

# 98TH GENERAL ASSEMBLY State of Illinois 2013 and 2014 HB5920

Introduced 2/14/2014, by Rep. Jay Hoffman

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-168.7 new 625 ILCS 5/3-815 625 ILCS 5/15-111

from Ch. 95 1/2, par. 3-815 from Ch. 95 1/2, par. 15-111

Amends the Illinois Vehicle Code. Defines "Recovery Vehicle" as vehicles of the second division equipped for and used to push, tow, or draw vehicles by means of a crane, hoist, towbar, towline, or auxiliary axle to render assistance to damaged or disabled vehicles including, but not limited to, winching, pulling, pushing, lifting, setting upright, off-loading, or load transference, provided the vehicle is a manufactured unit with a rotating boom having a 60-ton lifting capacity. Provides that Recovery Vehicles must also have two steering axles and three rear axles containing not less than fourteen tires. Provides that the fully equipped, unladen weight of a Recovery Vehicle must not exceed 90,000 pounds. Provides that the registration fee for Recovery Vehicles is \$3000 per year. Exempts Recovery Vehicles from the weight restrictions of the Illinois Vehicle Code.

LRB098 17508 MLW 52617 b

1 AN ACT concerning transportation.

## Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- 4 Section 5. The Illinois Vehicle Code is amended by changing
- 5 Sections 3-815 and 15-111 and by adding Section 1-168.7 as
- 6 follows:
- 7 (625 ILCS 5/1-168.7 new)
- 8 Sec. 1-168.7. Recovery Vehicle. A motor vehicle of the
- 9 second division equipped for and used to push, tow, or draw
- 10 vehicles by means of a crane, hoist, towbar, towline, or
- 11 auxiliary axle to render assistance to damaged or disabled
- 12 <u>vehicles including</u>, but not limited to, winching, pulling,
- 13 pushing, lifting, setting upright, off-loading, or load
- 14 transference. A Recovery Vehicle must be a manufactured unit
- with a rotating boom having a 60-ton lifting capacity. A
- 16 Recovery Vehicle must also have two steering axles and three
- 17 rear axles containing not less than fourteen tires. The fully
- 18 equipped, unladen weight of the Recovery Vehicle must not
- 19 exceed 90,000 pounds.
- 20 (625 ILCS 5/3-815) (from Ch. 95 1/2, par. 3-815)
- Sec. 3-815. Flat weight tax; vehicles of the second
- 22 division.

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1 (a)	Except	as	provided	in	Section	3-806.3	and	3-804.3,
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every owner of a vehicle of the second division registered

under Section 3-813, and not registered under the mileage

weight tax under Section 3-818, shall pay to the Secretary of

5 State, for each registration year, for the use of the public

highways, a flat weight tax at the rates set forth in the

following table, the rates including the \$10 registration fee:

#### SCHEDULE OF FLAT WEIGHT TAX

9 REQUIRED BY LAW

10	Gross Weight in Lbs.		Total Fees
11	Including Vehicle		each Fiscal
12	and Maximum		year
13	Load	Class	
14	8,000 lbs. and less	В	\$98
15	8,001 lbs. to 12,000 lbs.	D	138
16	12,001 lbs. to 16,000 lbs.	F	242
17	16,001 lbs. to 26,000 lbs.	Н	490
18	26,001 lbs. to 28,000 lbs.	J	630
19	28,001 lbs. to 32,000 lbs.	K	842
20	32,001 lbs. to 36,000 lbs.	L	982
21	36,001 lbs. to 40,000 lbs.	N	1,202
22	40,001 lbs. to 45,000 lbs.	Р	1,390
23	45,001 lbs. to 50,000 lbs.	Q	1,538
24	50,001 lbs. to 54,999 lbs.	R	1,698
25	55,000 lbs. to 59,500 lbs.	S	1,830
26	59,501 lbs. to 64,000 lbs.	T	1,970

1	64,001 lbs.	to 73,280 lbs.	V	2,294
2	73,281 lbs.	to 77,000 lbs.	X	2,622
3	77,001 lbs.	to 80,000 lbs.	Z	2,790

Beginning with the 2010 registration year a \$1 surcharge shall be collected for vehicles registered in the 8,000 lbs. and less flat weight plate category above to be deposited into the State Police Vehicle Fund.

