



Rep. Daniel V. Beiser

Filed: 5/29/2011

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LRB097 02865 WGH 56509 a

1 AMENDMENT TO SENATE BILL 42

2 AMENDMENT NO. _____. Amend Senate Bill 42 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 ~~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 is composed of a single
8 nondivisible object that cannot reasonably be dismantled or
9 disassembled. For the purpose of over length movements, more
10 than one object may be carried side by side as long as the
11 height, width, and weight laws are not exceeded and the cause
12 for the over length is not due to multiple objects. For the
13 purpose of over height movements, more than one object may be
14 carried as long as the cause for the over height is not due to
15 multiple objects and the length, width, and weight laws are not
16 exceeded. For the purpose of an over width movement, more than
17 one object may be carried as long as the cause for the over
18 width is not due to multiple objects and length, height, and
19 weight laws are not exceeded. No state or local agency shall
20 authorize the issuance of excess size or weight permits for
21 vehicles and loads that are divisible and that can be carried,
22 when divided, within the existing size or weight maximums
23 specified in this Chapter. Any excess size or weight permit
24 issued in violation of the provisions of this Section shall be
25 void at issue and any movement made thereunder shall not be
26 authorized under the terms of the void permit. In any

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

6 (b) The application for any such permit shall: (1) state
7 whether such permit is requested for a single trip or for
8 limited continuous operation; (2) state if the applicant is an
9 authorized carrier under the Illinois Motor Carrier of Property
10 Law, if so, his certificate, registration or permit number
11 issued by the Illinois Commerce Commission; (3) specifically
12 describe and identify the vehicle or vehicles and load to be
13 operated or moved except that for vehicles or vehicle
14 combinations registered by the Department as provided in
15 Section 15-319 of this Chapter, only the Illinois Department of
16 Transportation's (IDT) registration number or classification
17 need be given; (4) state the routing requested including the
18 points of origin and destination, and may identify and include
19 a request for routing to the nearest certified scale in
20 accordance with the Department's rules and regulations,
21 provided the applicant has approval to travel on local roads;
22 and (5) state if the vehicles or loads are being transported
23 for hire. No permits for the movement of a vehicle or load for
24 hire shall be issued to any applicant who is required under the
25 Illinois Motor Carrier of Property Law to have a certificate,
26 registration or permit and does not have such certificate,

1 registration or permit.

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

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

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

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

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

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

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

24 (3) ensilage; and

25 (4) fruits and vegetables.

26 Permits may be issued for a period not to exceed 40 days

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

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

25 (f) The form and content of the permit shall be determined
26 by the Department with respect to highways under its

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

25 If the permit designates and includes a routing to a
26 certified scale, the permittee, while enroute to the designated

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

4 Single axle 2000 pounds

5 Tandem axle 3000 pounds

6 Gross 5000 pounds

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

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

26 (2) Vehicles escorting oversized loads more than

1 12-foot wide must be equipped with a rotating or flashing
2 amber light mounted on top as specified under Section
3 12-215.

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

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

26 (i) Whenever any vehicle is operated or movement made under

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

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

1 corporation convicted of a third offense during a period of one
2 year after the date of conviction for such third offense.

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

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

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

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

23 (n) The Department with respect to highways under its
24 jurisdiction and local authorities with respect to highways
25 under their jurisdiction, in their discretion and upon
26 application in writing, may issue a special permit for

1 continuous limited operation, authorizing the applicant to
2 operate a tow-truck that exceeds the weight limits provided for
3 in subsection (d) of Section 15-111, provided:

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

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

8 (2.1) no triple rear axle on a manufactured recovery
9 unit exceeds 60,000 pounds;

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

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

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

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

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

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

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

26 (10) the tow-truck is capable of utilizing the lighting

1 and braking systems of the disabled vehicle or combination
2 of vehicles;

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

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

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

11 (o) The Department, with respect to highways under its
12 jurisdiction, and local authorities, with respect to highways
13 under their jurisdiction, in their discretion and upon
14 application in writing, may issue a special permit for
15 continuous limited operation, authorizing the applicant to
16 transport raw milk that exceeds the weight limits provided for
17 in subsections (b) and (f) of Section 15-111 of this Code,
18 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 (Source: P.A. 95-331, eff. 8-21-07; 95-666, eff. 10-11-07.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".