ~~agricultural commodities is allowed to exceed the maximum~~
18 ~~registered weight, that exceeds the maximum axle weight, and~~
19 ~~gross weight limits under Section 15-111 without a permit if of~~
20 ~~this Code or exceeds the vehicle's registered gross weight,~~
21 ~~provided that~~ the vehicle's axle weight and gross weight do not
22 exceed 10% above the maximum limits under Section 15-111 ~~of~~
23 ~~this Code and do does~~ not exceed the vehicle's registered gross
24 weight by 10%. This ~~All other restrictions that apply to~~
25 ~~permits issued under this Section shall apply during the~~
26 ~~declared time period and no fee shall be charged for the~~

1 ~~issuance of those permits. Permits issued by the Department~~
2 ~~under this subsection (e-1) are only valid on federal and State~~
3 ~~highways under the jurisdiction of the Department, except~~
4 ~~interstate highways. With respect to highways under the~~
5 ~~jurisdiction of local authorities, the local authorities may,~~
6 ~~at their discretion, waive special permit requirements and set~~
7 ~~a divisible load weight limit not to exceed 10% above a~~
8 ~~vehicle's registered gross weight, provided that the vehicle's~~
9 ~~axle weight and gross weight do not exceed 10% above the~~
10 ~~maximum limits specified in Section 15-111. Permits issued~~
11 ~~under this subsection applies (e-1) shall apply to all~~
12 registered vehicles eligible to obtain permits under this
13 Section, including vehicles used in private or for-hire
14 movement of divisible load agricultural commodities during the
15 declared ~~time~~ period. This subsection applies to all highways
16 within this State, except for the interstate system; however,
17 the axle weight and gross weight of the vehicle may not violate
18 Section 15-316 or restrictions provided in Section 6-201.22 of
19 the Illinois Highway Code.

20 (f) The form and content of the permit shall be determined
21 by the Department with respect to highways under its
22 jurisdiction and by local authorities with respect to highways
23 under their jurisdiction. Every permit shall be in written form
24 and carried in the vehicle or combination of vehicles to which
25 it refers and shall be open to inspection by any police officer
26 or authorized agent of any authority granting the permit and no

1 person shall violate any of the terms or conditions of such
2 special permit. Violation of the terms and conditions of the
3 permit shall not be deemed a revocation of the permit; however,
4 any vehicle and load found to be off the route prescribed in
5 the permit shall be held to be operating without a permit. Any
6 off-route vehicle and load shall be required to obtain a new
7 permit or permits, as necessary, to authorize the movement back
8 onto the original permit routing. No rule or regulation, nor
9 anything herein, shall be construed to authorize any police
10 officer, court, or authorized agent of any authority granting
11 the permit to remove the permit from the possession of the
12 permittee unless the permittee is charged with a fraudulent
13 permit violation as provided in subsection (i). However, upon
14 arrest for an offense of violation of permit, operating without
15 a permit when the vehicle is off route, or any size or weight
16 offense under this Chapter when the permittee plans to raise
17 the issuance of the permit as a defense, the permittee, or his
18 agent, must produce the permit at any court hearing concerning
19 the alleged offense.

20 If the permit designates and includes a routing to a
21 certified scale, the permittee, while en route to the
22 designated scale, shall be deemed in compliance with the weight
23 provisions of the permit provided the axle or gross weights do
24 not exceed any of the permitted limits by more than the
25 following amounts:

- 26 Single axle 2000 pounds

1 Tandem axle 3000 pounds

2 Gross 5000 pounds

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

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

21 (2) Vehicles escorting oversized loads more than 12
22 feet wide must be equipped with a rotating or flashing
23 amber light mounted on top as specified under Section
24 12-215.

25 The Department shall establish reasonable rules and
26 regulations regarding liability insurance or self insurance

1 for vehicles with oversized loads promulgated under the
2 Illinois Administrative Procedure Act. Police vehicles may be
3 required for escort under circumstances as required by rules
4 and regulations of the Department.

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

21 (i) Whenever any vehicle is operated or movement made under
22 a fraudulent permit, the permit shall be void, and the person,
23 firm, or corporation to whom such permit was granted, the
24 driver of such vehicle in addition to the person who issued
25 such permit and any accessory, shall be guilty of fraud and
26 either one or all persons may be prosecuted for such violation.

1 Any person, firm, or corporation committing such violation
2 shall be guilty of a Class 4 felony and the Department shall
3 not issue permits to the person, firm, or corporation convicted
4 of such violation for a period of one year after the date of
5 conviction. Penalties for violations of this Section shall be
6 in addition to any penalties imposed for violation of other
7 Sections of this Code.

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

1 person, the Department may, in its discretion, not issue a
2 permit to the person, firm, or corporation for a period of one
3 year after the date of conviction or supervision for the
4 offense.

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

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

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

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

25 (n) The Department with respect to highways under its
26 jurisdiction and local authorities with respect to highways

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (o) (Blank).

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

1 hazard to the traveling public, dismantling or disassembling
2 the load does not promote economic development, and the
3 proposed route travels less than 5 miles. The Department may
4 promulgate rules for the purpose of establishing the
5 divisibility of a load pursuant to subsection (a). Any load
6 determined by the Secretary to be nondivisible shall otherwise
7 comply with the existing size or weight maximums specified in
8 this Chapter.

9 (Source: P.A. 100-70, eff. 8-11-17; 100-728, eff. 1-1-19;
10 100-830, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1090, eff.
11 1-1-19; 101-81, eff. 7-12-19; 101-547, eff. 1-1-20.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.