



Rep. Wayne Rosenthal

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09800HB2367ham002

LRB098 06741 MLW 58166 a

1 AMENDMENT TO HOUSE BILL 2367

2 AMENDMENT NO. _____. Amend House Bill 2367, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 15-316 as follows:

7 (625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

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

10 (a) Except as provided in subsection (g), local authorities
11 with respect to highways under their jurisdiction may by
12 ordinance or resolution prohibit the operation of vehicles upon
13 any such highway or impose restrictions as to the weight of
14 vehicles to be operated upon any such highway, for a total
15 period of not to exceed 90 days in any one calendar year,
16 whenever any said highway by reason of deterioration, rain,

1 snow, or other climate conditions will be seriously damaged or
2 destroyed unless the use of vehicles thereon is prohibited or
3 the permissible weights thereof reduced.

4 (b) The local authority enacting any such ordinance or
5 resolution shall erect or cause to be erected and maintained
6 signs designating the provision of the ordinance or resolution
7 at each end of that portion of any highway affected thereby,
8 and the ordinance or resolution shall not be effective unless
9 and until such signs are erected and maintained.

10 (c) Local authorities, with exception of road districts as
11 provided in subsection (c-5) of this Section, with respect to
12 highways under their jurisdiction may also, by ordinance or
13 resolution, prohibit the operation of trucks or other
14 commercial vehicles, or may impose limitations as the weight
15 thereof, on designated highways, which prohibitions and
16 limitations shall be designated by appropriate signs placed on
17 such highways.

18 (c-1) (Blank).

19 (c-5) Highway commissioners, as used in the Illinois
20 Highway Code, with respect to highways under their jurisdiction
21 may, after conducting a public hearing and approving a
22 resolution, prohibit the operation of trucks or other
23 commercial vehicles, or may impose limitation on the weight
24 thereof, on designated highways, which prohibition and
25 limitation shall be designated by appropriate signs placed on
26 these highways with written approval of the county

1 superintendent of highways. If any highway commissioner fails
2 or refuses to change or evaluate a permanently reduced weight
3 limit on any road or section of a road in his or her district
4 within 10 days after he or she is given a notice in writing
5 signed by 3 persons that own land in the road district that the
6 road or section of a road should not be permanently posted at a
7 reduced weight limit, the 3 landowners whose request was not
8 complied with may petition the county superintendent of
9 highways that the road or section thereof is in need of
10 evaluation or change of the permanently reduced weight limit by
11 the highway commissioner. The county superintendent of
12 highways shall set a day, not less than 10 nor more than 20
13 days after the petition is filed with him or her, for hearing
14 the complaint alleged in the petition, and shall post notice of
15 the hearing not less than 10 days prior to the hearing in a
16 newspaper of general circulation in the road district
17 containing the road or section of road described in the
18 petition and also by delivering a copy of the notice to the
19 commissioner or mailing a copy of the petition to the
20 commissioner. If the county superintendent of highways
21 determines as a result of the hearing that the road described
22 in the petition is in need of a change in the permanently
23 reduced weight limit by the highway commissioner of the
24 district, he or she shall order the highway commissioner of the
25 district to make any necessary change to the posted weight
26 limit. If any highway commissioner wilfully disobeys the order

1 of the county superintendent of highways issued under this
2 Section, when there are sufficient funds to permit compliance
3 with the order, he or she shall be guilty of a petty offense,
4 and shall upon proper proceedings being brought in the circuit
5 court of the county, be subject to removal from office.

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

13 (d-1) (Blank).

14 (d-2) (Blank).

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

25 (f) A municipality is authorized to enforce a county weight
26 limit ordinance applying to county highways within its

1 corporate limits and is entitled to the proceeds of any fines
2 collected from the enforcement.

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

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