



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB5850

Introduced 10/23/2006, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-112

from Ch. 95 1/2, par. 15-112

Amends the Illinois Vehicle Code. Provides that beginning on September 15, and through November 30, of each calendar year, State Police officers may not use portable scales to weigh vehicles transporting commodities or goods of production agriculture on non-interstate highways. Effective immediately.

LRB094 21774 RLC 60189 b

1 AN ACT concerning vehicles.

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 15-112 as follows:

6 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

7 Sec. 15-112. Officers to weigh vehicles and require removal
8 of excess loads.

9 (a) Any police officer having reason to believe that the
10 weight of a vehicle and load is unlawful shall require the
11 driver to stop and submit to a weighing of the same either by
12 means of a portable or stationary scales that have been tested
13 and approved at a frequency prescribed by the Illinois
14 Department of Agriculture, or for those scales operated by the
15 State, when such tests are requested by the Department of State
16 Police, whichever is more frequent. If such scales are not
17 available at the place where such vehicle is stopped, the
18 police officer shall require that such vehicle be driven to the
19 nearest available scale that has been tested and approved
20 pursuant to this Section by the Illinois Department of
21 Agriculture. Notwithstanding any provisions of the Weights and
22 Measures Act or the United States Department of Commerce NIST
23 handbook 44, multi or single draft weighing is an acceptable
24 method of weighing by law enforcement for determining a
25 violation of Chapter 3 or 15 of this Code. Law enforcement is
26 exempt from the requirements of commercial weighing
27 established in NIST handbook 44.

28 Within 18 months after the effective date of this
29 amendatory Act of the 91st General Assembly, all municipal and
30 county officers, technicians, and employees who set up and
31 operate portable scales for wheel load or axle load or both and
32 issue citations based on the use of portable scales for wheel

1 load or axle load or both and who have not successfully
2 completed initial classroom and field training regarding the
3 set up and operation of portable scales, shall attend and
4 successfully complete initial classroom and field training
5 administered by the Illinois Law Enforcement Training
6 Standards Board.

7 (b) Whenever an officer, upon weighing a vehicle and the
8 load, determines that the weight is unlawful, such officer
9 shall require the driver to stop the vehicle in a suitable
10 place and remain standing until such portion of the load is
11 removed as may be necessary to reduce the weight of the vehicle
12 to the limit permitted under this Chapter, or to the limit
13 permitted under the terms of a permit issued pursuant to
14 Sections 15-301 through 15-318 and shall forthwith arrest the
15 driver or owner. All material so unloaded shall be cared for by
16 the owner or operator of the vehicle at the risk of such owner
17 or operator; however, whenever a 3 or 4 axle vehicle with a
18 tandem axle dimension greater than 72 inches, but less than 96
19 inches and registered as a Special Hauling Vehicle is
20 transporting asphalt or concrete in the plastic state that
21 exceeds axle weight or gross weight limits by less than 4,000
22 pounds, the owner or operator of the vehicle shall accept the
23 arrest ticket or tickets for the alleged violations under this
24 Section and proceed without shifting or reducing the load being
25 transported or may shift or reduce the load under the
26 provisions of subsection (d) or (e) of this Section, when
27 applicable. Any fine imposed following an overweight violation
28 by a vehicle registered as a Special Hauling Vehicle
29 transporting asphalt or concrete in the plastic state shall be
30 paid as provided in subsection 4 of paragraph (a) of Section
31 16-105 of this Code.

32 (c) The Department of Transportation may, at the request of
33 the Department of State Police, erect appropriate regulatory
34 signs on any State highway directing second division vehicles
35 to a scale. The Department of Transportation may also, at the
36 direction of any State Police officer, erect portable

1 regulating signs on any highway directing second division
2 vehicles to a portable scale. Every such vehicle, pursuant to
3 such sign, shall stop and be weighed.

4 (c-1) Beginning on September 15, and through November 30,
5 of each calendar year, State Police officers may not use
6 portable scales to weigh vehicles transporting commodities or
7 goods of production agriculture as defined in Section 3-35 of
8 the Use Tax Act on non-interstate highways.

9 (d) Whenever any axle load of a vehicle exceeds the axle or
10 tandem axle weight limits permitted by paragraph (a) or (f) of
11 Section 15-111 by 2000 pounds or less, the owner or operator of
12 the vehicle must shift or remove the excess so as to comply
13 with paragraph (a) or (f) of Section 15-111. No overweight
14 arrest ticket shall be issued to the owner or operator of the
15 vehicle by any officer if the excess weight is shifted or
16 removed as required by this paragraph.

17 (e) Whenever the gross weight of a vehicle with a
18 registered gross weight of 73,280 pounds or less exceeds the
19 weight limits of paragraph (b) or (f) of Section 15-111 of this
20 Chapter by 2000 pounds or less, the owner or operator of the
21 vehicle must remove the excess. Whenever the gross weight of a
22 vehicle with a registered gross weight of 73,281 pounds or more
23 exceeds the weight limits of paragraph (b) or (f) of Section
24 15-111 by 1,000 pounds or less or 2,000 pounds or less if
25 weighed on wheel load weighers, the owner or operator of the
26 vehicle must remove the excess. In either case no arrest ticket
27 for any overweight violation of this Code shall be issued to
28 the owner or operator of the vehicle by any officer if the
29 excess weight is removed as required by this paragraph. A
30 person who has been granted a special permit under Section
31 15-301 of this Code shall not be granted a tolerance on wheel
32 load weighers.

33 (f) Whenever an axle load of a vehicle exceeds axle weight
34 limits allowed by the provisions of a permit an arrest ticket
35 shall be issued, but the owner or operator of the vehicle may
36 shift the load so as to comply with the provisions of the

1 permit. Where such shifting of a load to comply with the permit
2 is accomplished, the owner or operator of the vehicle may then
3 proceed.

4 (g) Any driver of a vehicle who refuses to stop and submit
5 his vehicle and load to weighing after being directed to do so
6 by an officer or removes or causes the removal of the load or
7 part of it prior to weighing is guilty of a business offense
8 and shall be fined not less than \$500 nor more than \$2,000.

9 (Source: P.A. 91-129, eff. 7-16-99; 92-417, eff. 1-1-02.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.