



Rep. Wayne Rosenthal

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1 AMENDMENT TO HOUSE BILL 2367

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2367 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by  
5 changing Sections 6-301, 6-303, 6-305, 6-307, 6-308, 6-309,  
6 6-311, 6-312, 6-313, 6-314, 6-315a, 6-319, and 6-327 as  
7 follows:

8 (605 ILCS 5/6-301) (from Ch. 121, par. 6-301)

9 Sec. 6-301. All township and district roads established  
10 under this Division of this Code shall be not less than 40 feet  
11 in width, except as provided in Section 6-327.

12 Highway commissioners in single township road districts  
13 may annually determine that certain roads in the district are  
14 vital to the general benefit of the district and designate them  
15 all or in part as arterial district roads. The designation must  
16 be approved by the county superintendent of highways, after

1 notice and hearing, prior to the commissioners' recording the  
2 roads with the county superintendent of highways. No road or  
3 portion thereof ~~designated as arterial~~ shall be closed, ~~or~~  
4 vacated, or permanently posted at a reduced weight limit  
5 without written approval of the county despite the road's  
6 inclusion in any annexation or incorporation proceedings  
7 provided for in the Illinois Municipal Code. This paragraph  
8 does not apply to roads in home rule units of government nor  
9 the roads included in our annexation proceeding by home rule  
10 units of governments.

11 This Division of this Code shall not apply to proceedings  
12 for laying out, widening, altering or vacating streets in  
13 municipalities, except as provided in this Section.

14 (Source: P.A. 86-1229.)

15 (605 ILCS 5/6-303) (from Ch. 121, par. 6-303)

16 Sec. 6-303. Existing township and district roads may be  
17 widened, altered, ~~or~~ vacated, or permanently posted at a  
18 reduced weight limit and new township and district roads may be  
19 laid out in the manner provided in this Division of this Code.  
20 Any number of voters not less than 5% of the legal voters, or  
21 12 legal voters, whichever is less, residing in any road  
22 district may file a petition with the highway commissioner of  
23 such district, praying for the laying out, widening, altering  
24 or vacation of such roads. Notwithstanding the preceding  
25 sentence, in counties with a population between 125,000 and

1 130,000, a petition for laying out, widening, altering, or  
2 vacating roads in a subdivision established under a county  
3 subdivision ordinance, where the final plat of the subdivision  
4 was approved by the county board, shall be filed with the  
5 county board unless the plat was filed with the county recorder  
6 at least 15 years before the petition is filed.

7 However, where the laying out, widening, altering, ~~or~~  
8 vacating, or permanent posting at a reduced weight limit of a  
9 township or district road is required by the construction,  
10 operation, or maintenance of a State highway, the Department,  
11 in lieu of a petition may file a certificate, signed by the  
12 Secretary of the Department, or his duly authorized agent,  
13 setting forth the necessity for the laying out, widening,  
14 altering, ~~or~~ vacating, or permanent posting at a reduced weight  
15 limit of such roads. The procedure upon the filing of such  
16 certificate shall be the same as, and conform to, the procedure  
17 followed upon the filing of a petition. Such petition or  
18 certificate shall set forth a description of the road and what  
19 part is to be widened, altered, ~~or~~ vacated, or permanently  
20 posted at a reduced weight limit, and if for a new road the  
21 names of the owners of lands, if known, and if not known it  
22 shall so state, over which the road is to pass, the points at  
23 or near which it is to terminate. When the general course of  
24 relocated roads shall render the same practicable, such  
25 relocated roads shall be laid out on section lines, or regular  
26 divisional lines subdividing a section or sections.

1           The highway commissioner, in lieu of a petition, may file a  
2 certificate with district clerk and county clerk to vacate or  
3 permanently post at a reduced weight limit roads. The procedure  
4 upon filing of such certificate shall be the same as, and  
5 conform to, the procedure followed upon the filing of a  
6 petition.

7           (Source: P.A. 87-1121.)

