



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4535

by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Provides that during a declared harvest season emergency, the Governor may waive a vehicle's registered weight limitation and set a divisible load weight limit not to exceed 10% of a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not both exceed 10% above the statutorily required maximum limits. Provides that local authorities may waive special permit requirements during harvest season emergencies, and set a divisible load weight limit not to exceed 10% of a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not both exceed 10% above the statutorily required maximum limits. Provides that the Governor's emergency harvest permit exemption and local authority permit exemptions shall apply to all registered vehicles, including vehicles used in private or for-hire movement of divisible load agricultural commodities in use during the declared time period. Provides that provisions concerning the Governor's emergency harvest permit exemption and local authority permit exemptions shall not apply to municipalities with a population of 2,000,000 or more inhabitants. Makes conforming changes.

LRB099 17083 RJF 41441 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 15-301 as follows:

6 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

7 Sec. 15-301. Permits for excess size and weight.

8 (a) The Department with respect to highways under its  
9 jurisdiction and local authorities with respect to highways  
10 under their jurisdiction may, in their discretion, upon  
11 application and good cause being shown therefor, issue a  
12 special permit authorizing the applicant to operate or move a  
13 vehicle or combination of vehicles of a size or weight of  
14 vehicle or load exceeding the maximum specified in this Act or  
15 otherwise not in conformity with this Act upon any highway  
16 under the jurisdiction of the party granting such permit and  
17 for the maintenance of which the party is responsible.  
18 Applications and permits other than those in written or printed  
19 form may only be accepted from and issued to the company or  
20 individual making the movement. Except for an application to  
21 move directly across a highway, it shall be the duty of the  
22 applicant to establish in the application that the load to be  
23 moved by such vehicle or combination cannot reasonably be

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

26 (b) The application for any such permit shall: (1) state

1 whether such permit is requested for a single trip or for  
2 limited continuous operation; (2) state if the applicant is an  
3 authorized carrier under the Illinois Motor Carrier of Property  
4 Law, if so, his certificate, registration or permit number  
5 issued by the Illinois Commerce Commission; (3) specifically  
6 describe and identify the vehicle or vehicles and load to be  
7 operated or moved except that for vehicles or vehicle  
8 combinations registered by the Department as provided in  
9 Section 15-319 of this Chapter, only the Illinois Department of  
10 Transportation's (IDT) registration number or classification  
11 need be given; (4) state the routing requested including the  
12 points of origin and destination, and may identify and include  
13 a request for routing to the nearest certified scale in  
14 accordance with the Department's rules and regulations,  
15 provided the applicant has approval to travel on local roads;  
16 and (5) state if the vehicles or loads are being transported  
17 for hire. No permits for the movement of a vehicle or load for  
18 hire shall be issued to any applicant who is required under the  
19 Illinois Motor Carrier of Property Law to have a certificate,  
20 registration or permit and does not have such certificate,  
21 registration or permit.

22 (c) The Department or local authority when not inconsistent  
23 with traffic safety is authorized to issue or withhold such  
24 permit at its discretion; or, if such permit is issued at its  
25 discretion to prescribe the route or routes to be traveled, to  
26 limit the number of trips, to establish seasonal or other time

1 limitations within which the vehicles described may be operated  
2 on the highways indicated, or otherwise to limit or prescribe  
3 conditions of operations of such vehicle or vehicles, when  
4 necessary to assure against undue damage to the road  
5 foundations, surfaces or structures, and may require such  
6 undertaking or other security as may be deemed necessary to  
7 compensate for any injury to any roadway or road structure. The  
8 Department shall maintain a daily record of each permit issued  
9 along with the fee and the stipulated dimensions, weights,  
10 conditions and restrictions authorized and this record shall be  
11 presumed correct in any case of questions or dispute. The  
12 Department shall install an automatic device for recording  
13 applications received and permits issued by telephone. In  
14 making application by telephone, the Department and applicant  
15 waive all objections to the recording of the conversation.

16 (d) The Department shall, upon application in writing from  
17 any local authority, issue an annual permit authorizing the  
18 local authority to move oversize highway construction,  
19 transportation, utility and maintenance equipment over roads  
20 under the jurisdiction of the Department. The permit shall be  
21 applicable only to equipment and vehicles owned by or  
22 registered in the name of the local authority, and no fee shall  
23 be charged for the issuance of such permits.

24 (e) As an exception to paragraph (a) of this Section, the  
25 Department and local authorities, with respect to highways  
26 under their respective jurisdictions, in their discretion and

1 upon application in writing may issue a special permit for  
2 limited continuous operation, authorizing the applicant to  
3 move loads of agricultural commodities on a 2 axle single  
4 vehicle registered by the Secretary of State with axle loads  
5 not to exceed 35%, on a 3 or 4 axle vehicle registered by the  
6 Secretary of State with axle loads not to exceed 20%, and on a  
7 5 axle vehicle registered by the Secretary of State not to  
8 exceed 10% above those provided in Section 15-111. The total  
9 gross weight of the vehicle, however, may not exceed the  
10 maximum gross weight of the registration class of the vehicle  
11 allowed under Section 3-815 or 3-818 of this Code.

