



Sen. Mike Porfirio

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10400SB2108sam001

LRB104 08359 LNS 23412 a

1 AMENDMENT TO SENATE BILL 2108

2 AMENDMENT NO. _____. Amend Senate Bill 2108 by replacing
3 everything after the enacting clause with the following:

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

1 of safety concerning the same subject matter. Rules and
2 regulations in substantial conformity with the published
3 Standards of the National Fire Protection Association for the
4 Storage and Handling of Liquefied Petroleum Gases and with the
5 published Recommended Good Practice Rules for Liquefied
6 Petroleum Gas Piping and Appliance Installations in Buildings
7 as recommended by the National Fire Protection Association,
8 shall be considered in substantial conformity with the
9 generally accepted standards of safety. No municipality or
10 other political subdivision shall enforce any ordinance or
11 regulation in conflict with this Act or with the regulations
12 promulgated under this Section, except in the location and
13 operation of liquefied petroleum gas bulk plants and storage
14 systems of over 1200 gallon capacity.

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

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

19 (430 ILCS 30/2) (from Ch. 95 1/2, par. 700-2)

20 Sec. 2. It is the finding of the General Assembly that
21 hazardous materials are essential for various industrial,
22 commercial and other purposes; that their transportation is a
23 necessary incident to their use; and that such transportation
24 is required for the employment and economic prosperity of the

1 People of the State of Illinois.

2 It is therefore declared to be the policy of the General
3 Assembly to improve the regulatory and enforcement authority
4 of the Illinois State Police ~~Department of Transportation~~ to
5 protect the People of the State of Illinois against the risk to
6 life and property inherent in the transportation of hazardous
7 materials over highways by keeping such risk to a minimum
8 consistent with technical feasibility and economic
9 reasonableness.

10 It is not the intent of the General Assembly to regulate
11 the movement of hazardous materials in such quantities that
12 would not pose a substantial danger to the public health and
13 safety, such as fuels, fertilizer and agricultural chemicals
14 while being used in a normal farming operation or in transit to
15 the farm.

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

17 (430 ILCS 30/3) (from Ch. 95 1/2, par. 700-3)

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

20 "Commerce" means trade, traffic, commerce or
21 transportation within the State;

22 "Department" means the Illinois State Police ~~Department of~~
23 ~~Transportation~~;

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

25 "Hazardous material" means a substance or material in a

1 quantity and form determined by the United States Department
2 of Transportation to be capable of posing an unreasonable risk
3 to health and safety or property when transported in commerce;

4 "Knowingly" means a person has actual knowledge of the
5 facts giving rise to the violation or a reasonable person
6 acting in the circumstances and exercising due care would have
7 such knowledge;

8 "Law Enforcement Officials" means the Illinois State
9 Police or any duly authorized employees of a local
10 governmental agency who are primarily responsible for
11 prevention or detection of crime and enforcement of the
12 criminal code and the highway and traffic laws of this State or
13 any political subdivision of such State;

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

17 "Person" means any natural person or individual,
18 governmental body, firm, association, partnership,
19 copartnership, joint venture, company, corporation, joint
20 stock company, trust, estate or any other legal entity or
21 their legal representative, agent or assigns;

22 "Transports" or "transportation" means any movement of
23 property over the highway and any loading, unloading or
24 storage incidental to such movement.

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

1 Section 15. The Illinois Vehicle Code is amended by
2 changing Sections 1-115.05, 18b-101, 18b-102, 18b-104,
3 18b-106.2, 18b-107, and 18b-109 and by adding Sections
4 18b-104.1 and 18b-104.2 as follows:

5 (625 ILCS 5/1-115.05)

6 Sec. 1-115.05. Department. The Department of
7 Transportation of the State of Illinois, acting directly or
8 through its duly authorized officers and agents, except that:
9 (i) in Chapter 5 and Articles X and XI of Chapter 3 of this
10 Code, "Department" means the Department of Revenue of the
11 State of Illinois; and (ii) in Chapter 18B, "Department" means
12 the Illinois State Police.

