**Section 554.310 Procedure Following Arrest for Violation**

a) Following an arrest for violation of a permit, if the load can be shifted to comply with the provisions of the permit, the driver or owner may make the shift and then proceed. If the load cannot be shifted or otherwise adjusted to comply with the permit, a new permit must be secured following the same procedures as for an original permit.

b) If the permit designates and includes a routing to a certified scale that was requested on the original application as outlined in Section 554.607, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than 2000 pounds on a single axle, 3000 pounds on a tandem axle, and 5000 pounds on the gross weight. Before leaving the designated scale area, the permittee must either:

1) shift the load to comply with the permitted weights,

2) obtain a revision from the Permit Office if the final weights exceed the permit limits but are within the tolerances, or

3) obtain a new permit if the weight tolerances are exceeded.

c) Once a permit is violated for weights above tolerance limits, a revision will not be issued even though weights can be adjusted to be within tolerance limits.

d) The fact that a new permit may be issued to continue the move carries no assumption of intent, error, mistake, or mitigating circumstances concerning the limitations, conditions, or provisions contained in the original permit that may affect its status subsequent to arrest.

e) In the event that a permit load is found moving before the effective date or after the expiration date of the permit, the officer shall proceed with violations of 625 ILCS 5/15-111 as no valid permit exists.

(Source: Amended at 28 Ill. Reg. 15654, effective November 19, 2004)