

# HB2318



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2318

by Rep. Justin Slaughter

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-316

from Ch. 95 1/2, par. 15-316

Amends the Illinois Vehicle Code. Provides that local authorities, with respect to highways under their jurisdiction, may limit the operation of trucks or other commercial vehicles in areas with poor air quality. Defines "poor air quality".

LRB101 08317 TAE 53386 b

A BILL FOR

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 Illinois Vehicle Code is amended by changing  
5 Section 15-316 as follows:

6 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

7 Sec. 15-316. When the Department or local authority may  
8 restrict right to use highways.

9 (a) Except as provided in subsection (g), local authorities  
10 with respect to highways under their jurisdiction may by  
11 ordinance or resolution prohibit the operation of vehicles upon  
12 any such highway or impose restrictions as to the weight of  
13 vehicles to be operated upon any such highway, for a total  
14 period of not to exceed 90 days, measured in either consecutive  
15 or nonconsecutive days at the discretion of local authorities,  
16 in any one calendar year, whenever any said highway by reason  
17 of deterioration, rain, snow, or other climate conditions will  
18 be seriously damaged or destroyed unless the use of vehicles  
19 thereon is prohibited or the permissible weights thereof  
20 reduced.

21 (b) The local authority enacting any such ordinance or  
22 resolution shall erect or cause to be erected and maintained  
23 signs designating the provision of the ordinance or resolution

1 at each end of that portion of any highway affected thereby,  
2 and the ordinance or resolution shall not be effective unless  
3 and until such signs are erected and maintained.

4 (c) Local authorities with respect to highways under their  
5 jurisdiction may also, by ordinance or resolution, prohibit the  
6 operation of trucks or other commercial vehicles, or may impose  
7 limitations as the weight thereof, on designated highways,  
8 which prohibitions and limitations shall be designated by  
9 appropriate signs placed on such highways.

10 (c-1) (Blank).

11 (c-3) Local authorities, with respect to highways under  
12 their jurisdiction, may by ordinance or resolution limit the  
13 operation of trucks or other commercial vehicles in areas with  
14 poor air quality. For purposes of this subsection (c-3), "poor  
15 air quality" means when pollutants, including emissions from  
16 natural and unnatural sources, in the air reach a high enough  
17 concentration to endanger human health or the environment.

18 (c-5) Highway commissioners, with respect to roads under  
19 their authority, may not permanently post a road or portion  
20 thereof at a reduced weight limit unless the decision to do so  
21 is made in accordance with Section 6-201.22 of the Illinois  
22 Highway Code.

23 (d) The Department shall likewise have authority as  
24 hereinbefore granted to local authorities to determine by  
25 resolution and to impose restrictions as to the weight of  
26 vehicles operated upon any highway under the jurisdiction of

1 said department, and such restrictions shall be effective when  
2 signs giving notice thereof are erected upon the highway or  
3 portion of any highway affected by such resolution.

4 (d-1) (Blank).

5 (d-2) (Blank).

6 (e) When any vehicle is operated in violation of this  
7 Section, the owner or driver of the vehicle shall be deemed  
8 guilty of a violation and either the owner or the driver of the  
9 vehicle may be prosecuted for the violation. Any person, firm,  
10 or corporation convicted of violating this Section shall be  
11 fined \$50 for any weight exceeding the posted limit up to the  
12 axle or gross weight limit allowed a vehicle as provided for in  
13 subsections (a) or (b) of Section 15-111 and \$75 per every 500  
14 pounds or fraction thereof for any weight exceeding that which  
15 is provided for in subsections (a) or (b) of Section 15-111.

16 (f) A municipality is authorized to enforce a county weight  
17 limit ordinance applying to county highways within its  
18 corporate limits and is entitled to the proceeds of any fines  
19 collected from the enforcement.

20 (g) An ordinance or resolution enacted by a county or  
21 township pursuant to subsection (a) of this Section shall not  
22 apply to cargo tank vehicles with two or three permanent axles  
23 when delivering propane for emergency heating purposes if the  
24 cargo tank is loaded at no more than 50 percent capacity, the  
25 gross vehicle weight of the vehicle does not exceed 32,000  
26 pounds, and the driver of the cargo tank vehicle notifies the

1 appropriate agency or agencies with jurisdiction over the  
2 highway before driving the vehicle on the highway pursuant to  
3 this subsection. The cargo tank vehicle must have an operating  
4 gauge on the cargo tank which indicates the amount of propane  
5 as a percent of capacity of the cargo tank. The cargo tank must  
6 have the capacity displayed on the cargo tank, or documentation  
7 of the capacity of the cargo tank must be available in the  
8 vehicle. For the purposes of this subsection, propane weighs  
9 4.2 pounds per gallon. This subsection does not apply to  
10 municipalities. Nothing in this subsection shall allow cargo  
11 tank vehicles to cross bridges with posted weight restrictions  
12 if the vehicle exceeds the posted weight limit.

13 (Source: P.A. 99-168, eff. 1-1-16; 99-237, eff. 1-1-16; 99-642,  
14 eff. 7-28-16.)