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

14 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

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

17 "Agricultural commodities" means any agricultural
18 commodity, non-processed food, feed, fiber, or livestock,
19 including insects.

20 "Agricultural operations" means the operation of a motor
21 vehicle or combination of vehicles transporting agricultural
22 commodities or farm supplies for agricultural purposes.

23 "Air mile" means a nautical mile, which is equivalent to
24 6,076 feet or 1,852 meters. Accordingly, 100 air miles are

1 equivalent to 115.08 statute miles or 185.2 kilometers.

2 "Commercial motor vehicle" means any self propelled or
3 towed vehicle used on public highways in interstate and
4 intrastate commerce to transport passengers or property when
5 the vehicle has a gross vehicle weight, a gross vehicle weight
6 rating, a gross combination weight, or a gross combination
7 weight rating of 10,001 or more pounds; or the vehicle is used
8 or designed to transport more than 15 passengers, including
9 the driver; or the vehicle is designed to carry 15 or fewer
10 passengers and is operated by a contract carrier transporting
11 employees in the course of their employment on a highway of
12 this State; or the vehicle is used or designed to transport
13 between 9 and 15 passengers, including the driver, for direct
14 compensation; or the vehicle is used in the transportation of
15 hazardous materials in a quantity requiring placarding under
16 the Illinois Hazardous Materials Transportation Act. This
17 definition shall not include farm machinery, fertilizer
18 spreaders, and other special agricultural movement equipment
19 described in Section 3-809 nor implements of husbandry as
20 defined in Section 1-130.

21 "Covered farm vehicle", for purposes of this Chapter and
22 rule-making under this Chapter, means a straight truck or
23 articulated vehicle, excluding vehicles transporting hazardous
24 materials of a type or quantity that requires the vehicle to be
25 placarded in accordance with the Illinois Hazardous Materials
26 Transportation Act, registered in this State or another state

1 and equipped with a special license plate or other designation
2 by the state in which the vehicle is registered identifying
3 the vehicle as a covered farm vehicle for law enforcement
4 personnel and:

5 (1) is operated by a farm or ranch owner or operator,
6 or an employee or family member of the farm or ranch owner
7 or operator; and

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

10 (A) agricultural commodities;

11 (B) livestock; or

12 (C) machinery or supplies; and

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

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

16 (B) operated in combination as an articulated
17 vehicle when the truck in the combination is
18 registered for 12,000 lbs. or less as a covered farm
19 vehicle under subsections (a) and (a-5) of Section
20 3-815 of this Code or subsection (a) of Section 3-818
21 of this Code and contains in the cab of the motor
22 vehicle a registration designating the vehicle as a
23 covered farm vehicle under subsections (a) and (a-5)
24 of Section 3-815 of this Code and the trailer in the
25 combination is registered as a farm trailer under
26 subsection (a) of Section 3-819 of this Code and

1 displays a farm registration license plate; or

2 (C) a truck registered for 12,000 lbs. or less as a
3 covered farm vehicle under subsections (a) and (a-5)
4 of Section 3-815 of this Code or subsection (a) of
5 Section 3-818 of this Code containing in the cab of the
6 motor vehicle a registration designating the vehicle
7 as a covered farm vehicle under subsections (a) and
8 (a-5) of Section 3-815 of this Code that is towing an
9 implement of husbandry as part of a farming operation;
10 and

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

17 (5) has a gross vehicle weight rating (GVWR), a gross
18 combination weight rating (GCWR), or a gross vehicle
19 weight or gross vehicle combination weight, whichever is
20 greater, that is:

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

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

25 (C) greater than 26,001 lbs. and traveling
26 interstate within 150 air miles of the farm or ranch

1 for which the vehicle is being operated, regardless of
2 whether it is registered in this State; or

3 (D) greater than 10,000 lbs. and traveling
4 intrastate.

5 "Department" means the Illinois State Police.

