



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4458

Introduced 02/03/04, by Jim Sacia

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301 from Ch. 95 1/2, par. 15-301
625 ILCS 5/15-308.3 new

Amends the Illinois Vehicle Code. Provides that the Department of Transportation, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in the Code if specified requirements are met. Provides that the fee for a special permit to transport raw milk is \$12.50 quarterly and \$50.00 annually.

LRB093 18441 DRH 44150 b

FISCAL NOTE ACT
MAY APPLY

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
5 changing Section 15-301 and by adding Section 15-308.3 as
6 follows:

7 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)
8 Sec. 15-301. Permits for excess size and weight.

9 (a) The Department with respect to highways under its
10 jurisdiction and local authorities with respect to highways
11 under their jurisdiction may, in their discretion, upon
12 application and good cause being shown therefor, issue a
13 special permit authorizing the applicant to operate or move a
14 vehicle or combination of vehicles of a size or weight of
15 vehicle or load exceeding the maximum specified in this Act or
16 otherwise not in conformity with this Act upon any highway
17 under the jurisdiction of the party granting such permit and
18 for the maintenance of which the party is responsible.
19 Applications and permits other than those in written or printed
20 form may only be accepted from and issued to the company or
21 individual making the movement. Except for an application to
22 move directly across a highway, it shall be the duty of the
23 applicant to establish in the application that the load to be
24 moved by such vehicle or combination is composed of a single
25 nondivisible object that cannot reasonably be dismantled or
26 disassembled. For the purpose of over length movements, more
27 than one object may be carried side by side as long as the
28 height, width, and weight laws are not exceeded and the cause
29 for the over length is not due to multiple objects. For the
30 purpose of over height movements, more than one object may be
31 carried as long as the cause for the over height is not due to
32 multiple objects and the length, width, and weight laws are not

1 exceeded. For the purpose of an over width movement, more than
2 one object may be carried as long as the cause for the over
3 width is not due to multiple objects and length, height, and
4 weight laws are not exceeded. No state or local agency shall
5 authorize the issuance of excess size or weight permits for
6 vehicles and loads that are divisible and that can be carried,
7 when divided, within the existing size or weight maximums
8 specified in this Chapter. Any excess size or weight permit
9 issued in violation of the provisions of this Section shall be
10 void at issue and any movement made thereunder shall not be
11 authorized under the terms of the void permit. In any
12 prosecution for a violation of this Chapter when the
13 authorization of an excess size or weight permit is at issue,
14 it is the burden of the defendant to establish that the permit
15 was valid because the load to be moved could not reasonably be
16 dismantled or disassembled, or was otherwise nondivisible.

17 (b) The application for any such permit shall: (1) state
18 whether such permit is requested for a single trip or for
19 limited continuous operation; (2) state if the applicant is an
20 authorized carrier under the Illinois Motor Carrier of Property
21 Law, if so, his certificate, registration or permit number
22 issued by the Illinois Commerce Commission; (3) specifically
23 describe and identify the vehicle or vehicles and load to be
24 operated or moved except that for vehicles or vehicle
25 combinations registered by the Department as provided in
26 Section 15-319 of this Chapter, only the Illinois Department of
27 Transportation's (IDT) registration number or classification
28 need be given; (4) state the routing requested including the
29 points of origin and destination, and may identify and include
30 a request for routing to the nearest certified scale in
31 accordance with the Department's rules and regulations,
32 provided the applicant has approval to travel on local roads;
33 and (5) state if the vehicles or loads are being transported
34 for hire. No permits for the movement of a vehicle or load for
35 hire shall be issued to any applicant who is required under the
36 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
27 under the jurisdiction of the Department. The permit shall be
28 applicable only to equipment and vehicles owned by or
29 registered in the name of the local authority, and no fee shall
30 be charged for the issuance of such permits.

31 (e) As an exception to paragraph (a) of this Section, the
32 Department and local authorities, with respect to highways
33 under their respective jurisdictions, in their discretion and
34 upon application in writing may issue a special permit for
35 limited continuous operation, authorizing the applicant to
36 move loads of sweet corn, soybeans, corn, wheat, milo, other

