



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2108

Introduced 2/7/2025, by Sen. Mike Porfirio

SYNOPSIS AS INTRODUCED:

430 ILCS 5/3	from Ch. 96 1/2, par. 5603
430 ILCS 30/2	from Ch. 95 1/2, par. 700-2
430 ILCS 30/3	from Ch. 95 1/2, par. 700-3
625 ILCS 5/1-115.05	
625 ILCS 5/18b-101	from Ch. 95 1/2, par. 18b-101
625 ILCS 5/18b-102	from Ch. 95 1/2, par. 18b-102
625 ILCS 5/18b-104	from Ch. 95 1/2, par. 18b-104
625 ILCS 5/18b-104.1 new	
625 ILCS 5/18b-104.2 new	
625 ILCS 5/18b-106.2	
625 ILCS 5/18b-107	from Ch. 95 1/2, par. 18b-107
625 ILCS 5/18b-109	from Ch. 95 1/2, par. 18b-109

Amends the Illinois Hazardous Materials Transportation Act and the Illinois Motor Carrier Safety Law of the Illinois Vehicle Code. Provides that the Illinois State Police (rather than the Department of Transportation) shall administer and enforce the Illinois Hazardous Materials Transportation Act and the Illinois Motor Carrier Safety Law of the Illinois Vehicle Code. Makes related changes. Sets forth provisions concerning personnel and material transfers and requires transferred personnel to receive a background check and any additional screening requirements established by the Department. Makes conforming changes to the Liquefied Petroleum Gas Regulation Act. Effective July 1, 2025.

LRB104 08359 LNS 18410 b

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 Liquefied Petroleum Gas Regulation Act is
5 amended by changing Section 3 as follows:

6 (430 ILCS 5/3) (from Ch. 96 1/2, par. 5603)

7 Sec. 3. The Office of the State Fire Marshal has power to
8 make, adopt and enforce rules and regulations governing the
9 storing, transporting as cargo, selling, dispensing or use of
10 liquefied petroleum gases for purposes other than as a
11 propellant fuel in school buses, except as otherwise regulated
12 by the Illinois State Police ~~Department of Transportation~~
13 under the provisions of the "Illinois Hazardous Materials
14 Transportation Act", ~~approved August 26, 1977, as amended.~~
15 Rules and regulations adopted under this Section shall be in
16 substantial conformity with the generally accepted standards
17 of safety concerning the same subject matter. Rules and
18 regulations in substantial conformity with the published
19 Standards of the National Fire Protection Association for the
20 Storage and Handling of Liquefied Petroleum Gases and with the
21 published Recommended Good Practice Rules for Liquefied
22 Petroleum Gas Piping and Appliance Installations in Buildings
23 as recommended by the National Fire Protection Association,

1 shall be considered in substantial conformity with the
2 generally accepted standards of safety. No municipality or
3 other political subdivision shall enforce any ordinance or
4 regulation in conflict with this Act or with the regulations
5 promulgated under this Section, except in the location and
6 operation of liquefied petroleum gas bulk plants and storage
7 systems of over 1200 gallon capacity.

8 (Source: P.A. 83-1362.)

9 Section 10. The Illinois Hazardous Materials
10 Transportation Act is amended by changing Sections 2 and 3 as
11 follows:

12 (430 ILCS 30/2) (from Ch. 95 1/2, par. 700-2)

13 Sec. 2. It is the finding of the General Assembly that
14 hazardous materials are essential for various industrial,
15 commercial and other purposes; that their transportation is a
16 necessary incident to their use; and that such transportation
17 is required for the employment and economic prosperity of the
18 People of the State of Illinois.

19 It is therefore declared to be the policy of the General
20 Assembly to improve the regulatory and enforcement authority
21 of the Illinois State Police ~~Department of Transportation~~ to
22 protect the People of the State of Illinois against the risk to
23 life and property inherent in the transportation of hazardous
24 materials over highways by keeping such risk to a minimum

1 consistent with technical feasibility and economic
2 reasonableness.

3 It is not the intent of the General Assembly to regulate
4 the movement of hazardous materials in such quantities that
5 would not pose a substantial danger to the public health and
6 safety, such as fuels, fertilizer and agricultural chemicals
7 while being used in a normal farming operation or in transit to
8 the farm.