6 "Direct compensation" means payment made to the motor
7 carrier by the passengers or a person acting on behalf of the
8 passengers for the transportation services provided, and not
9 included in a total package charge or other assessment for
10 highway transportation services.

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

14 "Livestock" means cattle, sheep, goats, swine, poultry
15 (including egg-producing poultry), fish used for food, and
16 other animals designated by the Secretary of the United States
17 Department of Transportation (at his or her sole discretion)
18 that are part of a foundation herd (including producing dairy
19 cattle) or offspring.

20 "Officer" means Illinois State Police Officer.

21 "Person" means any natural person or individual,
22 governmental body, firm, association, partnership,
23 copartnership, joint venture, company, corporation, joint
24 stock company, trust, estate or any other legal entity or
25 their legal representative, agent or assigns.

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

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

2 Sec. 18b-102. Authority of Department. To the extent
3 necessary to administer this Chapter, the Department is
4 authorized to:

5 (a) Adopt by reference all or any portion of the Federal
6 Motor Carrier Safety Regulations of the United States
7 Department of Transportation, as they are now or hereafter
8 amended.

9 (b) Conduct investigations; make reports; issue subpoenas;
10 conduct hearings; require the production of relevant
11 documents, records and property; take depositions; ~~and, in~~
12 ~~conjunction with the Illinois State Police,~~ conduct directly
13 or indirectly research, development, demonstrations and
14 training activities.

15 (c) Authorize any officer or Department employee to enter
16 upon, inspect and examine at reasonable times and in a
17 reasonable manner, the records and properties of persons to
18 the extent such records and properties relate to the
19 transportation by motor vehicle of persons or property.

20 (d) Conduct a continuing review of all aspects of the
21 transportation of persons and property by motor vehicle in
22 order to determine and recommend appropriate steps to assure
23 safe transportation by motor vehicle in Illinois.

24 (e) Administer and enforce the provisions of this Chapter
25 and any rules and regulations issued under this Chapter. Only

1 the Department ~~Illinois State Police~~ shall be authorized to
2 stop and inspect any commercial motor vehicle or driver at any
3 time for the purpose of determining compliance with the
4 provisions of this Chapter or rules and regulations issued
5 under this Chapter.

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

7 (625 ILCS 5/18b-104) (from Ch. 95 1/2, par. 18b-104)

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

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

17 (625 ILCS 5/18b-104.1 new)

18 Sec. 18b-104.1. Personnel transfers. On January 1, 2026,
19 the personnel responsible for administering this Chapter are
20 transferred from the transferring agency designated by the
21 Governor to the Department. Prior to the transfer, the
22 personnel shall be subject to a background check and any
23 additional screening requirements established by the
24 Department. The status and rights of the employees and the

1 State or its transferring agency under the Personnel Code, the
2 Illinois Public Labor Relations Act, and applicable collective
3 bargaining agreements or under any pension, retirement, or
4 annuity plan shall not be affected by this amendatory Act of
5 the 104th General Assembly. Under the direction of the
6 Governor, the Department, in consultation with the
7 transferring agencies, Central Management Services, and labor
8 organizations representing the affected employees, shall
9 identify each position and employee who is engaged in the
10 performance of functions transferred to the Department, or
11 engaged in the administration of a law the administration of
12 which is transferred to the Department, to be transferred to
13 the Department. An employee engaged primarily in providing
14 administrative and investigative support to the Illinois Motor
15 Carrier Safety Assistance Program may be considered engaged in
16 the performance of functions transferred to the Department.

17 (625 ILCS 5/18b-104.2 new)

18 Sec. 18b-104.2. Material transfers. On January 1, 2026,
19 the Department shall take possession from the Department of
20 Transportation any tangible items, including, but not limited
21 to, vehicles, computers, uniforms, equipment, and supplies,
22 which were procured or purchased using the Motor Carrier
23 Safety Assistance Program Grant from the Federal Motor Carrier
24 Safety Administration. These items shall become property of
25 the Department.