Beginning with the 2014 registration year, a \$2 surcharge shall be collected in addition to the above fees for vehicles registered in the 8,000 lb. and less flat weight plate category as described in this subsection (a) to be deposited into the Park and Conservation Fund for the Department of Natural Resources to use for conservation efforts. The monies deposited into the Park and Conservation Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

All of the proceeds of the additional fees imposed by this amendatory Act of the 96th General Assembly shall be deposited into the Capital Projects Fund.

(a-1) A Special Hauling Vehicle is a vehicle or combination of vehicles of the second division registered under Section 3-813 transporting asphalt or concrete in the plastic state or a vehicle or combination of vehicles that are subject to the gross weight limitations in subsection (a) of Section 15-111 for which the owner of the vehicle or combination of vehicles has elected to pay, in addition to the registration fee in

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1	subsection	(a),	\$125	to	the	Secreta	ry	of	Sta	ate	for	ea	ch
2	registration	n year	. The	Sec	retar	y shall	desi	gna	te	this	cla	SS	of
3	vehicle as a	a Speci	ial Ha	ulin	ıg Veh	icle.							

- (a-5) A Recovery Vehicle is a motor vehicle of the second division as defined by Section 1-168.7 of this Code and registered under Section 3-813. In lieu of the registration fee in subsection (a) of this Section, the owner of a Recovery Vehicle must pay \$3000 to the Secretary of State for each registration year. The Secretary shall designate this class of vehicle as a Recovery Vehicle.
- (b) Except as provided in Section 3-806.3, every camping trailer, motor home, mini motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, and not used commercially, nor for hire, nor owned by a commercial business, may be registered for each registration year upon the filing of a proper application and the payment of a registration fee and highway use tax, according to the following table of fees:

18 19 MOTOR HOME, MINI MOTOR HOME, TRUCK CAMPER OR VAN CAMPER Total Fees 20 Gross Weight in Lbs. 21 Including Vehicle and Each 22 Maximum Load Calendar Year 23 8,000 lbs and less \$78 8,001 Lbs. to 10,000 Lbs 24 90 25 10,001 Lbs. and Over 102

CAMPING TRAILER OR TRAVEL TRAILER

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1	Gross Weight in Lbs.		Total Fees
2	Including Vehicle and		Each
3	Maximum Load		Calendar Year
4	3,000 Lbs. and Less		\$18
5	3,001 Lbs. to 8,000 Lbs.		30
6	8,001 Lbs. to 10,000 Lbs.		38
7	10,001 Lbs. and Over		50
8	Every house trailer mu	ast be registered und	ler Section 3-819.
9	(c) Farm Truck. Any t	ruck used exclusivel	y for the owner's
10	own agricultural, hor	ticultural or li	vestock raising
11	operations and not-for-him	re only, or any truck	used only in the
12	transportation for-hire of	of seasonal, fresh,	perishable fruit
13	or vegetables from farm t	o the point of firs	t processing, may
14	be registered by the owr	ner under this para	graph in lieu of
15	registration under parag	raph (a), upon fil	ing of a proper
16	application and the paymer	nt of the \$10 registr	ration fee and the
17	highway use tax herein spe	cified as follows:	
18	SCHEDUL	E OF FEES AND TAXES	
19	Gross Weight in Lbs.		Total Amount for
20	Including Truck and		each
21	Maximum Load	Class	Fiscal Year
22	16,000 lbs. or less	VF	\$150
23	16,001 to 20,000 lbs.	VG	226

VK

20,001 to 24,000 lbs. VH

24,001 to 28,000 lbs. VJ

28,001 to 32,000 lbs.

