

1 AN ACT concerning vehicles.

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  
16 or 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  
20 printed form may only be accepted from and issued to the  
21 company or individual making the movement. Except for an  
22 application to move directly across a highway, it shall be  
23 the duty of the applicant to establish in the application  
24 that the load to be moved by such vehicle or combination is  
25 composed of a single nondivisible object that cannot  
26 reasonably be dismantled or disassembled. For the purpose of  
27 over length movements, more than one object may be carried  
28 side by side as long as the height, width, and weight laws  
29 are not exceeded and the cause for the over length is not due  
30 to multiple objects. For the purpose of over height  
31 movements, more than one object may be carried as long as the

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

20 (b) The application for any such permit shall: (1) state  
21 whether such permit is requested for a single trip or for  
22 limited continuous operation; (2) state if the applicant is  
23 an authorized carrier under the Illinois Motor Carrier of  
24 Property Law, if so, his certificate, registration or permit  
25 number issued by the Illinois Commerce Commission; (3)  
26 specifically describe and identify the vehicle or vehicles  
27 and load to be operated or moved except that for vehicles or  
28 vehicle combinations registered by the Department as provided  
29 in Section 15-319 of this Chapter, only the Illinois  
30 Department of Transportation's (IDT) registration number or  
31 classification need be given; (4) state the routing requested  
32 including the points of origin and destination, and may  
33 identify and include a request for routing to the nearest  
34 certified scale in accordance with the Department's rules and

1 regulations, provided the applicant has approval to travel on  
2 local roads; and (5) state if the vehicles or loads are being  
3 transported for hire. No permits for the movement of a  
4 vehicle or load for hire shall be issued to any applicant who  
5 is required under the Illinois Motor Carrier of Property Law  
6 to have a certificate, registration or permit and does not  
7 have such certificate, registration or permit.

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

29 (d) The Department shall, upon application in writing  
30 from any local authority, issue an annual permit authorizing  
31 the local authority to move oversize highway construction,  
32 transportation, utility and maintenance equipment over roads  
33 under the jurisdiction of the Department. The permit shall be  
34 applicable only to equipment and vehicles owned by or

1 registered in the name of the local authority, and no fee  
2 shall be charged for the issuance of such permits.

3 (e) As an exception to paragraph (a) of this Section,  
4 the Department and local authorities, with respect to  
5 highways under their respective jurisdictions, in their  
6 discretion and upon application in writing may issue a  
7 special permit for limited continuous operation, authorizing  
8 the applicant to move loads of sweet corn, soybeans, corn,  
9 wheat, milo, other small grains and ensilage during the  
10 harvest season only on a 2 axle single vehicle registered by  
11 the Secretary of State with axle loads not to exceed 35%  
12 above those provided in Section 15-111. Permits may be issued  
13 for a period not to exceed 40 days and moves may be made of a  
14 distance not to exceed 25 miles from a field to a specified  
15 processing plant over any highway except the National System  
16 of Interstate and Defense Highways. All such vehicles shall  
17 be operated in the daytime except when weather or crop  
18 conditions require emergency operation at night, but with  
19 respect to such night operation, every such vehicle with load  
20 shall be equipped with flashing amber lights as specified  
21 under Section 12-215. Upon a declaration by the Governor that  
22 an emergency harvest situation exists, a special permit  
23 issued by the Department under this Section shall not be  
24 required from September 1 through December 31 during harvest  
25 season emergencies, provided that the weight does not exceed  
26 20% above the limits provided in Section 15-111. All other  
27 restrictions that apply to permits issued under this Section  
28 shall apply during the declared time period. With respect to  
29 highways under the jurisdiction of local authorities, the  
30 local authorities may, at their discretion, waive special  
31 permit requirements during harvest season emergencies. This  
32 permit exemption shall apply to all vehicles eligible to  
33 obtain permits under this Section, including commercial  
34 vehicles in use during the declared time period.

1           (f) The form and content of the permit shall be  
2 determined by the Department with respect to highways under  
3 its jurisdiction and by local authorities with respect to  
4 highways under their jurisdiction. Every permit shall be in  
5 written form and carried in the vehicle or combination of  
6 vehicles to which it refers and shall be open to inspection  
7 by any police officer or authorized agent of any authority  
8 granting the permit and no person shall violate any of the  
9 terms or conditions of such special permit. Violation of the  
10 terms and conditions of the permit shall not be deemed a  
11 revocation of the permit; however, any vehicle and load found  
12 to be off the route prescribed in the permit shall be held to  
13 be operating without a permit. Any off route vehicle and  
14 load shall be required to obtain a new permit or permits, as  
15 necessary, to authorize the movement back onto the original  
16 permit routing. No rule or regulation, nor anything herein  
17 shall be construed to authorize any police officer, court, or  
18 authorized agent of any authority granting the permit to  
19 remove the permit from the possession of the permittee unless  
20 the permittee is charged with a fraudulent permit violation  
21 as provided in paragraph (i). However, upon arrest for an  
22 offense of violation of permit, operating without a permit  
23 when the vehicle is off route, or any size or weight offense  
24 under this Chapter when the permittee plans to raise the  
25 issuance of the permit as a defense, the permittee, or his  
26 agent, must produce the permit at any court hearing  
27 concerning the alleged offense.

