

1 AMENDMENT TO HOUSE BILL 719

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 719, AS AMENDED,  
3 with reference to page and line numbers of Senate amendment  
4 No. 1, on page 2, by replacing lines 31 and 32 with the  
5 following:

6 "Section 5. The Illinois Vehicle Code is amended by  
7 changing Sections 6-206, 6-301.2, 6-521, and 15-301 and by  
8 adding Section 15-308.3 as follows:"; and

9 on page 16, below line 27, by inserting the following:

10 "(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

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

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

1 Applications and permits other than those in written or  
2 printed form may only be accepted from and issued to the  
3 company or individual making the movement. Except for an  
4 application to move directly across a highway, it shall be  
5 the duty of the applicant to establish in the application  
6 that the load to be moved by such vehicle or combination is  
7 composed of a single nondivisible object that cannot  
8 reasonably be dismantled or disassembled. For the purpose of  
9 over length movements, more than one object may be carried  
10 side by side as long as the height, width, and weight laws  
11 are not exceeded and the cause for the over length is not due  
12 to multiple objects. For the purpose of over height  
13 movements, more than one object may be carried as long as the  
14 cause for the over height is not due to multiple objects and  
15 the length, width, and weight laws are not exceeded. For the  
16 purpose of an over width movement, more than one object may  
17 be carried as long as the cause for the over width is not due  
18 to multiple objects and length, height, and weight laws are  
19 not exceeded. No state or local agency shall authorize the  
20 issuance of excess size or weight permits for vehicles and  
21 loads that are divisible and that can be carried, when  
22 divided, within the existing size or weight maximums  
23 specified in this Chapter. Any excess size or weight permit  
24 issued in violation of the provisions of this Section shall  
25 be void at issue and any movement made thereunder shall not  
26 be authorized under the terms of the void permit. In any  
27 prosecution for a violation of this Chapter when the  
28 authorization of an excess size or weight permit is at issue,  
29 it is the burden of the defendant to establish that the  
30 permit was valid because the load to be moved could not  
31 reasonably be dismantled or disassembled, or was otherwise  
32 nondivisible.

33 (b) The application for any such permit shall: (1) state  
34 whether such permit is requested for a single trip or for

1 limited continuous operation; (2) state if the applicant is  
2 an authorized carrier under the Illinois Motor Carrier of  
3 Property Law, if so, his certificate, registration or permit  
4 number issued by the Illinois Commerce Commission; (3)  
5 specifically describe and identify the vehicle or vehicles  
6 and load to be operated or moved except that for vehicles or  
7 vehicle combinations registered by the Department as provided  
8 in Section 15-319 of this Chapter, only the Illinois  
9 Department of Transportation's (IDT) registration number or  
10 classification need be given; (4) state the routing requested  
11 including the points of origin and destination, and may  
12 identify and include a request for routing to the nearest  
13 certified scale in accordance with the Department's rules and  
14 regulations, provided the applicant has approval to travel on  
15 local roads; and (5) state if the vehicles or loads are being  
16 transported for hire. No permits for the movement of a  
17 vehicle or load for hire shall be issued to any applicant who  
18 is required under the Illinois Motor Carrier of Property Law  
19 to have a certificate, registration or permit and does not  
20 have such certificate, registration or permit.

21 (c) The Department or local authority when not  
22 inconsistent with traffic safety is authorized to issue or  
23 withhold such permit at its discretion; or, if such permit is  
24 issued at its discretion to prescribe the route or routes to  
25 be traveled, to limit the number of trips, to establish  
26 seasonal or other time limitations within which the vehicles  
27 described may be operated on the highways indicated, or  
28 otherwise to limit or prescribe conditions of operations of  
29 such vehicle or vehicles, when necessary to assure against  
30 undue damage to the road foundations, surfaces or structures,  
31 and may require such undertaking or other security as may be  
32 deemed necessary to compensate for any injury to any roadway  
33 or road structure. The Department shall maintain a daily  
34 record of each permit issued along with the fee and the

1 stipulated dimensions, weights, conditions and restrictions  
2 authorized and this record shall be presumed correct in any  
3 case of questions or dispute. The Department shall install an  
4 automatic device for recording applications received and  
5 permits issued by telephone. In making application by  
6 telephone, the Department and applicant waive all objections  
7 to the recording of the conversation.