8           (605 ILCS 5/6-305) (from Ch. 121, par. 6-305)

9           Sec. 6-305. Whenever the highway commissioner receives a  
10 certificate from the Department as provided in Section 6-303 of  
11 this Act, or a petition praying for the laying out, widening,  
12 altering, ~~or~~ vacation, or permanent posting at a reduced weight  
13 limit of a township or district road, he shall fix a time when  
14 and a place where he will examine the route of such township or  
15 district road and hear reasons for or against the laying out,  
16 widening, altering, ~~or~~ vacating, or permanent posting at a  
17 reduced weight limit. He shall give at least 10 days' written  
18 notice of the time and place of such examination and hearing to  
19 the county superintendent of highways and to any municipality  
20 which is affected by such action occurring within its planning  
21 area, and by publication in at least one newspaper published in  
22 the township or district or, in the absence of such published  
23 newspaper, in at least one newspaper of general circulation in  
24 the township or district or, in the absence of such generally  
25 circulated newspaper, by posting notices in 5 of the most

1 public places in the district in the vicinity of the road to be  
2 laid out, widened, altered, ~~or~~ vacated, or permanently posted  
3 at a reduced weight limit. The commissioner may, by written  
4 notice to the county superintendent of highways and any  
5 affected municipality, and by public announcement and by the  
6 posting of a notice at the time and place named for the first  
7 hearing, adjourn such hearing from time to time, but not for a  
8 longer period than 10 days. At such meeting, or such adjourned  
9 meeting the commissioner shall decide and publicly announce  
10 whether he will grant or refuse the prayer of the petition, and  
11 shall endorse upon or annex to the petition a brief memorandum  
12 of such decision. The memorandum shall be signed by the  
13 commissioner and filed within 5 days thereafter in the office  
14 of the district clerk. The commissioner shall also send a copy  
15 of the memorandum to the county superintendent of highways and  
16 any affected municipality, and, in cases where action is  
17 initiated as the result of a Department certificate, a copy of  
18 the memorandum to the Department.

19 No road shall be laid out, widened, altered, ~~or~~ vacated, or  
20 permanently posted at a reduced weight limit unless the highway  
21 commissioner finds that such alteration, ~~or~~ vacation, or  
22 permanent posting at a reduced weight limit is in the public  
23 and economic interest and further finds that any person  
24 residing or owning land within 2 miles of any portion of the  
25 road proposed to be altered, ~~or~~ vacated, or permanently posted  
26 at a reduced weight limit shall still have reasonable access

1 (but not necessarily a direct route) by way of a motor vehicle  
2 or other portable farm machinery commonly used in the area to  
3 farm land he owns or operates and to community and trade  
4 centers after the road is altered or vacated. Such findings  
5 shall be contained in the memorandum of decision signed by the  
6 highway commissioner.

7 A final hearing may be held at the time of the preliminary  
8 or adjourned meeting if all damages have been released, all  
9 surveys and plats are made and there are no objectors. If there  
10 are objectors, the final hearing shall be held as provided for  
11 in Section 6-311.

12 (Source: P.A. 85-1421.)

13 (605 ILCS 5/6-307) (from Ch. 121, par. 6-307)

14 Sec. 6-307. If the highway commissioner, or upon appeal  
15 from his decision, the county superintendent of highways, shall  
16 enter a preliminary order for the laying out, widening,  
17 alteration, ~~or~~ vacation, or permanent posting at a reduced  
18 weight limit of a township or district road, the highway  
19 commissioner or county superintendent of highways, as the case  
20 may be, shall cause a survey and plat of such township or  
21 district road to be made by a competent surveyor who shall  
22 report such survey and plat to the highway commissioner or  
23 county superintendent, as the case may be, giving the courses  
24 and distances and specifying the land over which such road is  
25 to pass; in which he may make such changes between the termini

1 of the road described in the petition, as the convenience and  
2 interest of the public in his judgment may require. Upon the  
3 petition of 12 land owners residing in the district where the  
4 road is situated, it shall be the duty of the highway  
5 commissioner or county superintendent, as the case may be,  
6 within a reasonable time to employ a competent surveyor and  
7 have any road designated in such petition to be once  
8 resurveyed.

9 (Source: Laws 1959, p. 196.)

10 (605 ILCS 5/6-308) (from Ch. 121, par. 6-308)

11 Sec. 6-308. Whenever the highway commissioner of any road  
12 district or upon appeal from his decision, the county  
13 superintendent of highways has entered a preliminary order for  
14 the laying out, widening, alteration, ~~or~~ vacation, or permanent  
15 posting at a reduced weight limit of a township or district  
16 road, and a survey therefor has been completed as hereinbefore  
17 provided, proceedings shall next be taken to fix the damages  
18 which will be sustained by the adjoining land owners by reason  
19 of such laying out, widening, altering, ~~or~~ vacation, or  
20 permanent posting at a reduced weight limit. In case such  
21 preliminary order was entered by the highway commissioner, he  
22 shall act for the district in all matters relating to the  
23 fixing of damages, as well as the surveying of such road. But  
24 in case such order was entered by the county superintendent of  
25 highways on appeal, as aforesaid, the county superintendent

1 shall represent the district in such matters.

