



Sen. Dale Fowler

Filed: 5/25/2018

10000HB5749sam001

LRB100 18124 LNS 40884 a

1 AMENDMENT TO HOUSE BILL 5749

2 AMENDMENT NO. _____. Amend House Bill 5749 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 15-301 and 15-312 as follows:

6 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

7 Sec. 15-301. Permits for excess size and weight.

8 (a) The Department with respect to highways under its
9 jurisdiction and local authorities with respect to highways
10 under their jurisdiction may, in their discretion, upon
11 application and good cause being shown therefor, issue a
12 special permit authorizing the applicant to operate or move a
13 vehicle or combination of vehicles of a size or weight of
14 vehicle or load exceeding the maximum specified in this Act or
15 otherwise not in conformity with this Act upon any highway
16 under the jurisdiction of the party granting such permit and

1 for the maintenance of which the party is responsible.
2 Applications and permits other than those in written or printed
3 form may only be accepted from and issued to the company or
4 individual making the movement. Except for an application to
5 move directly across a highway, it shall be the duty of the
6 applicant to establish in the application that the load to be
7 moved by such vehicle or combination cannot reasonably be
8 dismantled or disassembled, the reasonableness of which shall
9 be determined by the Secretary of the Department. For the
10 purpose of over length movements, more than one object may be
11 carried side by side as long as the height, width, and weight
12 laws are not exceeded and the cause for the over length is not
13 due to multiple objects. For the purpose of over height
14 movements, more than one object may be carried as long as the
15 cause for the over height is not due to multiple objects and
16 the length, width, and weight laws are not exceeded. For the
17 purpose of an over width movement, more than one object may be
18 carried as long as the cause for the over width is not due to
19 multiple objects and length, height, and weight laws are not
20 exceeded. Except for transporting fluid milk products, no State
21 or local agency shall authorize the issuance of excess size or
22 weight permits for vehicles and loads that are divisible and
23 that can be carried, when divided, within the existing size or
24 weight maximums specified in this Chapter. Any excess size or
25 weight permit issued in violation of the provisions of this
26 Section shall be void at issue and any movement made thereunder

1 shall not be authorized under the terms of the void permit. In
2 any prosecution for a violation of this Chapter when the
3 authorization of an excess size or weight permit is at issue,
4 it is the burden of the defendant to establish that the permit
5 was valid because the load to be moved could not reasonably be
6 dismantled or disassembled, or was otherwise nondivisible.

7 (b) The application for any such permit shall: (1) state
8 whether such permit is requested for a single trip or for
9 limited continuous operation; (2) state if the applicant is an
10 authorized carrier under the Illinois Motor Carrier of Property
11 Law, if so, his certificate, registration or permit number
12 issued by the Illinois Commerce Commission; (3) specifically
13 describe and identify the vehicle or vehicles and load to be
14 operated or moved except that for vehicles or vehicle
15 combinations registered by the Department as provided in
16 Section 15-319 of this Chapter, only the Illinois Department of
17 Transportation's (IDT) registration number or classification
18 need be given; (4) state the routing requested including the
19 points of origin and destination, and may identify and include
20 a request for routing to the nearest certified scale in
21 accordance with the Department's rules and regulations,
22 provided the applicant has approval to travel on local roads;
23 and (5) state if the vehicles or loads are being transported
24 for hire. No permits for the movement of a vehicle or load for
25 hire shall be issued to any applicant who is required under the
26 Illinois Motor Carrier of Property Law to have a certificate,

1 registration or permit and does not have such certificate,
2 registration or permit.

3 (c) The Department or local authority when not inconsistent
4 with traffic safety is authorized to issue or withhold such
5 permit at its discretion; or, if such permit is issued at its
6 discretion to prescribe the route or routes to be traveled, to
7 limit the number of trips, to establish seasonal or other time
8 limitations within which the vehicles described may be operated
9 on the highways indicated, or otherwise to limit or prescribe
10 conditions of operations of such vehicle or vehicles, when
11 necessary to assure against undue damage to the road
12 foundations, surfaces or structures, and may require such
13 undertaking or other security as may be deemed necessary to
14 compensate for any injury to any roadway or road structure. The
15 Department shall maintain a daily record of each permit issued
16 along with the fee and the stipulated dimensions, weights,
17 conditions and restrictions authorized and this record shall be
18 presumed correct in any case of questions or dispute. The
19 Department shall install an automatic device for recording
20 applications received and permits issued by telephone. In
21 making application by telephone, the Department and applicant
22 waive all objections to the recording of the conversation.