1 (625 ILCS 5/18b-106.2)

2 Sec. 18b-106.2. Hours of service; utility service
3 interruption emergencies.

4 (a) As used in this Section:

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

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

9 "Utility service interruption emergency" means an outage
10 or interruption of utility service in Illinois occasioned by a
11 set of circumstances included in the definition of "emergency"
12 set forth at 49 CFR 390.5.

13 "Utility service" means the repairing, maintaining, or
14 operating of any structures or any other physical facilities
15 necessary for the delivery of utility services, including the
16 furnishing of electric, gas, water, sanitary sewer, telephone,
17 and television cable or community antenna service.

18 "Utility service vehicle" has the meaning set forth in 49
19 CFR 395.2.

20 (b) Upon receipt of notification of a utility service
21 interruption emergency by a utility service provider, the
22 ~~Illinois Department of Transportation~~ shall declare that an
23 emergency exists pursuant to 49 CFR 390.23. Should an audit by
24 the ~~Illinois Department of Transportation~~ establish that there
25 has been an abuse of the notification procedure by a utility

1 service provider, the ~~Illinois~~ Department ~~of Transportation~~
2 may refuse to grant emergency declarations to that utility
3 service provider in the future without further confirmation of
4 the existence of a utility service interruption emergency.

5 (c) A utility service interruption emergency continues
6 until:

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

9 (2) personnel used to perform necessary maintenance or
10 repair work have returned to their respective normal work
11 routines.

12 (d) An individual is exempt from any regulation of the
13 maximum hours of service that an employee may work under 49 CFR
14 395 if he or she:

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

16 (2) is:

17 (A) an employee;

18 (B) an employee of a contractor; or

19 (C) an employee of a subcontractor;

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

22 (3) operates a commercial motor vehicle as a utility
23 service vehicle and engages in intrastate maintenance or
24 repair work in response to a utility service interruption
25 emergency.

26 (e) The exemption from maximum hours of service

1 regulations provided under subsection (d) shall not exceed the
2 duration of the utility service provider's or driver's direct
3 assistance in providing utility service interruption emergency
4 relief, or 5 days from the date of the initial declaration,
5 whichever is less.

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

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

16 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

17 Sec. 18b-107. Violations - Civil penalties. Except as
18 provided in Section 18b-108, any person who is determined by
19 the Department after reasonable notice and opportunity for a
20 fair and impartial hearing to have committed an act in
21 violation of this Chapter or any rule or regulation issued
22 under this Chapter is liable to the State for a civil penalty.
23 Such person is subject to a civil penalty as prescribed by
24 Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations
25 and Maximum Monetary Penalties, except that a person

1 committing a railroad-highway grade crossing violation is
2 subject to a civil penalty of not more than \$10,000, and, if
3 any such violation is a continuing one, each day of violation
4 constitutes a separate offense. The amount of any such penalty
5 shall be assessed by the Department by a written notice. In
6 determining the amount of such penalty, the Department shall
7 take into account the nature, circumstances, extent and
8 gravity of the violation and, with respect to a person found to
9 have committed such violation, the degree of culpability,
10 history or prior offenses, ability to pay, effect on ability
11 to continue to do business and such other matters as justice
12 may require.

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

23 On the effective date of this amendatory Act of the 104th
24 General Assembly, the hearing process established by this
25 Section shall be completed by the Department. All such
26 violations dated prior to the effective date of this

1 amendatory Act of the 104th General Assembly shall be
2 completed by the Department of Transportation.

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

4 (625 ILCS 5/18b-109) (from Ch. 95 1/2, par. 18b-109)

5 Sec. 18b-109. Enforcement of Rules and Regulations. Only
6 the Department ~~Illinois State Police~~ shall enforce the rules
7 and regulations issued under this Chapter against drivers and
8 persons other than drivers. ~~The Department and the Illinois~~
9 ~~State Police shall enforce the rules and regulations issued~~
10 ~~under this Chapter against persons other than drivers.~~

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

12 Section 99. Effective date. This Act takes effect October
13 1, 2025."