12 As used in this Section, "agricultural commodities" means:

13 (1) cultivated plants or agricultural produce grown  
14 including, but is not limited to, corn, soybeans, wheat,  
15 oats, grain sorghum, canola, and rice;

16 (2) livestock, including but not limited to hogs,  
17 equine, sheep, and poultry;

18 (3) ensilage; and

19 (4) fruits and vegetables.

20 Permits may be issued for a period not to exceed 40 days  
21 and moves may be made of a distance not to exceed 50 miles from  
22 a field, an on-farm grain storage facility, a warehouse as  
23 defined in the Illinois Grain Code, or a livestock management  
24 facility as defined in the Livestock Management Facilities Act  
25 over any highway except the National System of Interstate and  
26 Defense Highways. The operator of the vehicle, however, must

1 abide by posted bridge and posted highway weight limits. All  
2 implements of husbandry operating under this Section between  
3 sunset and sunrise shall be equipped as prescribed in Section  
4 12-205.1.

5 (e-1) Upon a declaration by the Governor that an emergency  
6 harvest situation exists, a special permit issued by the  
7 Department under this Section shall not be required from  
8 September 1 through December 31 during harvest season  
9 emergencies. During the declared harvest season emergency, the  
10 Governor may waive a vehicle's registered weight limitation and  
11 set a divisible load weight limit not to exceed 10% of a  
12 vehicle's registered gross weight, provided that the vehicle's  
13 axle weight and gross weight do not both exceed 10% above the  
14 maximum limits specified in Section 15-111, provided that the  
15 weight does not exceed 20% above the limits provided in Section  
16 15-111. All other restrictions that apply to permits issued  
17 under this Section shall apply during the declared time period.  
18 With respect to highways under the jurisdiction of local  
19 authorities, the local authorities may, at their discretion,  
20 waive special permit requirements during harvest season  
21 emergencies, and set a divisible load weight limit not to  
22 exceed 10% of a vehicle's registered gross weight, provided  
23 that the vehicle's axle weight and gross weight do not both  
24 exceed 10% above the maximum limits specified in Section  
25 15-111. The ~~This~~ permit exemptions under this subsection (e-1)  
26 exemption shall apply to all registered vehicles eligible to

1 obtain permits under this Section, including ~~commercial~~  
2 vehicles used in private or for-hire movement of divisible load  
3 agricultural commodities in use during the declared time  
4 period. This subsection (e-1) shall not apply to municipalities  
5 with a population of 2,000,000 or more inhabitants.

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



1 a permit when the vehicle is off route, or any size or weight  
2 offense under this Chapter when the permittee plans to raise  
3 the issuance of the permit as a defense, the permittee, or his  
4 agent, must produce the permit at any court hearing concerning  
5 the alleged offense.

6 If the permit designates and includes a routing to a  
7 certified scale, the permittee, while enroute to the designated  
8 scale, shall be deemed in compliance with the weight provisions  
9 of the permit provided the axle or gross weights do not exceed  
10 any of the permitted limits by more than the following amounts:

|    |             |             |
|----|-------------|-------------|
| 11 | Single axle | 2000 pounds |
| 12 | Tandem axle | 3000 pounds |
| 13 | Gross       | 5000 pounds |

14 (g) The Department is authorized to adopt, amend, and to  
15 make available to interested persons a policy concerning  
16 reasonable rules, limitations and conditions or provisions of  
17 operation upon highways under its jurisdiction in addition to  
18 those contained in this Section for the movement by special  
19 permit of vehicles, combinations, or loads which cannot  
20 reasonably be dismantled or disassembled, including  
21 manufactured and modular home sections and portions thereof.  
22 All rules, limitations and conditions or provisions adopted in  
23 the policy shall have due regard for the safety of the  
24 traveling public and the protection of the highway system and  
25 shall have been promulgated in conformity with the provisions  
26 of the Illinois Administrative Procedure Act. The requirements

1 of the policy for flagmen and escort vehicles shall be the same  
2 for all moves of comparable size and weight. When escort  
3 vehicles are required, they shall meet the following  
4 requirements:

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

7 (2) Vehicles escorting oversized loads more than  
8 12-feet wide must be equipped with a rotating or flashing  
9 amber light mounted on top as specified under Section  
10 12-215.

11 The Department shall establish reasonable rules and  
12 regulations regarding liability insurance or self insurance  
13 for vehicles with oversized loads promulgated under The  
14 Illinois Administrative Procedure Act. Police vehicles may be  
15 required for escort under circumstances as required by rules  
16 and regulations of the Department.