23 (d) The Department shall, upon application in writing from
24 any local authority, issue an annual permit authorizing the
25 local authority to move oversize highway construction,
26 transportation, utility and maintenance equipment over roads

1 under the jurisdiction of the Department. The permit shall be
2 applicable only to equipment and vehicles owned by or
3 registered in the name of the local authority, and no fee shall
4 be charged for the issuance of such permits.

5 (e) As an exception to subsection ~~paragraph~~ (a) of this
6 Section, the Department and local authorities, with respect to
7 highways under their respective jurisdictions, in their
8 discretion and upon application in writing may issue a special
9 permit for limited continuous operation, authorizing the
10 applicant to move loads of agricultural commodities on a 2-axle
11 ~~2-axle~~ single vehicle registered by the Secretary of State with
12 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4-axle~~
13 vehicle registered by the Secretary of State with axle loads
14 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by
15 the Secretary of State not to exceed 10% above those provided
16 in Section 15-111. The total gross weight of the vehicle,
17 however, may not exceed the maximum gross weight of the
18 registration class of the vehicle allowed under Section 3-815
19 or 3-818 of this Code.

20 As used in this Section, "agricultural commodities" means:

21 (1) cultivated plants or agricultural produce grown
22 including, but ~~is~~ not limited to, corn, soybeans, wheat,
23 oats, grain sorghum, canola, and rice;

24 (2) livestock, including l but not limited to l hogs,
25 equine, sheep, and poultry;

26 (3) ensilage; and

1 (4) fruits and vegetables.

2 Permits may be issued for a period not to exceed 40 days
3 and moves may be made of a distance not to exceed 50 miles from
4 a field, an on-farm grain storage facility, a warehouse as
5 defined in the ~~Illinois~~ Grain Code, or a livestock management
6 facility as defined in the Livestock Management Facilities Act
7 over any highway except the National System of Interstate and
8 Defense Highways. The operator of the vehicle, however, must
9 abide by posted bridge and posted highway weight limits. All
10 implements of husbandry operating under this Section between
11 sunset and sunrise shall be equipped as prescribed in Section
12 12-205.1.

13 (e-1) Upon a declaration by the Governor that an emergency
14 harvest situation exists, a special permit issued by the
15 Department under this Section shall be required from September
16 1 through December 31 during harvest season emergencies for a
17 vehicle that exceeds the maximum axle weight and gross weight
18 limits under Section 15-111 of this Code or exceeds the
19 vehicle's registered gross weight, provided that the vehicle's
20 axle weight and gross weight do not exceed 10% above the
21 maximum limits under Section 15-111 of this Code and does not
22 exceed the vehicle's registered gross weight by 10%. All other
23 restrictions that apply to permits issued under this Section
24 shall apply during the declared time period and no fee shall be
25 charged for the issuance of those permits. Permits issued by
26 the Department under this subsection (e-1) are only valid on

1 federal and State highways under the jurisdiction of the
2 Department, except interstate highways. With respect to
3 highways under the jurisdiction of local authorities, the local
4 authorities may, at their discretion, waive special permit
5 requirements during harvest season emergencies, and set a
6 divisible load weight limit not to exceed 10% above a vehicle's
7 registered gross weight, provided that the vehicle's axle
8 weight and gross weight do not exceed 10% above the maximum
9 limits specified in Section 15-111. Permits issued under this
10 subsection (e-1) shall apply to all registered vehicles
11 eligible to obtain permits under this Section, including
12 vehicles used in private or for-hire movement of divisible load
13 agricultural commodities during the declared time period.