9 (Source: P.A. 80-351.)

10 (430 ILCS 30/3) (from Ch. 95 1/2, par. 700-3)

11 Sec. 3. Unless the context otherwise clearly requires, as
12 used in this Act:

13 "Commerce" means trade, traffic, commerce or
14 transportation within the State;

15 "Department" means the Illinois State Police ~~Department of~~
16 ~~Transportation~~;

17 "Discharge" means leakage, seepage, or other release;

18 "Hazardous material" means a substance or material in a
19 quantity and form determined by the United States Department
20 of Transportation to be capable of posing an unreasonable risk
21 to health and safety or property when transported in commerce;

22 "Knowingly" means a person has actual knowledge of the
23 facts giving rise to the violation or a reasonable person
24 acting in the circumstances and exercising due care would have
25 such knowledge;

1 "Law Enforcement Officials" means the Illinois State
2 Police or any duly authorized employees of a local
3 governmental agency who are primarily responsible for
4 prevention or detection of crime and enforcement of the
5 criminal code and the highway and traffic laws of this State or
6 any political subdivision of such State;

7 "Local road" means any State or local highway except for
8 (i) a highway with 4 or more lanes, or (ii) an interstate
9 highway.

10 "Person" means any natural person or individual,
11 governmental body, firm, association, partnership,
12 copartnership, joint venture, company, corporation, joint
13 stock company, trust, estate or any other legal entity or
14 their legal representative, agent or assigns;

15 "Transports" or "transportation" means any movement of
16 property over the highway and any loading, unloading or
17 storage incidental to such movement.

18 (Source: P.A. 102-513, eff. 8-20-21.)

19 Section 15. The Illinois Vehicle Code is amended by
20 changing Sections 1-115.05, 18b-101, 18b-102, 18b-104,
21 18b-106.2, 18b-107, and 18b-109 and by adding Sections
22 18b-104.1 and 18b-104.2 as follows:

23 (625 ILCS 5/1-115.05)

24 Sec. 1-115.05. Department. The Department of

1 Transportation of the State of Illinois, acting directly or
2 through its duly authorized officers and agents, except that:
3 (i) in Chapter 5 and Articles X and XI of Chapter 3 of this
4 Code, "Department" means the Department of Revenue of the
5 State of Illinois; and (ii) in Chapter 18B, "Department" means
6 the Illinois State Police.

7 (Source: P.A. 90-89, eff. 1-1-98.)

8 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

9 Sec. 18b-101. Definitions. Unless the context otherwise
10 clearly requires, as used in this Chapter:

11 "Agricultural commodities" means any agricultural
12 commodity, non-processed food, feed, fiber, or livestock,
13 including insects.

14 "Agricultural operations" means the operation of a motor
15 vehicle or combination of vehicles transporting agricultural
16 commodities or farm supplies for agricultural purposes.

17 "Air mile" means a nautical mile, which is equivalent to
18 6,076 feet or 1,852 meters. Accordingly, 100 air miles are
19 equivalent to 115.08 statute miles or 185.2 kilometers.

20 "Commercial motor vehicle" means any self propelled or
21 towed vehicle used on public highways in interstate and
22 intrastate commerce to transport passengers or property when
23 the vehicle has a gross vehicle weight, a gross vehicle weight
24 rating, a gross combination weight, or a gross combination
25 weight rating of 10,001 or more pounds; or the vehicle is used

1 or designed to transport more than 15 passengers, including
2 the driver; or the vehicle is designed to carry 15 or fewer
3 passengers and is operated by a contract carrier transporting
4 employees in the course of their employment on a highway of
5 this State; or the vehicle is used or designed to transport
6 between 9 and 15 passengers, including the driver, for direct
7 compensation; or the vehicle is used in the transportation of
8 hazardous materials in a quantity requiring placarding under
9 the Illinois Hazardous Materials Transportation Act. This
10 definition shall not include farm machinery, fertilizer
11 spreaders, and other special agricultural movement equipment
12 described in Section 3-809 nor implements of husbandry as
13 defined in Section 1-130.