1 small grains and ensilage during the harvest season only on a 2
2 axle single vehicle registered by the Secretary of State with
3 axle loads not to exceed 35% above those provided in Section
4 15-111. Permits may be issued for a period not to exceed 40
5 days and moves may be made of a distance not to exceed 25 miles
6 from a field to a specified processing plant over any highway
7 except the National System of Interstate and Defense Highways.
8 All such vehicles shall be operated in the daytime except when
9 weather or crop conditions require emergency operation at
10 night, but with respect to such night operation, every such
11 vehicle with load shall be equipped with flashing amber lights
12 as specified under Section 12-215. Upon a declaration by the
13 Governor that an emergency harvest situation exists, a special
14 permit issued by the Department under this Section shall not be
15 required from September 1 through December 31 during harvest
16 season emergencies, provided that the weight does not exceed
17 20% above the limits provided in Section 15-111. All other
18 restrictions that apply to permits issued under this Section
19 shall apply during the declared time period. With respect to
20 highways under the jurisdiction of local authorities, the local
21 authorities may, at their discretion, waive special permit
22 requirements during harvest season emergencies. This permit
23 exemption shall apply to all vehicles eligible to obtain
24 permits under this Section, including commercial vehicles in
25 use during the declared time period.

26 (f) The form and content of the permit shall be determined
27 by the Department with respect to highways under its
28 jurisdiction and by local authorities with respect to highways
29 under their jurisdiction. Every permit shall be in written form
30 and carried in the vehicle or combination of vehicles to which
31 it refers and shall be open to inspection by any police officer
32 or authorized agent of any authority granting the permit and no
33 person shall violate any of the terms or conditions of such
34 special permit. Violation of the terms and conditions of the
35 permit shall not be deemed a revocation of the permit; however,
36 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 paragraph (i). However, upon
10 arrest for an offense of violation of permit, operating without
11 a permit when the vehicle is off route, or any size or weight
12 offense under this Chapter when the permittee plans to raise
13 the issuance of the permit as a defense, the permittee, or his
14 agent, must produce the permit at any court hearing concerning
15 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
27 operation upon highways under its jurisdiction in addition to
28 those contained in this Section for the movement by special
29 permit of vehicles, combinations, or loads which cannot
30 reasonably be dismantled or disassembled, including
31 manufactured and modular home sections and portions thereof.
32 All rules, limitations and conditions or provisions adopted in
33 the policy shall have due regard for the safety of the
34 traveling public and the protection of the highway system and
35 shall have been promulgated in conformity with the provisions
36 of the Illinois Administrative Procedure Act. The requirements

1 of the policy for flagmen and escort vehicles shall be the same
2 for all moves of comparable size and weight. When escort
3 vehicles are required, they shall meet the following
4 requirements:

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

7 (2) Vehicles escorting oversized loads more than
8 12-feet wide must be equipped with a rotating or flashing
9 amber light mounted on top as specified under Section
10 12-215.

11 The Department shall establish reasonable rules and
12 regulations regarding liability insurance or self insurance
13 for vehicles with oversized loads promulgated under The
14 Illinois Administrative Procedure Act. Police vehicles may be
15 required for escort under circumstances as required by rules
16 and regulations of the Department.

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

33 (i) Whenever any vehicle is operated or movement made under
34 a fraudulent permit the permit shall be void, and the person,
35 firm, or corporation to whom such permit was granted, the
36 driver of such vehicle in addition to the person who issued

1 such permit and any accessory, shall be guilty of fraud and
2 either one or all persons may be prosecuted for such violation.
3 Any person, firm, or corporation committing such violation
4 shall be guilty of a Class 4 felony and the Department shall
5 not issue permits to the person, firm or corporation convicted
6 of such violation for a period of one year after the date of
7 conviction. Penalties for violations of this Section shall be
8 in addition to any penalties imposed for violation of other
9 Sections of this Act.

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

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

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

1 a permit, when there is a showing of extreme necessity that the
2 vehicle and load should be moved without unnecessary 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 for
16 in subsection (d) of Section 15-111, provided:

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

19 (2) no rear tandem axle of the tow-truck exceeds 50,000
20 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 the
26 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, rotating,
30 or oscillating amber lights, visible for at least 500 feet
31 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 of
35 sufficient capacity to safely handle the load;

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

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

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

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

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

12 (o) The Department, with respect to highways under its
13 jurisdiction, and local authorities, with respect to highways
14 under their jurisdiction, in their discretion and upon
15 application in writing, may issue a special permit for
16 continuous limited operation, authorizing the applicant to
17 transport raw milk that exceeds the weight limits provided for
18 in subsections (b) and (f) subsection of Section 15-111 of this
19 Code, provided:

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

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

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

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

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

28 (625 ILCS 5/15-308.3 new)

29 Sec. 15-308.3 Fees for special permits to transport raw
30 milk. The fee for a special permit to transport raw milk is
31 \$12.50 quarterly and \$50.00 annually.