14 (e-5) As an exception to subsection (a) of this Section,
15 the Department and local authorities, with respect to highways
16 under their respective jurisdictions, in their discretion and
17 upon application in writing may issue a special permit
18 authorizing the applicant to move loads of agricultural
19 commodities if: (i) the weight of the vehicle does not exceed
20 10% above those limits provided in Section 15-111 of this Code;
21 (ii) the gross weight of the vehicle does not exceed the
22 registered weight of the vehicle by 10%; and (iii) bridge
23 postings are obeyed. All other restrictions that apply to
24 permits issued under this Section shall apply.

25 Permits under this subsection (e-5) are valid only on
26 federal and State highways under the jurisdiction of the

1 Department other than interstate highways. With respect to
2 highways under the jurisdiction of a local authority, the local
3 authority shall waive special permit requirements for highways
4 under its jurisdiction for any vehicles issued a special permit
5 by the Department under this Section.

6 The fee for a permit under this subsection (e-5) shall be
7 \$1,200, to be distributed in the following manner:

8 (1) 30% to the Department to be deposited into the Road
9 Fund.

10 (2) 40% shall be distributed in the following manner:

11 (A) 40% to the counties of the State to be
12 deposited into the county highway fund; and

13 (B) 60% to the road districts of the State.

14 (3) 30% to the Illinois State Police to be deposited
15 into the State Police Operations Assistance Fund.

16 (f) The form and content of the permit shall be determined
17 by the Department with respect to highways under its
18 jurisdiction and by local authorities with respect to highways
19 under their jurisdiction. Every permit shall be in written form
20 and carried in the vehicle or combination of vehicles to which
21 it refers and shall be open to inspection by any police officer
22 or authorized agent of any authority granting the permit and no
23 person shall violate any of the terms or conditions of such
24 special permit. Violation of the terms and conditions of the
25 permit shall not be deemed a revocation of the permit; however,
26 any vehicle and load found to be off the route prescribed in

1 the permit shall be held to be operating without a permit. Any
2 off route vehicle and load shall be required to obtain a new
3 permit or permits, as necessary, to authorize the movement back
4 onto the original permit routing. No rule or regulation, nor
5 anything herein shall be construed to authorize any police
6 officer, court, or authorized agent of any authority granting
7 the permit to remove the permit from the possession of the
8 permittee unless the permittee is charged with a fraudulent
9 permit violation as provided in subsection ~~paragraph~~ (i).
10 However, upon arrest for an offense of violation of permit,
11 operating without a permit when the vehicle is off route, or
12 any size or weight offense under this Chapter when the
13 permittee plans to raise the issuance of the permit as a
14 defense, the permittee, or his agent, must produce the permit
15 at any court hearing concerning the alleged offense.

16 If the permit designates and includes a routing to a
17 certified scale, the permittee, while enroute to the designated
18 scale, shall be deemed in compliance with the weight provisions
19 of the permit provided the axle or gross weights do not exceed
20 any of the permitted limits by more than the following amounts:

21	Single axle	2000 pounds
22	Tandem axle	3000 pounds
23	Gross	5000 pounds

24 (g) The Department is authorized to adopt, amend, and to
25 make available to interested persons a policy concerning
26 reasonable rules, limitations and conditions or provisions of

1 operation upon highways under its jurisdiction in addition to
2 those contained in this Section for the movement by special
3 permit of vehicles, combinations, or loads which cannot
4 reasonably be dismantled or disassembled, including
5 manufactured and modular home sections and portions thereof.
6 All rules, limitations and conditions or provisions adopted in
7 the policy shall have due regard for the safety of the
8 traveling public and the protection of the highway system and
9 shall have been promulgated in conformity with the provisions
10 of the Illinois Administrative Procedure Act. The requirements
11 of the policy for flagmen and escort vehicles shall be the same
12 for all moves of comparable size and weight. When escort
13 vehicles are required, they shall meet the following
14 requirements:

15 (1) All operators shall be 18 years of age or over and
16 properly licensed to operate the vehicle.

17 (2) Vehicles escorting oversized loads more than
18 12-feet wide must be equipped with a rotating or flashing
19 amber light mounted on top as specified under Section
20 12-215.