2 (Source: Laws 1959, p. 196.)

3 (605 ILCS 5/6-309) (from Ch. 121, par. 6-309)

4 Sec. 6-309. The damages sustained by the owner or owners of  
5 land by reason of the laying out, widening, alteration, ~~or~~  
6 vacation, or permanent posting at a reduced weight limit of a  
7 township or district road, may be agreed upon by the owners of  
8 such lands, if competent to contract, and the highway  
9 commissioner or county superintendent, as the case may be. Such  
10 damages may also be released by such owners, and in such case  
11 the agreement or release shall be in writing, the same shall be  
12 filed and recorded with the copy of the order laying out,  
13 widening, altering, ~~or~~ vacating, or permanently posting at a  
14 reduced weight limit such road in the office of the district  
15 clerk, and shall be a perpetual bar against such owners, their  
16 grantees and assigns for all further claims for such damages.

17 In case the highway commissioner or the county  
18 superintendent, as the case may be, acting for the road  
19 district, is unable to agree with the owner or owners of the  
20 land necessary for the laying out, widening or alteration of  
21 such road on the compensation to be paid, the highway  
22 commissioner, or the county superintendent of highways, as the  
23 case may be, may in the name of the road district, enter  
24 condemnation proceedings to procure such land, in the same  
25 manner as near as may be, as provided for the exercise of the



1 right of eminent domain under the Eminent Domain Act.

2 (Source: P.A. 94-1055, eff. 1-1-07.)

3 (605 ILCS 5/6-311) (from Ch. 121, par. 6-311)

4 Sec. 6-311. Within 20 days after the damages likely to be  
5 sustained by reason of the proposed laying out, widening,  
6 alteration, ~~or~~ vacation, or permanent posting at a reduced  
7 weight limit of any township or district road have been finally  
8 ascertained, either by agreement of the parties or by  
9 condemnation proceedings, or within 20 days after such damages  
10 may have been released, the highway commissioner or the county  
11 superintendent of highways, as the case may be, shall hold a  
12 public hearing at which he shall hear and consider reasons for  
13 or against the proposed laying out, widening, alteration, ~~or~~  
14 vacation, or permanent posting at a reduced weight limit of  
15 such road, and at which time and place he shall publicly  
16 announce his final decision relative thereto. The highway  
17 commissioner or the county superintendent of highways, as the  
18 case may be, shall give public notice of such public hearing by  
19 publication in at least one newspaper published in the township  
20 or district or, in the absence of such published newspaper, in  
21 at least one newspaper of general circulation in the township  
22 or district or, in the absence of such generally circulated  
23 newspaper at the time prescribed for notice, by posting notices  
24 thereof in at least 5 of the most public places in the district  
25 in the vicinity of the road for at least 5 days prior thereto.

1 A written notice shall be mailed or delivered to all owners of  
2 the property adjacent to the road which is the subject of the  
3 hearing. A written notice may be mailed or delivered to every  
4 person known to have been present at the hearings conducted  
5 pursuant to Sections 6-305 and 6-306 of this Act and to every  
6 other person who has requested such notice.

7 At such time and place the highway commissioner, if he is  
8 the official conducting the hearing, shall determine the  
9 advisability of such proposed laying out, widening,  
10 alteration, ~~or~~ vacation, or permanent posting at a reduced  
11 weight limit of such road, shall make an order for the same and  
12 shall within 5 days thereafter file such order in the office of  
13 the district clerk.

14 At such time and place the county superintendent of  
15 highways, if he is the official conducting the hearing, shall:

16 (a) Be empowered to administer oaths;

17 (b) Permit the appearance in person or by counsel, the  
18 introduction of evidence and the cross examination of witnesses  
19 by not less than 3 of the qualified petitioners, not less than  
20 3 other legal voters residing within 2 miles of any portion of  
21 such road, and not less than 3 other persons owning land  
22 operated as a farm and wholly or partially situated within 2  
23 miles of any portion of such road, except that no such  
24 permission shall extend to a person other than a petitioner  
25 unless it appears that he will be directly and adversely  
26 affected by the change requested in the petition;

1 (c) Provide that every person offering testimony shall  
2 testify under oath or affirmation and shall be subject to cross  
3 examination, except that the technical rules of evidence  
4 governing proceedings in circuit courts are inapplicable in  
5 such hearing;

6 (d) Secure and retain a stenographic transcript of the  
7 proceedings, including all evidence offered or introduced at  
8 the hearing; and

9 (e) Determine the advisability of such proposed laying out,  
10 widening, alteration, ~~or~~ vacation, or permanent posting at a  
11 reduced weight limit of such road, shall make an order for the  
12 same and shall within 5 days thereafter file such final order  
13 in the office of the district clerk.

