



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2367

by Rep. Wayne Rosenthal

SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-201.8	from Ch. 121, par. 6-201.8
605 ILCS 5/6-301	from Ch. 121, par. 6-301
625 ILCS 5/15-316	from Ch. 95 1/2, par. 15-316

Amends the Illinois Highway Code and the Illinois Vehicle Code. Provides that highway commissioners may not permanently close, vacate, or reduce the weight limit on any road or portion thereof without the written approval of themselves, the county superintendent of highways, and the elected board associated with that road district. Effective immediately.

LRB098 06741 MLW 36789 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 Highway Code is amended by changing
5 Sections 6-201.8 and 6-301 as follows:

6 (605 ILCS 5/6-201.8) (from Ch. 121, par. 6-201.8)

7 Sec. 6-201.8. Have general charge of the roads of his
8 district, keep the same in repair and to improve them so far as
9 practicable and cooperate and assist in the construction or
10 improvement of such roads with labor furnished, in whole or in
11 part, by the Department of Human Services (acting as successor
12 to the State Department of Public Aid under the Department of
13 Human Services Act) or other public assistance authorities;
14 except that no road or portion thereof shall be permanently
15 closed, permanently vacated, or permanently posted at a reduced
16 weight limit without written approval of the highway
17 commissioner, the county superintendent of highways, and the
18 elected board associated with that road district.

19 (Source: P.A. 89-507, eff. 7-1-97.)

20 (605 ILCS 5/6-301) (from Ch. 121, par. 6-301)

21 Sec. 6-301. All township and district roads established
22 under this Division of this Code shall be not less than 40 feet

1 in width, except as provided in Section 6-327.

2 Highway commissioners in single township road districts
3 may annually determine that certain roads in the district are
4 vital to the general benefit of the district and designate them
5 all or in part as arterial district roads. The designation must
6 be approved by the county superintendent of highways, after
7 notice and hearing, prior to the commissioners' recording the
8 roads with the county superintendent of highways. No road or
9 portion thereof ~~designated as arterial~~ shall be permanently
10 closed, or permanently vacated, or permanently posted at
11 reduced weight limit without written approval of the county
12 highway commissioner, county superintendent of highways, and
13 the elected board associated with that road district despite
14 the road's inclusion in any annexation or incorporation
15 proceedings provided for in the Illinois Municipal Code. This
16 paragraph does not apply to roads in home rule units of
17 government nor the roads included in our annexation proceeding
18 by home rule units of governments.

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

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

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 respect to highways under their
21 jurisdiction may also, by ordinance or resolution, prohibit the
22 operation of trucks or other commercial vehicles, or may impose
23 limitations as to the weight thereof, on designated highways,
24 which prohibitions and limitations shall be designated by
25 appropriate signs placed on such highways.

26 (c-1) (Blank).

1 (c-5) Highway commissioners, with respect to roads under
2 their authority, shall not permanently post a road or portion
3 thereof at a reduced weight limit without written approval of
4 the highway commissioner, the county superintendent of
5 highways, and the elected board associated with that road
6 district.

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.