92\_SB2132sam002

## LRB9216035DHgcam02

1 AMENDMENT TO SENATE BILL 2132

2 AMENDMENT NO. \_\_\_\_. Amend Senate Bill 2132, AS AMENDED, 3 by replacing everything after the enacting clause with the 4 following:

5 "Section 5. The Illinois Vehicle Code is amended by6 changing Section 15-109.1 as follows:

7 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)
8 Sec. 15-109.1. Covers or tarpaulins required for certain
9 loads.

10 (a) No person shall operate or cause to be operated, on 11 a highway, any second division vehicle loaded with dirt, 12 aggregate, garbage, refuse, or other similar material, when 13 any portion of the load is falling, sifting, blowing, 14 dropping or in any way escaping from the vehicle.

15 (b) No person shall operate or cause to be operated, on a highway, any second division vehicle having a gross vehicle 16 17 weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or 18 19 on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such 20 vehicle unless the tailgate on the vehicle is in good repair 21 22 and operating condition and closes securely so as to prevent 1

any load, residue, or other material from escaping.

2 (c) This Section <u>does</u> shall not apply to the operation 3 of highway maintenance vehicles engaged in removing snow and 4 ice from the roadway, nor to implements of husbandry or other 5 farm vehicles while transporting agricultural products to or 6 from the original place of production.

7 (d) For the purpose of this Section "aggregate" shall
8 include all ores, minerals, sand, gravel, shale, coal, clay,
9 limestone or any other ore or mineral which may be mined.

(e) Notwithstanding any other penalty, whenever a police 10 11 officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a 12 citation for a violation of Section 15-109.1 of this Code, or 13 where a police officer determines that a dangerous condition 14 exists whereby any portion of the load may fall, sift, blow, 15 16 drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle 17 in a suitable place and keep such vehicle stationary until 18 19 the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further 20 violation of this Section. 21

(f) Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed \$250.

25 (Source: P.A. 91-858, eff. 1-1-01.)".

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