14 Every order entered and filed pursuant to this Section in  
15 approval of the change requested in the petition shall contain  
16 an express finding that such alteration, ~~or~~ vacation, or  
17 permanent posting at a reduced weight limit of the township or  
18 district road will be in the public and economic interest and  
19 will not deprive residents or owners of proximate land of  
20 reasonable access elsewhere as specified in Section 6-305 of  
21 this Act.

22 (Source: P.A. 83-1362.)

23 (605 ILCS 5/6-312) (from Ch. 121, par. 6-312)

24 Sec. 6-312. In case such final order was entered by the  
25 highway commissioner as provided in Section 6-311 of this Code

1 finally determining the advisability of such proposed laying  
2 out, widening, alteration, ~~or~~ vacation, or permanent posting at  
3 a reduced weight limit of any township or district road, any 3  
4 qualified petitioners who may have signed the petition for such  
5 proposed laying out, widening, alteration, ~~or~~ vacation, or  
6 permanent posting at a reduced weight limit, or any 3 legal  
7 voters residing within 2 miles of any portion of such road, or  
8 any 3 other persons owning land operated as a farm within 2  
9 miles of any portion of such road, may (if either they are  
10 qualified petitioners or they both have raised objections at  
11 the hearing pursuant to Section 6-311 of this Act and will be  
12 directly and adversely affected by such proposed laying out,  
13 widening, alteration or vacation) appeal to the county  
14 superintendent of highways by filing a notice of such appeal in  
15 the office of the district clerk within 10 days of the date of  
16 filing the decision appealed from. Thereupon such clerk shall  
17 at once transmit all papers relating to such proposed laying  
18 out, widening, altering, ~~or~~ vacation, or permanent posting at a  
19 reduced weight limit of such road to the county superintendent  
20 of highways, who shall within 20 days after the receipt of the  
21 same, hold a public hearing within such district to finally  
22 determine upon the laying out, widening, altering, ~~or~~ vacation,  
23 or permanent posting at a reduced weight limit of such road.  
24 Such hearing shall be upon such notice and conducted in like  
25 manner as the hearing before the highway commissioner relative  
26 to such final decision and from which appeal has been taken,

1 except that the powers and duties of the county superintendent  
2 of highways in conducting such hearing and in determining and  
3 filing his final order shall be identical to the powers and  
4 duties of such superintendent prescribed by Section 6-311 of  
5 this Act. Judicial review may be pursued after such final order  
6 of the county superintendent of highways relative to the  
7 alteration or vacation of such roads in the manner provided in  
8 Section 6-315a of this Division.

9 (Source: Laws 1963, p. 3216.)

10 (605 ILCS 5/6-313) (from Ch. 121, par. 6-313)

11 Sec. 6-313. In case the highway commissioner, or upon  
12 appeal from his decision, the county superintendent of  
13 highways, shall finally determine against the advisability of  
14 the proposed laying out, widening, alteration, ~~or~~ vacation, or  
15 permanent posting at a reduced weight limit of such township or  
16 district road, such order shall have the effect to annul and  
17 revoke all proceedings and assessments, releases and  
18 agreements in respect to damages growing out of the proceedings  
19 upon the petition aforesaid. In case the commissioner or county  
20 superintendent affirms such prior proceedings, he shall make an  
21 order to be signed by him, declaring such road to be laid out,  
22 widened, altered, ~~or~~ vacated, or permanently posted at a  
23 reduced weight limit as a public highway and which order shall  
24 contain or have annexed thereto a definite description of the  
25 line of such road, together with the plat thereof. The highway

1 commissioner or county superintendent, as the case may be,  
2 shall within 5 days from the date of his final order, cause the  
3 same, together with the report of the surveyor, the petition  
4 and the releases, agreements or assessments in respect to  
5 damages, to be deposited and filed in the office of the  
6 district clerk; who shall note upon such order the date of such  
7 filing. It shall be the duty of such clerk to record such  
8 order, together with the plat of the surveyor in a proper book  
9 to be kept for that purpose.