14 "Covered farm vehicle", for purposes of this Chapter and
15 rule-making under this Chapter, means a straight truck or
16 articulated vehicle, excluding vehicles transporting hazardous
17 materials of a type or quantity that requires the vehicle to be
18 placarded in accordance with the Illinois Hazardous Materials
19 Transportation Act, registered in this State or another state
20 and equipped with a special license plate or other designation
21 by the state in which the vehicle is registered identifying
22 the vehicle as a covered farm vehicle for law enforcement
23 personnel and:

24 (1) is operated by a farm or ranch owner or operator,
25 or an employee or family member of the farm or ranch owner
26 or operator; and

1 (2) is being used to transport the following to or
2 from a farm or ranch:

3 (A) agricultural commodities;

4 (B) livestock; or

5 (C) machinery or supplies; and

6 (3) if registered in this State, is:

7 (A) registered as a farm truck under subsection
8 (c) of Section 3-815 of this Code; or

9 (B) operated in combination as an articulated
10 vehicle when the truck in the combination is
11 registered for 12,000 lbs. or less as a covered farm
12 vehicle under subsections (a) and (a-5) of Section
13 3-815 of this Code or subsection (a) of Section 3-818
14 of this Code and contains in the cab of the motor
15 vehicle a registration designating the vehicle as a
16 covered farm vehicle under subsections (a) and (a-5)
17 of Section 3-815 of this Code and the trailer in the
18 combination is registered as a farm trailer under
19 subsection (a) of Section 3-819 of this Code and
20 displays a farm registration license plate; or

21 (C) a truck registered for 12,000 lbs. or less as a
22 covered farm vehicle under subsections (a) and (a-5)
23 of Section 3-815 of this Code or subsection (a) of
24 Section 3-818 of this Code containing in the cab of the
25 motor vehicle a registration designating the vehicle
26 as a covered farm vehicle under subsections (a) and

1 (a-5) of Section 3-815 of this Code that is towing an
2 implement of husbandry as part of a farming operation;
3 and

4 (4) is not used in for-hire motor carrier operations;
5 however, for-hire motor carrier operations do not include
6 the operation of a vehicle meeting the definition of a
7 covered farm vehicle by a tenant pursuant to a crop share
8 farm lease agreement to transport the landlord's portion
9 of the crops under that agreement; and

10 (5) has a gross vehicle weight rating (GVWR), a gross
11 combination weight rating (GCWR), or a gross vehicle
12 weight or gross vehicle combination weight, whichever is
13 greater, that is:

14 (A) 26,001 lbs. or less, for vehicles operating in
15 interstate commerce; or

16 (B) greater than 26,001 lbs., operating in
17 interstate commerce and registered in this State; or

18 (C) greater than 26,001 lbs. and traveling
19 interstate within 150 air miles of the farm or ranch
20 for which the vehicle is being operated, regardless of
21 whether it is registered in this State; or

22 (D) greater than 10,000 lbs. and traveling
23 intrastate.

24 "Department" means the Illinois State Police.

25 "Direct compensation" means payment made to the motor
26 carrier by the passengers or a person acting on behalf of the

1 passengers for the transportation services provided, and not
2 included in a total package charge or other assessment for
3 highway transportation services.

4 "Farm supplies for agricultural purposes" means products
5 directly related to the growing or harvesting of agricultural
6 commodities and livestock feed at any time of the year.

7 "Livestock" means cattle, sheep, goats, swine, poultry
8 (including egg-producing poultry), fish used for food, and
9 other animals designated by the Secretary of the United States
10 Department of Transportation (at his or her sole discretion)
11 that are part of a foundation herd (including producing dairy
12 cattle) or offspring.

13 "Officer" means Illinois State Police Officer.

14 "Person" means any natural person or individual,
15 governmental body, firm, association, partnership,
16 copartnership, joint venture, company, corporation, joint
17 stock company, trust, estate or any other legal entity or
18 their legal representative, agent or assigns.

19 (Source: P.A. 97-795, eff. 1-1-13; 98-882, eff. 8-13-14.)

