**Section 107.3 Definitions**

As used in this Part:

"Act" means the Illinois Hazardous Materials Transportation Act [430 ILCS 30].

"Acting knowingly" means acting or failing to act while having actual knowledge of the facts giving rise to the violation, or having the knowledge that a reasonable person acting in the same circumstances and exercising due care would have had. (49 CFR 107.1, October 1, 2003)

"Administrator" means the Administrator, Research and Special Programs Administration (RSPA), US Department of Transportation or his or her delegate. (49 CFR 107.1, October 1, 2003)

"Applicant" means the person in whose name an exemption, approval, registration, a renewed or modified exemption or approval, or party status to an exemption is requested to be issued. (49 CFR 107.1, October 1, 2003)

"Application" means a request under subpart B of 49 CFR 107 for an exemption, a renewal or modification of an exemption, party status to an exemption, or a request under subpart H of 49 CFR 107 for an approval, or renewal or modification of an approval. (49 CFR 107.1, October 1, 2003)

"Approval" means written consent, including a competent authority approval, from the Associate Administrator or other designated Department official, to perform a function that requires prior consent under subchapter C of 49 CFR Chapter I (49 CFR 171 through 180). (49 CFR 107.1, October 1, 2003)

"Approval Agency" means an organization or a person designated by the RSPA to certify packagings as having been designed, manufactured, tested, modified, marked or maintained in compliance with applicable DOT regulations. (49 CFR 107.1, October 1, 2003)

"Associate Administrator" means the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, US Department of Transportation. (49 CFR 107.1, October 1, 2003)

"Competent authority" means a national agency that is responsible, under its national law, for the control or regulation of some aspect of hazardous materials (dangerous goods) transportation. Another term for competent authority is "appropriate authority", which is used in the International Civil Aviation Organization’s (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air. The Associate Administrator is the United States competent authority for purposes of 49 CFR 107. (49 CFR 107.1, October 1, 2003)

"Competent authority approval" means an approval by the competent authority that is required under an international standard (for example, the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air and the International Maritime Dangerous Goods Code). Any of the following may be considered a competent authority approval if it satisfies the requirement of an international standard:

A specific regulation in subchapter A or C of 49 CFR Chapter I.

An exemption or approval issued under subchapter A or C of 49 CFR Chapter I.

A separate document issued to one or more persons by the Associate Administrator. (49 CFR 107.1, October 1, 2003)

"Department" means the Illinois Department of Transportation.

"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety.

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and the Illinois Hazardous Materials Transportation Regulations (IHMTR) and prosecution of violations of the IHMTR and the Act.

"Exemption" means a document issued by the Associate Administrator under the authority of 49 USC 5117. The document permits a person to perform a function that is not otherwise permitted under subchapter A or C of 49 CFR Chapter I, or other regulations issued under 49 USC 5101 through 5127 (e.g., Federal Motor Carrier Safety routing requirements) (49 CFR 107.1, October 1, 2003)

"Federal Hazardous Material Transportation Law" means 49 USC 5101 et seq. (49 CFR 107.1, October 1, 2003)

"Filed" means received by the appropriate RSPA or other designated office within the time specified in a regulation or rulemaking document. (49 CFR 107.1, October 1, 2003)

"Holder" means the person in whose name an exemption or approval has been issued. (49 CFR 107.1, October 1, 2003)

"Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion of an administrative hearing or other formal proceeding initiated to abate the risks of those effects. (49 CFR 107.1, October 1, 2003)

"Incident" means an event resulting in the unintended and unanticipated release of a hazardous material or an event meeting incident reporting requirements in 49 CFR 171.15 or 49 CFR 171.16. (49 CFR 107.1, October 1, 2003)

"Indian tribe" has the same meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 USC 450b). (49 CFR 107.1, October 1, 2003)

"IHMTR" means the Illinois Hazardous Materials Transportation Regulations.

"Investigation" includes investigations authorized under 49 USC 5121 and inspections authorized under 49 USC 5118 and 5121. (49 CFR 107.1, October 1, 2003)

"Knowingly" (See the definition of "acting knowingly" in this Section.)

"Manufacturing exemption" means an exemption from compliance with specified requirements that otherwise must be met before representing, marking, certifying (including requalifying, inspecting, and testing), selling or offering a packaging or container as meeting the requirements of subchapter C of 49 CFR Chapter I governing its use in the transportation in commerce of a hazardous material. A manufacturing exemption is an exemption issued to a manufacturer of packagings who does not offer for transportation or transport hazardous materials in packagings subject to the exemption. (49 CFR 107.1, October 1, 2003)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying critical violations that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Out-of-service order" means a declaration by the State Police that a hazardous material shipment is out-of-service pursuant to 92 Ill. Adm. Code 171.2(a), 171.2(b) or 171.2(c) and the North American Uniform Out-of-Service Criteria as defined in this Section.

"Party" means a person, other than a holder, authorized to act under the terms of an exemption. (49 CFR 107.1, October 1, 2003)

"Person" means an individual, firm, copartnership, corporation, company, association, or joint stock association (including any trustee, receiver, assignee, or similar representative); or a government or Indian tribe (or an agency or instrumentality of any government or Indian tribe) that transports a hazardous material to further a commercial enterprise or offers a hazardous material for transportation in commerce. Person does not include the following:

The United States Postal Service.

Any agency or instrumentality of the Federal government, for the purposes of 49 USC 5123 (civil penalties) and 5124 (criminal penalties).

Any government or Indian tribe (or agency or instrumentality of any government or Indian tribe) that transports hazardous material for a governmental purpose. (49 CFR 107.1, October 1, 2003)

"Registration" means a written acknowledgment from the Associate Administrator that a registrant is authorized to perform a function for which registration is required under subchapter C of 49 CFR Chapter I (e.g., registration in accordance with 49 CFR 178.503 regarding marking of packagings). For purposes of subparts A through E, "registration" does not include registration under subpart F or G of 49 CFR 107. (49 CFR 107.1, October 1, 2003)

"Report" means information, other than an application, registration or part thereof, required to be submitted to the Associate Administrator pursuant to subchapter A, subchapter B or subchapter C of 49 CFR Chapter I. (49 CFR 107.1, October 1, 2003)

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the Illinois State Police.

"Transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement. (49 CFR 107.1, October 1, 2003)

(Source: Amended at 28 Ill. Reg. 10066, effective July 1, 2004)