



Rep. Jay C. Hoffman

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09400HB1411ham001

LRB094 08721 DRH 44741 a

1 AMENDMENT TO HOUSE BILL 1411

2 AMENDMENT NO. _____. Amend House Bill 1411 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by adding
5 Section 18b-106.2 as follows:

6 (625 ILCS 5/18b-106.2 new)

7 Sec. 18b-106.2. Hours of service; utility service
8 interruption emergencies.

9 (a) As used in this Section:

10 "Commercial driver's license" has the meaning set forth in
11 Section 1-111.6 of this Code.

12 "Commercial motor vehicle" has the meaning set forth in
13 Section 18b-101 of this Code.

14 "Utility service interruption emergency" means an outage
15 or interruption of utility service in Illinois occasioned by a
16 set of circumstances included in the definition of "emergency"
17 set forth at 49 CFR 390.5.

18 "Utility service" means the repairing, maintaining, or
19 operating of any structures or any other physical facilities
20 necessary for the delivery of utility services, including the
21 furnishing of electric, gas, water, sanitary sewer, telephone,
22 and television cable or community antenna service.

23 "Utility service vehicle" has the meaning set forth in 49
24 CFR 395.2.

1 (b) Upon receipt of notification of a utility service
2 interruption emergency by a utility service provider, the
3 Illinois Department of Transportation shall declare that an
4 emergency exists pursuant to 49 CFR 390.23. Should an audit by
5 the Illinois Department of Transportation establish that there
6 has been an abuse of the notification procedure by a utility
7 service provider, the Illinois Department of Transportation
8 may refuse to grant emergency declarations to that utility
9 service provider in the future without further confirmation of
10 the existence of a utility service interruption emergency.

11 (c) A utility service interruption emergency continues
12 until:

13 (1) the necessary maintenance or repair work is
14 completed; and

15 (2) personnel used to perform necessary maintenance or
16 repair work have returned to their respective normal work
17 routines.

18 (d) An individual is exempt from any regulation of the
19 maximum hours of service that an employee may work under 49 CFR
20 395 if he or she:

21 (1) is the holder of a commercial driver's license;

22 (2) is:

23 (A) an employee;

24 (B) an employee of a contractor; or

25 (C) an employee of a subcontractor;

26 of a utility service provider in an employment capacity in
27 which the commercial driver's license is used; and

28 (3) operates a commercial motor vehicle as a utility
29 service vehicle and engages in intrastate maintenance or
30 repair work in response to a utility service interruption
31 emergency.

32 (e) The exemption from maximum hours of service regulations
33 provided under subsection (d) shall not exceed the duration of
34 the utility service provider's or driver's direct assistance in

1 providing utility service interruption emergency relief, or 5
2 days from the date of the initial declaration, whichever is
3 less.

4 (f) Nothing in this amendatory Act of the 94th General
5 Assembly shall be construed to contravene any federal law or to
6 jeopardize State of Illinois entitlement to federal funding. If
7 any provision of this amendatory Act of the 94th General
8 Assembly or its application is found to jeopardize federal
9 funding, that provision is declared invalid but does not affect
10 any other provision or application. The provisions of this
11 amendatory Act of the 94th General Assembly are declared to be
12 severable.

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