20 (625 ILCS 5/18b-102) (from Ch. 95 1/2, par. 18b-102)

21 Sec. 18b-102. Authority of Department. To the extent
22 necessary to administer this Chapter, the Department is
23 authorized to:

24 (a) Adopt by reference all or any portion of the Federal
25 Motor Carrier Safety Regulations of the United States

1 Department of Transportation, as they are now or hereafter
2 amended.

3 (b) Conduct investigations; make reports; issue subpoenas;
4 conduct hearings; require the production of relevant
5 documents, records and property; take depositions; ~~and, in~~
6 ~~conjunction with the Illinois State Police,~~ conduct directly
7 or indirectly research, development, demonstrations and
8 training activities.

9 (c) Authorize any officer or Department employee to enter
10 upon, inspect and examine at reasonable times and in a
11 reasonable manner, the records and properties of persons to
12 the extent such records and properties relate to the
13 transportation by motor vehicle of persons or property.

14 (d) Conduct a continuing review of all aspects of the
15 transportation of persons and property by motor vehicle in
16 order to determine and recommend appropriate steps to assure
17 safe transportation by motor vehicle in Illinois.

18 (e) Administer and enforce the provisions of this Chapter
19 and any rules and regulations issued under this Chapter. Only
20 the Department ~~Illinois State Police~~ shall be authorized to
21 stop and inspect any commercial motor vehicle or driver at any
22 time for the purpose of determining compliance with the
23 provisions of this Chapter or rules and regulations issued
24 under this Chapter.

25 (Source: P.A. 90-89, eff. 1-1-98.)

1 (625 ILCS 5/18b-104) (from Ch. 95 1/2, par. 18b-104)

2 Sec. 18b-104. Cooperation with State Agencies - Records
3 and Data - Availability. The Department shall cooperate with
4 other State agencies regulating transportation by motor
5 vehicles and may enter into interagency agreements for the
6 purpose of sharing data. ~~The Department shall enter into an
7 interagency agreement with the Illinois State Police for the
8 purpose of enforcing any provisions of this Chapter and the
9 rules and regulations issued under this Chapter.~~

10 (Source: P.A. 86-611.)

11 (625 ILCS 5/18b-104.1 new)

12 Sec. 18b-104.1. Personnel transfers. The personnel
13 responsible for administering this Chapter are transferred
14 from the transferring agency designated by the Governor to the
15 Illinois State Police. Prior to the transfer, the personnel
16 shall be subject to a background check and any additional
17 screening requirements established by the Department. The
18 status and rights of the employees and the State or its
19 transferring agency under the Personnel Code, the Illinois
20 Public Labor Relations Act, and applicable collective
21 bargaining agreements or under any pension, retirement, or
22 annuity plan shall not be affected by this amendatory Act of
23 the 104th General Assembly. Under the direction of the
24 Governor, the Department, in consultation with the
25 transferring agencies and labor organizations representing the

1 affected employees, shall identify each position and employee
2 who is engaged in the performance of functions transferred to
3 the Department, or engaged in the administration of a law the
4 administration of which is transferred to the Department, to
5 be transferred to the Department. An employee engaged
6 primarily in providing administrative and investigative
7 support to the Illinois Motor Carrier Safety Assistance
8 Program may be considered engaged in the performance of
9 functions transferred to the Department.

10 (625 ILCS 5/18b-104.2 new)

11 Sec. 18b-104.2. Material transfers. On the effective date
12 of this amendatory Act of the 104th General Assembly, the
13 Illinois State Police shall take possession from the
14 Department any tangible items, including, but not limited to,
15 vehicles, computers, uniforms, equipment, and supplies, which
16 were procured or purchased using the State Police Operations
17 Assistance Fund from the Federal Motor Carrier Safety
18 Administration. These items shall become property of the
19 Illinois State Police.

20 (625 ILCS 5/18b-106.2)

21 Sec. 18b-106.2. Hours of service; utility service
22 interruption emergencies.

23 (a) As used in this Section:

24 "Commercial driver's license" has the meaning set forth in

1 Section 1-111.6 of this Code.

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

4 "Utility service interruption emergency" means an outage
5 or interruption of utility service in Illinois occasioned by a
6 set of circumstances included in the definition of "emergency"
7 set forth at 49 CFR 390.5.

8 "Utility service" means the repairing, maintaining, or
9 operating of any structures or any other physical facilities
10 necessary for the delivery of utility services, including the
11 furnishing of electric, gas, water, sanitary sewer, telephone,
12 and television cable or community antenna service.