28           If the permit designates and includes a routing to a  
29 certified scale, the permittee, while enroute to the  
30 designated scale, shall be deemed in compliance with the  
31 weight provisions of the permit provided the axle or gross  
32 weights do not exceed any of the permitted limits by more  
33 than the following amounts:

34                   Single axle   2000 pounds

1	Tandem axle	3000 pounds
2	Gross	5000 pounds

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

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

22 (2) Vehicles escorting oversized loads more than  
 23 12-feet wide must be equipped with a rotating or flashing  
 24 amber light mounted on top as specified under Section  
 25 12-215.

26 The Department shall establish reasonable rules and  
 27 regulations regarding liability insurance or self insurance  
 28 for vehicles with oversized loads promulgated under The  
 29 Illinois Administrative Procedure Act. Police vehicles may be  
 30 required for escort under circumstances as required by rules  
 31 and regulations of the Department.

32 (h) Violation of any rule, limitation or condition or  
 33 provision of any permit issued in accordance with the  
 34 provisions of this Section shall not render the entire permit

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

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

27 (j) Whenever any vehicle is operated or movement made in  
28 violation of a permit issued in accordance with this Section,  
29 the person to whom such permit was granted, or the driver of  
30 such vehicle, is guilty of such violation and either, but not  
31 both, persons may be prosecuted for such violation as stated  
32 in this subsection (j). Any person, firm or corporation  
33 convicted of such violation shall be guilty of a petty  
34 offense and shall be fined for the first offense, not less

1 than \$50 nor more than \$200 and, for the second offense by  
2 the same person, firm or corporation within a period of one  
3 year, not less than \$200 nor more than \$300 and, for the  
4 third offense by the same person, firm or corporation within  
5 a period of one year after the date of the first offense, not  
6 less than \$300 nor more than \$500 and the Department shall  
7 not issue permits to the person, firm or corporation  
8 convicted of a third offense during a period of one year  
9 after the date of conviction for such third offense.

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

15 (l) Notwithstanding any other provision of this Section,  
16 the Department, with respect to highways under its  
17 jurisdiction, and local authorities, with respect to highways  
18 under their jurisdiction, may at their discretion authorize  
19 the movement of a vehicle in violation of any size or weight  
20 requirement, or both, that would not ordinarily be eligible  
21 for a permit, when there is a showing of extreme necessity  
22 that the vehicle and load should be moved without unnecessary  
23 delay.

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

28 (m) Penalties for violations of this Section shall be in  
29 addition to any penalties imposed for violating any other  
30 Section of this Code.

31 (n) The Department with respect to highways under its  
32 jurisdiction and local authorities with respect to highways  
33 under their jurisdiction, in their discretion and upon  
34 application in writing, may issue a special permit for



1 continuous limited operation, authorizing the applicant to  
2 operate a tow-truck that exceeds the weight limits provided  
3 for in subsection (d) of Section 15-111, provided:

4 (1) no rear single axle of the tow-truck exceeds  
5 26,000 pounds;

6 (2) no rear tandem axle of the tow-truck exceeds  
7 50,000 pounds;

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

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

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

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

19 (7) the tow-truck is specifically designed and  
20 licensed as a tow-truck;

21 (8) the tow-truck has a gross vehicle weight rating  
22 of sufficient capacity to safely handle the load;

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

24 (10) the tow-truck is capable of utilizing the  
25 lighting and braking systems of the disabled vehicle or  
26 combination of vehicles;

27 (11) the tow distance of the tow does not exceed 50  
28 miles from the point of disablement to a place of repair  
29 or safekeeping;

30 (12) the permit issued to the tow-truck is carried  
31 in the tow-truck and exhibited on demand by a police  
32 officer; and

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

1       (o) The Department, with respect to highways under its  
2 jurisdiction, and local authorities, with respect to highways  
3 under their jurisdiction, in their discretion and upon  
4 application in writing, may issue a special permit for  
5 continuous limited operation, authorizing the applicant to  
6 transport raw milk that exceeds the weight limits provided  
7 for in subsections (b) and (f) subsection of Section 15-111  
8 of this Code, provided:

- 9           (1) no single axle exceeds 20,000 pounds;  
10          (2) no gross weight exceeds 80,000 pounds;  
11          (3) permits issued by the state are only good for  
12 federal and State highways and are not applicable to  
13 interstate highways; and  
14          (4) all road and bridge postings must be obeyed.

15       (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97;  
16 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff.  
17 1-1-00.)

18       (625 ILCS 5/15-308.3 new)  
19       Sec. 15-308.3 Fees for special permits to transport raw  
20 milk. The fee for a special permit to transport raw milk is  
21 \$12.50 quarterly and \$50.00 annually.

22       Section 99. Effective date. This Act takes effect upon  
23 becoming law.