10 (Source: Laws 1959, p. 196.)

11 (605 ILCS 5/6-314) (from Ch. 121, par. 6-314)

12 Sec. 6-314. After it has been finally determined that a  
13 township or district road shall be laid out, widened, altered,  
14 ~~or~~ vacated, or permanently posted at a reduced weight limit,  
15 either by the highway commissioner, or upon appeal, by the  
16 county superintendent of highways, all proceedings subsequent  
17 thereto on behalf of the district shall be taken by the highway  
18 commissioner thereof as provided in this division of this Code.  
19 And such highway commissioner in such cases is hereby  
20 authorized to resort to all necessary proceedings not  
21 inconsistent with the provisions of this Code to secure the  
22 laying out, widening, alteration, ~~or~~ vacation, or permanent  
23 posting at a reduced weight limit of any such road.

24 (Source: Laws 1959, p. 196.)

1 (605 ILCS 5/6-315a) (from Ch. 121, par. 6-315a)

2 Sec. 6-315a. Any 3 persons who, at a hearing conducted by  
3 the county superintendent of highways pursuant to Section  
4 6-306, 6-311 or 6-312 of this Act, have been permitted to  
5 appear, in person or by counsel, and to introduce evidence and  
6 cross examine witnesses, may (if they are qualified  
7 petitioners, or have raised objections at a hearing pursuant to  
8 Section 6-311 or 6-312 of this Act and will be directly and  
9 adversely affected by such proposed alteration, ~~or~~ vacation, or  
10 permanent posting at a reduced weight limit) obtain judicial  
11 review of such final administrative decision of the  
12 superintendent (meaning his final order denying the petition  
13 after a hearing pursuant to Section 6-306, or granting or  
14 denying the petition after a hearing pursuant to Section 6-311  
15 or 6-312, to be filed in the office of the district clerk after  
16 the hearing) pursuant to the Administrative Review Law, and all  
17 amendments and modifications thereof, and any rules adopted  
18 pursuant thereto. The term "administrative decision" is  
19 defined as in Section 3-101 of the Code of Civil Procedure.  
20 Such judicial review proceeding shall be given precedence over  
21 all other civil cases, except cases arising under the Workers'  
22 Compensation Act and the Unemployment Insurance Act.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24 (605 ILCS 5/6-319) (from Ch. 121, par. 6-319)

25 Sec. 6-319.

1 Township and district roads may be laid out, widened,  
2 altered or vacated on county or district lines, or from one  
3 district to another, and in case a railroad right-of-way or  
4 stream of water joins the boundary line of such county or  
5 district line, then along the line of such railroad  
6 right-of-way or stream of water, in the same manner as other  
7 township and district roads, except that in such cases, a copy  
8 of the petition shall be posted in and presented to the highway  
9 commissioners of each district interested; such petition to be  
10 as in other cases, and signed by not less than 5% of the legal  
11 voters, or 12 legal voters, whichever is less, residing in the  
12 district or county. Whereupon the highway commissioners of the  
13 several districts shall meet and act together, in the same time  
14 and manner as in other cases, in considering the petition,  
15 viewing the premises, adjusting damages, and making all orders  
16 in reference to such proposed road, widening, alteration or  
17 vacation, and a copy of all final orders and plats and papers  
18 shall be filed and recorded in each of the counties and  
19 districts interested. In case the commissioners are unable to  
20 agree, the county superintendent of highways shall act as  
21 arbitrator between them in case the districts shall lie within  
22 the same county, and if in different counties the Department or  
23 any person designated by it, shall so act. All appeals  
24 hereinbefore provided for in this Division of this Code may  
25 likewise be taken to the county superintendent of highways, or  
26 in case the districts shall lie in 2 or more counties, to the



1 Department.

2 In lieu of petitions, the highway commissioners of all road  
3 districts interested may file a certificate to vacate or  
4 permanently post at a reduced weight limit roads with the  
5 respective county clerks and with the respective township or  
6 district clerks, as the case may be. The procedure upon the  
7 filing of such certificates shall be the same as, and conform  
8 to, the procedure followed upon the filing of a petition.

9 (Source: P.A. 78-543.)