1	32,001 to 36,000 lbs.	VL	610
2	36,001 to 45,000 lbs.	VP	810
3	45,001 to 54,999 lbs.	VR	1,026
4	55,000 to 64,000 lbs.	VT	1,202
5	64,001 to 73,280 lbs.	VV	1,290
6	73,281 to 77,000 lbs.	VX	1,350
7	77,001 to 80,000 lbs.	VZ	1,490

In the event the Secretary of State revokes a farm truck registration as authorized by law, the owner shall pay the flat weight tax due hereunder before operating such truck.

Any combination of vehicles having 5 axles, with a distance of 42 feet or less between extreme axles, that are subject to the weight limitations in subsection (a) of Section 15-111 for which the owner of the combination of vehicles has elected to pay, in addition to the registration fee in subsection (c), \$125 to the Secretary of State for each registration year shall be designated by the Secretary as a Special Hauling Vehicle.

- (d) The number of axles necessary to carry the maximum load provided shall be determined from Chapter 15 of this Code.
- (e) An owner may only apply for and receive 5 farm truck registrations, and only 2 of those 5 vehicles shall exceed 59,500 gross weight in pounds per vehicle.
- (f) Every person convicted of violating this Section by failure to pay the appropriate flat weight tax to the Secretary of State as set forth in the above tables shall be punished as provided for in Section 3-401.

- 1 (Source: P.A. 97-201, eff. 1-1-12; 97-811, eff. 7-13-12;
- 2 97-1136, eff. 1-1-13; 98-463, eff. 8-16-13.)
- 3 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)
- 4 Sec. 15-111. Wheel and axle loads and gross weights.
- 5 (a) No vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total 6 7 weight on the road surface exceeds the following: 20,000 pounds 8 on a single axle; 34,000 pounds on a tandem axle with no axle 9 within the tandem exceeding 20,000 pounds; 80,000 pounds gross 10 weight for vehicle combinations of 5 or more axles; or a total 11 weight on a group of 2 or more consecutive axles in excess of 12 that weight produced by the application of the following formula: W = 500 times the sum of (LN divided by N-1) + 12N + 1.3 14 36, where "W" equals overall total weight on any group of 2 or 15 more consecutive axles to the nearest 500 pounds, "L" equals 16 the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the 17 18 number of axles in the group under consideration.
- The above formula when expressed in tabular form results in allowable loads as follows:
- 21 Distance measured
- 22 to the nearest
- foot between the
- 24 extremes of any Maximum weight in pounds

1	group of 2 or	of 2 or of any group of					
2	more consecutive	2 or	more cons	secutive	axles		
3	axles						
4	feet	2 axles	3 axles	4 axles	5 axles	6 axles	
5	4	34,000					
6	5	34,000					
7	6	34,000					
8	7	34,000					
9	8	38,000*	42,000				
10	9	39,000	42,500				
11	10	40,000	43,500				
12	11		44,000				
13	12		45,000	50,000			
14	13		45,500	50,500			
15	14		46,500	51,500			
16	15		47,000	52 <b>,</b> 000			
17	16		48,000	52 <b>,</b> 500	58,000		
18	17		48,500	53 <b>,</b> 500	58 <b>,</b> 500		
19	18		49,500	54,000	59,000		
20	19		50,000	54 <b>,</b> 500	60,000		
21	20		51,000	55 <b>,</b> 500	60,500	66,000	
22	21		51,500	56,000	61,000	66,500	
23	22		52 <b>,</b> 500	56 <b>,</b> 500	61,500	67 <b>,</b> 000	
24	23		53,000	57 <b>,</b> 500	62 <b>,</b> 500	68,000	
25	24		54,000	58,000	63,000	68,500	
26	25		54 <b>,</b> 500	58 <b>,</b> 500	63 <b>,</b> 500	69,000	