17 (h) Violation of any rule, limitation or condition or  
18 provision of any permit issued in accordance with the  
19 provisions of this Section shall not render the entire permit  
20 null and void but the violator shall be deemed guilty of  
21 violation of permit and guilty of exceeding any size, weight or  
22 load limitations in excess of those authorized by the permit.  
23 The prescribed route or routes on the permit are not mere  
24 rules, limitations, conditions, or provisions of the permit,  
25 but are also the sole extent of the authorization granted by  
26 the permit. If a vehicle and load are found to be off the route

1 or routes prescribed by any permit authorizing movement, the  
2 vehicle and load are operating without a permit. Any off route  
3 movement shall be subject to the size and weight maximums,  
4 under the applicable provisions of this Chapter, as determined  
5 by the type or class highway upon which the vehicle and load  
6 are being operated.

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

20 (j) Whenever any vehicle is operated or movement made in  
21 violation of a permit issued in accordance with this Section,  
22 the person to whom such permit was granted, or the driver of  
23 such vehicle, is guilty of such violation and either, but not  
24 both, persons may be prosecuted for such violation as stated in  
25 this subsection (j). Any person, firm or corporation convicted  
26 of such violation shall be guilty of a petty offense and shall

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

10 (k) Whenever any vehicle is operated on local roads under  
11 permits for excess width or length issued by local authorities,  
12 such vehicle may be moved upon a State highway for a distance  
13 not to exceed one-half mile without a permit for the purpose of  
14 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 the  
19 movement of a vehicle in violation of any size or weight  
20 requirement, or both, that would not ordinarily be eligible for  
21 a permit, when there is a showing of extreme necessity that the  
22 vehicle and load should be moved without unnecessary delay.

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

1 (m) Penalties for violations of this Section shall be in  
2 addition to any penalties imposed for violating any other  
3 Section of this Code.

4 (n) The Department with respect to highways under its  
5 jurisdiction and local authorities with respect to highways  
6 under their jurisdiction, in their discretion and upon  
7 application in writing, may issue a special permit for  
8 continuous limited operation, authorizing the applicant to  
9 operate a tow-truck that exceeds the weight limits provided for  
10 in subsection (a) of Section 15-111, provided:

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

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

15 (2.1) no triple rear axle on a manufactured recovery  
16 unit exceeds 60,000 pounds;

17 (3) neither the disabled vehicle nor the disabled  
18 combination of vehicles exceed the weight restrictions  
19 imposed by this Chapter 15, or the weight limits imposed  
20 under a permit issued by the Department prior to hookup;

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

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

25 (6) the tow-truck is equipped with flashing, rotating,  
26 or oscillating amber lights, visible for at least 500 feet

1 in all directions;

2 (7) the tow-truck is specifically designed and  
3 licensed as a tow-truck;

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

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

7 (10) the tow-truck is capable of utilizing the lighting  
8 and braking systems of the disabled vehicle or combination  
9 of vehicles;

10 (11) the tow commences at the initial point of wreck or  
11 disablement and terminates at a point where the repairs are  
12 actually to occur;

13 (12) the permit issued to the tow-truck is carried in  
14 the tow-truck and exhibited on demand by a police officer;  
15 and

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

18 (o) The Department, with respect to highways under its  
19 jurisdiction, and local authorities, with respect to highways  
20 under their jurisdiction, in their discretion and upon  
21 application in writing, may issue a special permit for  
22 continuous limited operation, authorizing the applicant to  
23 transport raw milk that exceeds the weight limits provided for  
24 in subsection (a) of Section 15-111 of this Code, provided:

25 (1) no single axle exceeds 20,000 pounds;

26 (2) no gross weight exceeds 80,000 pounds;

1 (3) permits issued by the State are good only for  
2 federal and State highways and are not applicable to  
3 interstate highways; and

4 (4) all road and bridge postings must be obeyed.

5 (p) In determining whether a load may be reasonably  
6 dismantled or disassembled for the purpose of paragraph (a),  
7 the Department shall consider whether there is a significant  
8 negative impact on the condition of the pavement and structures  
9 along the proposed route, whether the load or vehicle as  
10 proposed causes a safety hazard to the traveling public,  
11 whether dismantling or disassembling the load promotes or  
12 stifles economic development and whether the proposed route  
13 travels less than 5 miles. A load is not required to be  
14 dismantled or disassembled for the purposes of paragraph (a) if  
15 the Secretary of the Department determines there will be no  
16 significant negative impact to pavement or structures along the  
17 proposed route, the proposed load or vehicle causes no safety  
18 hazard to the traveling public, dismantling or disassembling  
19 the load does not promote economic development and the proposed  
20 route travels less than 5 miles. The Department may promulgate  
21 rules for the purpose of establishing the divisibility of a  
22 load pursuant to paragraph (a). Any load determined by the  
23 Secretary to be nondivisible shall otherwise comply with the  
24 existing size or weight maximums specified in this Chapter.

25 (Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11;  
26 97-813, eff. 7-13-12.)