21 The Department shall establish reasonable rules and
22 regulations regarding liability insurance or self insurance
23 for vehicles with oversized loads promulgated under the
24 Illinois Administrative Procedure Act. Police vehicles may be
25 required for escort under circumstances as required by rules
26 and regulations of the Department.

1 (h) Violation of any rule, limitation or condition or
2 provision of any permit issued in accordance with the
3 provisions of this Section shall not render the entire permit
4 null and void but the violator shall be deemed guilty of
5 violation of permit and guilty of exceeding any size, weight or
6 load limitations in excess of those authorized by the permit.
7 The prescribed route or routes on the permit are not mere
8 rules, limitations, conditions, or provisions of the permit,
9 but are also the sole extent of the authorization granted by
10 the permit. If a vehicle and load are found to be off the route
11 or routes prescribed by any permit authorizing movement, the
12 vehicle and load are operating without a permit. Any off-route
13 ~~off-route~~ movement shall be subject to the size and weight
14 maximums, under the applicable provisions of this Chapter, as
15 determined by the type or class highway upon which the vehicle
16 and load are being operated.

17 (i) Whenever any vehicle is operated or movement made under
18 a fraudulent permit the permit shall be void, and the person,
19 firm, or corporation to whom such permit was granted, the
20 driver of such vehicle in addition to the person who issued
21 such permit and any accessory, shall be guilty of fraud and
22 either one or all persons may be prosecuted for such violation.
23 Any person, firm, or corporation committing such violation
24 shall be guilty of a Class 4 felony and the Department shall
25 not issue permits to the person, firm or corporation convicted
26 of such violation for a period of one year after the date of

1 conviction. Penalties for violations of this Section shall be
2 in addition to any penalties imposed for violation of other
3 Sections of this Code Act.

4 (j) Whenever any vehicle is operated or movement made in
5 violation of a permit issued in accordance with this Section,
6 the person to whom such permit was granted, or the driver of
7 such vehicle, is guilty of such violation and either, but not
8 both, persons may be prosecuted for such violation as stated in
9 this subsection (j). Any person, firm or corporation convicted
10 of such violation shall be guilty of a petty offense and shall
11 be fined for the first offense, not less than \$50 nor more than
12 \$200 and, for the second offense by the same person, firm or
13 corporation within a period of one year, not less than \$200 nor
14 more than \$300 and, for the third offense by the same person,
15 firm or corporation within a period of one year after the date
16 of the first offense, not less than \$300 nor more than \$500 and
17 the Department shall not issue permits to the person, firm or
18 corporation convicted of a third offense during a period of one
19 year after the date of conviction for such third offense.

20 (k) Whenever any vehicle is operated on local roads under
21 permits for excess width or length issued by local authorities,
22 such vehicle may be moved upon a State highway for a distance
23 not to exceed one-half mile without a permit for the purpose of
24 crossing the State highway.

25 (l) Notwithstanding any other provision of this Section,
26 the Department, with respect to highways under its

1 jurisdiction, and local authorities, with respect to highways
2 under their jurisdiction, may at their discretion authorize the
3 movement of a vehicle in violation of any size or weight
4 requirement, or both, that would not ordinarily be eligible for
5 a permit, when there is a showing of extreme necessity that the
6 vehicle and load should be moved without unnecessary delay.

7 For the purpose of this subsection, showing of extreme
8 necessity shall be limited to the following: shipments of
9 livestock, hazardous materials, liquid concrete being hauled
10 in a mobile cement mixer, or hot asphalt.

11 (m) Penalties for violations of this Section shall be in
12 addition to any penalties imposed for violating any other
13 Section of this Code.