13 "Utility service vehicle" has the meaning set forth in 49
14 CFR 395.2.

15 (b) Upon receipt of notification of a utility service
16 interruption emergency by a utility service provider, the
17 ~~Illinois Department of Transportation~~ shall declare that an
18 emergency exists pursuant to 49 CFR 390.23. Should an audit by
19 the ~~Illinois Department of Transportation~~ establish that there
20 has been an abuse of the notification procedure by a utility
21 service provider, the ~~Illinois Department of Transportation~~
22 may refuse to grant emergency declarations to that utility
23 service provider in the future without further confirmation of
24 the existence of a utility service interruption emergency.

25 (c) A utility service interruption emergency continues
26 until:

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

3 (2) personnel used to perform necessary maintenance or
4 repair work have returned to their respective normal work
5 routines.

6 (d) An individual is exempt from any regulation of the
7 maximum hours of service that an employee may work under 49 CFR
8 395 if he or she:

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

10 (2) is:

11 (A) an employee;

12 (B) an employee of a contractor; or

13 (C) an employee of a subcontractor;

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

16 (3) operates a commercial motor vehicle as a utility
17 service vehicle and engages in intrastate maintenance or
18 repair work in response to a utility service interruption
19 emergency.

20 (e) The exemption from maximum hours of service
21 regulations provided under subsection (d) shall not exceed the
22 duration of the utility service provider's or driver's direct
23 assistance in providing utility service interruption emergency
24 relief, or 5 days from the date of the initial declaration,
25 whichever is less.

26 (f) Nothing in this amendatory Act of the 94th General

1 Assembly shall be construed to contravene any federal law or
2 to jeopardize State of Illinois entitlement to federal
3 funding. If any provision of this amendatory Act of the 94th
4 General Assembly or its application is found to jeopardize
5 federal funding, that provision is declared invalid but does
6 not affect any other provision or application. The provisions
7 of this amendatory Act of the 94th General Assembly are
8 declared to be severable.

9 (Source: P.A. 94-1, eff. 5-23-05.)

10 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

11 Sec. 18b-107. Violations - Civil penalties. Except as
12 provided in Section 18b-108, any person who is determined by
13 the Department after reasonable notice and opportunity for a
14 fair and impartial hearing to have committed an act in
15 violation of this Chapter or any rule or regulation issued
16 under this Chapter is liable to the State for a civil penalty.
17 Such person is subject to a civil penalty as prescribed by
18 Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations
19 and Maximum Monetary Penalties, except that a person
20 committing a railroad-highway grade crossing violation is
21 subject to a civil penalty of not more than \$10,000, and, if
22 any such violation is a continuing one, each day of violation
23 constitutes a separate offense. The amount of any such penalty
24 shall be assessed by the Department by a written notice. In
25 determining the amount of such penalty, the Department shall

1 take into account the nature, circumstances, extent and
2 gravity of the violation and, with respect to a person found to
3 have committed such violation, the degree of culpability,
4 history or prior offenses, ability to pay, effect on ability
5 to continue to do business and such other matters as justice
6 may require.

7 Such civil penalty is recoverable in an action brought by
8 the State's Attorney or the Attorney General on behalf of the
9 State in the circuit court or, prior to referral to the State's
10 Attorney or the Attorney General, such civil penalty may be
11 compromised by the Department. The amount of such penalty when
12 finally determined (or agreed upon in compromise), may be
13 deducted from any sums owed by the State to the person charged.
14 All civil penalties collected under this subsection shall be
15 deposited in the State Police Operations Assistance Fund ~~Road~~
16 ~~Fund~~.

17 (Source: P.A. 94-519, eff. 8-10-05.)

18 (625 ILCS 5/18b-109) (from Ch. 95 1/2, par. 18b-109)

19 Sec. 18b-109. Enforcement of Rules and Regulations. Only
20 the Department ~~Illinois State Police~~ shall enforce the rules
21 and regulations issued under this Chapter against drivers and
22 persons other than drivers. ~~The Department and the Illinois~~
23 ~~State Police shall enforce the rules and regulations issued~~
24 ~~under this Chapter against persons other than drivers.~~

25 (Source: P.A. 86-611.)

1 Section 99. Effective date. This Act takes effect July 1,
2 2025.