10 (605 ILCS 5/6-327) (from Ch. 121, par. 6-327)

11 Sec. 6-327. Township and district roads for private and  
12 public use of the widths of 50 feet or less may be laid out from  
13 one or more dwellings or plantations to any public road, or  
14 from one public road to another, or from one or more lots of  
15 land to a public road or from one or more lots of land to a  
16 public waterway, on petition to the highway commissioner by any  
17 person directly interested. Upon receiving such petition,  
18 proceedings shall be had respecting the laying out of such road  
19 as in the case of other township and district roads. In case  
20 the highway commissioner or upon appeal, the county  
21 superintendent of highways, shall enter a preliminary order for  
22 the laying out of such road, such highway officer or officers  
23 making such preliminary order shall, if possible, and the  
24 parties are competent to contract, agree upon the total amount  
25 of damages, together with the portion thereof to be paid by the

1 district, if any, as well as by each of the land owners  
2 benefited by such road. In case such damages cannot be  
3 determined or apportioned by agreement, the same shall be fixed  
4 as in the case of other township and district roads. The amount  
5 of such damages shall be paid by the person benefited thereby,  
6 to the extent and in proportion that they are benefited as  
7 determined and declared by the court. The remainder of the  
8 amount of damages, over and above that to be paid by the  
9 parties aforesaid, if any, shall be paid by the district as in  
10 other cases. The amount of damages to be paid by individuals  
11 shall be paid to the parties entitled thereto, before the road  
12 shall be opened for use. In all other respects the provisions  
13 of this Division of this Code relative to the opening,  
14 widening, alteration, ~~or~~ vacation, or permanent posting at a  
15 reduced weight limit of other township and district roads shall  
16 be applicable also to the laying out, widening, alteration, ~~or~~  
17 vacation, or permanent posting at a reduced weight limit of  
18 roads for private and public use: Provided that the cost of the  
19 construction of the roadway, bridges and culverts and the  
20 maintenance thereof shall be borne by the parties paying for  
21 such road.

22 (Source: Laws 1963, p. 2045.)

23 Section 10. The Illinois Vehicle Code is amended by  
24 changing Section 15-316 as follows:

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

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

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

14 (b) The local authority enacting any such ordinance or  
15 resolution shall erect or cause to be erected and maintained  
16 signs designating the provision of the ordinance or resolution  
17 at each end of that portion of any highway affected thereby,  
18 and the ordinance or resolution shall not be effective unless  
19 and until such signs are erected and maintained.

20 (c) Local authorities, with the exception of road districts  
21 as provided for in the Illinois Highway Code, with respect to  
22 highways under their jurisdiction may also, by ordinance or  
23 resolution, prohibit the operation of trucks or other  
24 commercial vehicles, or may impose limitations as the weight  
25 thereof, on designated highways, which prohibitions and  
26 limitations shall be designated by appropriate signs placed on

1 such highways.

2 (c-1) (Blank).

3 (c-5) Highway commissioners, with respect to roads under  
4 their jurisdiction, shall not permanently post a road or  
5 portion thereof at a reduced weight limit except in accordance  
6 with Division 3 of Article 6 of the Illinois Highway Code.

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

14 (d-1) (Blank).

15 (d-2) (Blank).

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

26 (f) A municipality is authorized to enforce a county weight

1 limit ordinance applying to county highways within its  
2 corporate limits and is entitled to the proceeds of any fines  
3 collected from the enforcement.

4 (g) An ordinance or resolution enacted by a county or  
5 township pursuant to subsection (a) of this Section shall not  
6 apply to cargo tank vehicles with two or three permanent axles  
7 when delivering propane for emergency heating purposes if the  
8 cargo tank is loaded at no more than 50 percent capacity, the  
9 gross vehicle weight of the vehicle does not exceed 32,000  
10 pounds, and the driver of the cargo tank vehicle notifies the  
11 appropriate agency or agencies with jurisdiction over the  
12 highway before driving the vehicle on the highway pursuant to  
13 this subsection. The cargo tank vehicle must have an operating  
14 gauge on the cargo tank which indicates the amount of propane  
15 as a percent of capacity of the cargo tank. The cargo tank must  
16 have the capacity displayed on the cargo tank, or documentation  
17 of the capacity of the cargo tank must be available in the  
18 vehicle. For the purposes of this subsection, propane weighs  
19 4.2 pounds per gallon. This subsection does not apply to  
20 municipalities. Nothing in this subsection shall allow cargo  
21 tank vehicles to cross bridges with posted weight restrictions  
22 if the vehicle exceeds the posted weight limit.

23 (Source: P.A. 96-1337, eff. 1-1-11.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."