14 (n) The Department with respect to highways under its
15 jurisdiction and local authorities with respect to highways
16 under their jurisdiction, in their discretion and upon
17 application in writing, may issue a special permit for
18 continuous limited operation, authorizing the applicant to
19 operate a tow truck ~~tow truck~~ that exceeds the weight limits
20 provided for in subsection (a) of Section 15-111, provided:

21 (1) no rear single axle of the tow truck ~~tow truck~~
22 exceeds 26,000 pounds;

23 (2) no rear tandem axle of the tow truck ~~tow truck~~
24 exceeds 50,000 pounds;

25 (2.1) no triple rear axle on a manufactured recovery
26 unit exceeds 60,000 pounds;

1 (3) neither the disabled vehicle nor the disabled
2 combination of vehicles exceed the weight restrictions
3 imposed by this Chapter 15, or the weight limits imposed
4 under a permit issued by the Department prior to hookup;

5 (4) the tow truck ~~tow truck~~ prior to hookup does not
6 exceed the weight restrictions imposed by this Chapter 15;

7 (5) during the tow operation the tow truck ~~tow truck~~
8 does not violate any weight restriction sign;

9 (6) the tow truck ~~tow truck~~ is equipped with flashing,
10 rotating, or oscillating amber lights, visible for at least
11 500 feet in all directions;

12 (7) the tow truck ~~tow truck~~ is specifically designed
13 and licensed as a tow truck ~~tow truck~~;

14 (8) the tow truck ~~tow truck~~ has a gross vehicle weight
15 rating of sufficient capacity to safely handle the load;

16 (9) the tow truck ~~tow truck~~ is equipped with air
17 brakes;

18 (10) the tow truck ~~tow truck~~ is capable of utilizing
19 the lighting and braking systems of the disabled vehicle or
20 combination of vehicles;

21 (11) the tow commences at the initial point of wreck or
22 disablement and terminates at a point where the repairs are
23 actually to occur;

24 (12) the permit issued to the tow truck ~~tow truck~~ is
25 carried in the tow truck ~~tow truck~~ and exhibited on demand
26 by a police officer; and

1 (13) the movement shall be valid only on State ~~state~~
2 routes approved by the Department.

3 (o) (Blank).

4 (p) In determining whether a load may be reasonably
5 dismantled or disassembled for the purpose of subsection
6 ~~paragraph~~ (a), the Department shall consider whether there is a
7 significant negative impact on the condition of the pavement
8 and structures along the proposed route, whether the load or
9 vehicle as proposed causes a safety hazard to the traveling
10 public, whether dismantling or disassembling the load promotes
11 or stifles economic development and whether the proposed route
12 travels less than 5 miles. A load is not required to be
13 dismantled or disassembled for the purposes of subsection
14 ~~paragraph~~ (a) if the Secretary of the Department determines
15 there will be no significant negative impact to pavement or
16 structures along the proposed route, the proposed load or
17 vehicle causes no safety hazard to the traveling public,
18 dismantling or disassembling the load does not promote economic
19 development and the proposed route travels less than 5 miles.
20 The Department may promulgate rules for the purpose of
21 establishing the divisibility of a load pursuant to subsection
22 ~~paragraph~~ (a). Any load determined by the Secretary to be
23 nondivisible shall otherwise comply with the existing size or
24 weight maximums specified in this Chapter.

25 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;
26 revised 10-12-17.)

1 (625 ILCS 5/15-312) (from Ch. 95 1/2, par. 15-312)

2 Sec. 15-312. Fees for Police Escort. When State Police
3 escorts are required by the Department of Transportation for
4 the safety of the motoring public, the following fees shall be
5 paid by the applicant:

6 (1) to the Department of Transportation: \$40 per hour
7 per vehicle based upon the pre-estimated time of the
8 movement to be agreed upon between the Department and the
9 applicant, with a minimum fee of \$80 per vehicle; and

10 (2) to the Illinois State Police: \$75 ~~\$60~~ per hour per
11 State Police vehicle based upon the actual time of the
12 movement, with a minimum fee of \$300 per State Police
13 vehicle. The Illinois State Police shall remit the moneys
14 to the State Treasurer, who shall deposit the moneys into
15 the Over Dimensional Load Police Escort Fund.

16 The actual time of the movement shall be the time the
17 police escort is required to pick up the movement to the time
18 the movement is completed. Any delays or breakdowns shall be
19 considered part of the movement time. Any fraction of an hour
20 shall be rounded up to the next whole hour.

21 (Source: P.A. 95-787, eff. 1-1-09.)".