



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5372

Introduced 2/5/2010, by Rep. Joseph M. Lyons

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-316

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

Amends the Illinois Vehicle Code. In a provision authorizing local authorities to enact an ordinance or resolution prohibiting the use of or restricting the maximum weight of vehicles upon any highway under their jurisdiction, for a total period of not to exceed 90 days in any one calendar year, whenever any the highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed, provides for an exception for cargo tank vehicles with two or three permanent axles when delivering propane for heating, if the cargo tank is loaded at no more than 50 percent capacity, and the gross vehicle weight of the vehicle does not exceed 32,000 pounds. Provides that the cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank and must have the capacity displayed on the cargo tank or documentation of the capacity of the cargo tank in the vehicle.

LRB096 20120 AJT 35654 b

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

19 (b) The local authority enacting any such ordinance or
20 resolution shall erect or cause to be erected and maintained
21 signs designating the provision of the ordinance or resolution
22 at each end of that portion of any highway affected thereby,
23 and the ordinance or resolution shall not be effective unless

1 and until such signs are erected and maintained.

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

8 (c-1) (Blank).

9 (d) The Department shall likewise have authority as
10 hereinbefore granted to local authorities to determine by
11 resolution and to impose restrictions as to the weight of
12 vehicles operated upon any highway under the jurisdiction of
13 said department, and such restrictions shall be effective when
14 signs giving notice thereof are erected upon the highway or
15 portion of any highway affected by such resolution.

16 (d-1) (Blank).

17 (d-2) (Blank).

18 (e) When any vehicle is operated in violation of this
19 Section, the owner or driver of the vehicle shall be deemed
20 guilty of a violation and either the owner or the driver of the
21 vehicle may be prosecuted for the violation. Any person, firm,
22 or corporation convicted of violating this Section shall be
23 fined \$50 for any weight exceeding the posted limit up to the
24 axle or gross weight limit allowed a vehicle as provided for in
25 subsections (a) or (b) of Section 15-111 and \$75 per every 500
26 pounds or fraction thereof for any weight exceeding that which

1 is provided for in subsections (a) or (b) of Section 15-111.

2 (f) A municipality is authorized to enforce a county weight
3 limit ordinance applying to county highways within its
4 corporate limits and is entitled to the proceeds of any fines
5 collected from the enforcement.

6 (g) An ordinance or resolution enacted pursuant to
7 subsection (a) of this Section shall not apply to cargo tank
8 vehicles with two or three permanent axles when delivering
9 propane for heating, if the cargo tank is loaded at no more
10 than 50 percent capacity, and the gross vehicle weight of the
11 vehicle does not exceed 32,000 pounds. The cargo tank vehicle
12 must have an operating gauge on the cargo tank which indicates
13 the amount of propane as a percent of capacity of the cargo
14 tank. The cargo tank must have the capacity displayed on the
15 cargo tank, or documentation of the capacity of the cargo tank
16 must be available in the vehicle. For the purposes of this
17 subsection, propane weighs 4.2 pounds per gallon.

18 (Source: P.A. 92-417, eff. 1-1-02; 93-177, eff. 7-11-03.)