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1	26	55 <b>,</b> 500	59,500	64,000	69 <b>,</b> 500
2	27	56,000	60,000	65,000	70,000
3	28	57 <b>,</b> 000	60,500	65,500	71,000
4	29	57 <b>,</b> 500	61,500	66,000	71,500
5	30	58,500	62,000	66,500	72,000
6	31	59,000	62,500	67 <b>,</b> 500	72,500
7	32	60,000	63,500	68,000	73,000
8	33		64,000	68 <b>,</b> 500	74,000
9	34		64,500	69,000	74,500
10	35		65 <b>,</b> 500	70,000	75 <b>,</b> 000
11	36		66,000	70,500	75 <b>,</b> 500
12	37		66 <b>,</b> 500	71,000	76 <b>,</b> 000
13	38		67 <b>,</b> 500	72,000	77,000
14	39		68,000	72 <b>,</b> 500	77 <b>,</b> 500
15	40		68 <b>,</b> 500	73,000	78,000
16	41		69 <b>,</b> 500	73 <b>,</b> 500	78 <b>,</b> 500
17	42		70,000	74,000	79 <b>,</b> 000
18	43		70,500	75 <b>,</b> 000	80,000
19	44		71,500	75 <b>,</b> 500	
20	45		72,000	76,000	
21	46		72,500	76 <b>,</b> 500	
22	47		73,500	77,500	
23	48		74,000	78 <b>,</b> 000	
24	49		74,500	78 <b>,</b> 500	
25	50		75 <b>,</b> 500	79 <b>,</b> 000	
26	51		76 <b>,</b> 000	80,000	

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80,000

1	52	76 <b>,</b> 500
2	53	77,500
3	54	78,000
4	55	78 <b>,</b> 500
5	56	79 <b>,</b> 500

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\*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (a) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (a) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

- (1) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.
  - (2) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.
  - (3) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2 axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.
  - (4) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.
  - (5) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more, notwithstanding the lower limit resulting from the application of the above formula.
  - (6) A truck, not in combination and used exclusively for the collection of rendering materials, may, when laden,

transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle.

- (7) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.
- (7.5) A 3-axle rear discharge truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.
- (8) Except as provided in paragraph (7.5) of this subsection (a), tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in

the model year of 2024 and first registered in Illinois prior to January 1, 2025, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 20,000 pounds. Any vehicle of this type manufactured after the model year of 2024 or first registered in Illinois after December 31, 2024 may not exceed a combined weight of 34,000 pounds through the series of 2 axles and neither axle of the series may exceed 20,000 pounds.

A 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, manufactured before or in the model year of 2014, first registered in Illinois before January 1, 2015, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(9) A 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, 2024-2025 and not operated on a highway that is part of the National System of Interstate Highways, is allowed the following

maximum weights: 20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this paragraph (9) of subsection (a).

Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2024, and registered in Illinois prior to January 1, 2025, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of P.A. 92-0417, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2024 may not exceed the weights

allowed by the bridge formula.

- (11) The maximum weight allowed on a vehicle with crawler type tracks is 40,000 pounds.
- (12) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:
  - (i) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;
  - (ii) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;
  - (iii) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

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(iv) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code. The towing vehicle, however, may tow any disabled vehicle to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier.

(13) A Recovery Vehicle as defined in Section 1-168.7

## of this Code and registered under subsection (a-5) of Section 3-815 of this Code.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

- (b) As used in this Section, "recycling haul" or "recycling operation" means the hauling of non-hazardous, non-special, non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.
- (c) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.
- (d) No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on

- the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.
  - (e) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.
  - shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.
  - (g) Upon the trial of any person charged with a violation of subsection (e) or (f) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

- 1 (Source: P.A. 97-201, eff. 1-1-12; 98-409, eff. 1-1-14; 98-410,
- 2 eff. 8-16-13; revised 9-19-13.)