8 (d) The Department shall, upon application in writing  
9 from any local authority, issue an annual permit authorizing  
10 the local authority to move oversize highway construction,  
11 transportation, utility and maintenance equipment over roads  
12 under the jurisdiction of the Department. The permit shall be  
13 applicable only to equipment and vehicles owned by or  
14 registered in the name of the local authority, and no fee  
15 shall be charged for the issuance of such permits.

16 (e) As an exception to paragraph (a) of this Section,  
17 the Department and local authorities, with respect to  
18 highways under their respective jurisdictions, in their  
19 discretion and upon application in writing may issue a  
20 special permit for limited continuous operation, authorizing  
21 the applicant to move loads of sweet corn, soybeans, corn,  
22 wheat, milo, other small grains and ensilage during the  
23 harvest season only on a 2 axle single vehicle registered by  
24 the Secretary of State with axle loads not to exceed 35%  
25 above those provided in Section 15-111. Permits may be issued  
26 for a period not to exceed 40 days and moves may be made of a  
27 distance not to exceed 25 miles from a field to a specified  
28 processing plant over any highway except the National System  
29 of Interstate and Defense Highways. All such vehicles shall  
30 be operated in the daytime except when weather or crop  
31 conditions require emergency operation at night, but with  
32 respect to such night operation, every such vehicle with load  
33 shall be equipped with flashing amber lights as specified  
34 under Section 12-215. Upon a declaration by the Governor that

1 an emergency harvest situation exists, a special permit  
2 issued by the Department under this Section shall not be  
3 required from September 1 through December 31 during harvest  
4 season emergencies, provided that the weight does not exceed  
5 20% above the limits provided in Section 15-111. All other  
6 restrictions that apply to permits issued under this Section  
7 shall apply during the declared time period. With respect to  
8 highways under the jurisdiction of local authorities, the  
9 local authorities may, at their discretion, waive special  
10 permit requirements during harvest season emergencies. This  
11 permit exemption shall apply to all vehicles eligible to  
12 obtain permits under this Section, including commercial  
13 vehicles in use during the declared time period.

14 (f) The form and content of the permit shall be  
15 determined by the Department with respect to highways under  
16 its jurisdiction and by local authorities with respect to  
17 highways under their jurisdiction. Every permit shall be in  
18 written form and carried in the vehicle or combination of  
19 vehicles to which it refers and shall be open to inspection  
20 by any police officer or authorized agent of any authority  
21 granting the permit and no person shall violate any of the  
22 terms or conditions of such special permit. Violation of the  
23 terms and conditions of the permit shall not be deemed a  
24 revocation of the permit; however, any vehicle and load found  
25 to be off the route prescribed in the permit shall be held to  
26 be operating without a permit. Any off route vehicle and  
27 load shall be required to obtain a new permit or permits, as  
28 necessary, to authorize the movement back onto the original  
29 permit routing. No rule or regulation, nor anything herein  
30 shall be construed to authorize any police officer, court, or  
31 authorized agent of any authority granting the permit to  
32 remove the permit from the possession of the permittee unless  
33 the permittee is charged with a fraudulent permit violation  
34 as provided in paragraph (i). However, upon arrest for an

1 offense of violation of permit, operating without a permit  
 2 when the vehicle is off route, or any size or weight offense  
 3 under this Chapter when the permittee plans to raise the  
 4 issuance of the permit as a defense, the permittee, or his  
 5 agent, must produce the permit at any court hearing  
 6 concerning the alleged offense.

7 If the permit designates and includes a routing to a  
 8 certified scale, the permittee, while enroute to the  
 9 designated scale, shall be deemed in compliance with the  
 10 weight provisions of the permit provided the axle or gross  
 11 weights do not exceed any of the permitted limits by more  
 12 than the following amounts:

13	Single axle	2000 pounds
14	Tandem axle	3000 pounds
15	Gross	5000 pounds

16 (g) The Department is authorized to adopt, amend, and to  
 17 make available to interested persons a policy concerning  
 18 reasonable rules, limitations and conditions or provisions of  
 19 operation upon highways under its jurisdiction in addition to  
 20 those contained in this Section for the movement by special  
 21 permit of vehicles, combinations, or loads which cannot  
 22 reasonably be dismantled or disassembled, including  
 23 manufactured and modular home sections and portions thereof.  
 24 All rules, limitations and conditions or provisions adopted  
 25 in the policy shall have due regard for the safety of the  
 26 traveling public and the protection of the highway system and  
 27 shall have been promulgated in conformity with the provisions  
 28 of the Illinois Administrative Procedure Act. The  
 29 requirements of the policy for flagmen and escort vehicles  
 30 shall be the same for all moves of comparable size and  
 31 weight. When escort vehicles are required, they shall meet  
 32 the following requirements:

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

1           (2) Vehicles escorting oversized loads more than  
2           12-feet wide must be equipped with a rotating or flashing  
3           amber light mounted on top as specified under Section  
4           12-215.

5           The Department shall establish reasonable rules and  
6           regulations regarding liability insurance or self insurance  
7           for vehicles with oversized loads promulgated under The  
8           Illinois Administrative Procedure Act. Police vehicles may be  
9           required for escort under circumstances as required by rules  
10          and regulations of the Department.

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

27          (i) Whenever any vehicle is operated or movement made  
28          under a fraudulent permit the permit shall be void, and the  
29          person, firm, or corporation to whom such permit was granted,  
30          the driver of such vehicle in addition to the person who  
31          issued such permit and any accessory, shall be guilty of  
32          fraud and either one or all persons may be prosecuted for  
33          such violation. Any person, firm, or corporation committing  
34          such violation shall be guilty of a Class 4 felony and the

1 Department shall not issue permits to the person, firm or  
2 corporation convicted of such violation for a period of one  
3 year after the date of conviction. Penalties for violations  
4 of this Section shall be in addition to any penalties imposed  
5 for violation of other Sections of this Act.

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

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

28 (l) Notwithstanding any other provision of this Section,  
29 the Department, with respect to highways under its  
30 jurisdiction, and local authorities, with respect to highways  
31 under their jurisdiction, may at their discretion authorize  
32 the movement of a vehicle in violation of any size or weight  
33 requirement, or both, that would not ordinarily be eligible  
34 for a permit, when there is a showing of extreme necessity



1 that the vehicle and load should be moved without unnecessary  
2 delay.

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

7 (m) Penalties for violations of this Section shall be in  
8 addition to any penalties imposed for violating any other  
9 Section of this Code.

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

17 (1) no rear single axle of the tow-truck exceeds  
18 26,000 pounds;

19 (2) no rear tandem axle of the tow-truck exceeds  
20 50,000 pounds;

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

25 (4) the tow-truck prior to hookup does not exceed  
26 the weight restrictions imposed by this Chapter 15;

27 (5) during the tow operation the tow-truck does not  
28 violate any weight restriction sign;

29 (6) the tow-truck is equipped with flashing,  
30 rotating, or oscillating amber lights, visible for at  
31 least 500 feet in all directions;

32 (7) the tow-truck is specifically designed and  
33 licensed as a tow-truck;

34 (8) the tow-truck has a gross vehicle weight rating

1 of sufficient capacity to safely handle the load;

2 (9) the tow-truck is equipped with air brakes;

3 (10) the tow-truck is capable of utilizing the  
4 lighting and braking systems of the disabled vehicle or  
5 combination of vehicles;

6 (11) the tow distance of the tow does not exceed 50  
7 miles from the point of disablement to a place of repair  
8 or safekeeping;

9 (12) the permit issued to the tow-truck is carried  
10 in the tow-truck and exhibited on demand by a police  
11 officer; and

12 (13) the movement shall be valid only on state  
13 routes approved by the Department.

14 (o) 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 transport raw milk that exceeds the weight limits provided  
20 for in subsections (b) and (f) subsection of Section 15-111  
21 of this Code, provided:

22 (1) no single axle exceeds 20,000 pounds;

23 (2) no gross weight exceeds 80,000 pounds;

24 (3) permits issued by the state are only good for  
25 federal and State highways and are not applicable to  
26 interstate highways; and

27 (4) all road and bridge postings must be obeyed.

28 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;  
29 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff.  
30 1-1-00.)

31 (625 ILCS 5/15-308.3 new)

32 Sec. 15-308.3 Fees for special permits to transport raw  
33 milk. The fee for a special permit to transport raw milk is

1 \$12.50 quarterly and \$50.00 annually."