



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2568

Introduced 2/6/2018, by Sen. Pat McGuire

#### SYNOPSIS AS INTRODUCED:

20 ILCS 3305/23 new	
625 ILCS 5/3-401	from Ch. 95 1/2, par. 3-401
625 ILCS 5/15-301	from Ch. 95 1/2, par. 15-301
625 ILCS 5/18b-105	from Ch. 95 1/2, par. 18b-105

Amends the Illinois Emergency Management Agency Act. Provides that upon declaration of a disaster by the Governor, pursuant to conditions established by the Department of Transportation, a waste hauler providing disaster assistance to any political subdivision in this State that is located within the declared disaster area shall be relieved from compliance with requirements concerning hours of service for drivers during a 14-day period after the date the disaster was declared. Amends the Illinois Vehicle Code. Makes conforming changes. Provides that upon declaration by the Governor that a disaster exists, a special permit issued by the Department shall be required for a vehicle operated by a waste hauler that exceeds the maximum axle weight and gross weight limits under the Code or exceeds the vehicle's registered gross weight, provided that the vehicle's weight and gross weight do not exceed the maximum limits under the Code by 10% and does not exceed the vehicle's registered gross weight by 10%. Provides that with respect to a highway under the jurisdiction of a local authority, a local authority may waive special permit requirements for a vehicle operated by a waste hauler during a disaster to remove waste from a disaster area and may set a divisible load weight limit not to exceed the vehicle's registered gross weight by 10%, provided that the vehicle's axle weight and gross weight do not exceed the maximum limits under the Code by 10%. Effective immediately.

LRB100 18590 LNS 33814 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 Emergency Management Agency Act is  
5 amended by adding Section 23 as follows:

6 (20 ILCS 3305/23 new)

7 Sec. 23. Waste hauler. Upon declaration of a disaster by  
8 the Governor, pursuant to conditions established by the  
9 Department of Transportation, a waste hauler providing  
10 disaster assistance to any political subdivision in this State  
11 that is located within the declared disaster area shall be  
12 relieved from compliance with the requirements of 92 Ill. Adm.  
13 Code 395 for a 14-day period after the date the disaster was  
14 declared. The 14-day period may be extended by the Illinois  
15 Department of Transportation for any political subdivision in  
16 this State upon the request of the principal executive officer  
17 of that political subdivision.

18 Section 10. The Illinois Vehicle Code is amended by  
19 changing Sections 3-401, 15-301, and 18b-105 as follows:

20 (625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

21 Sec. 3-401. Effect of provisions.

1           (a) It shall be unlawful for any person to violate any  
2 provision of this Chapter or to drive or move or for an owner  
3 knowingly to permit to be driven or moved upon any highway any  
4 vehicle of a type required to be registered hereunder which is  
5 not registered or for which the appropriate fee has not been  
6 paid when and as required hereunder, except that when  
7 application accompanied by proper fee has been made for  
8 registration of a vehicle it may be operated temporarily  
9 pending complete registration upon displaying a duplicate  
10 application duly verified or other evidence of such application  
11 or otherwise under rules and regulations promulgated by the  
12 Secretary of State.

13           (b) The appropriate fees required to be paid under the  
14 various provisions of this Act for registration of vehicles  
15 shall mean the fee or fees which would have been paid  
16 initially, if proper and timely application had been made to  
17 the Secretary of State for the appropriate registration  
18 required, whether such registration be a flat weight  
19 registration, a single trip permit, a reciprocity permit or a  
20 supplemental application to an original prorate application  
21 together with payment of fees due under the supplemental  
22 application for prorate decals.

23           (c) Effective October 1, 1984, no vehicle required to pay a  
24 Federal Highway Users Tax shall be registered unless proof of  
25 payment, in a form prescribed and approved by the Secretary of  
26 State, is submitted with the appropriate registration.

1 Notwithstanding any other provision of this Code, failure of  
2 the applicant to comply with this paragraph shall be deemed  
3 grounds for the Secretary to refuse registration.

4 (c-1) A vehicle may not be registered by the Secretary of  
5 State unless that vehicle:

6 (1) was originally manufactured for operation on  
7 highways;

8 (2) is a modification of a vehicle that was originally  
9 manufactured for operation on highways; or

10 (3) was assembled from component parts designed for use  
11 in vehicles to be operated on highways.

12 (d) Second division vehicles.

13 (1) A vehicle of the second division moved or operated  
14 within this State shall have had paid for it the  
15 appropriate registration fees and flat weight tax, as  
16 evidenced by the Illinois registration issued for that  
17 vehicle, for the gross weight of the vehicle and load being  
18 operated or moved within this State. Second division  
19 vehicles of foreign jurisdictions operated within this  
20 State under a single trip permit, fleet reciprocity plan,  
21 prorated registration plan, or apportioned registration  
22 plan, instead of second division vehicle registration  
23 under Article VIII of this Chapter, must have had paid for  
24 it the appropriate registration fees and flat weight tax in  
25 the base jurisdiction of that vehicle, as evidenced by the  
26 maximum gross weight shown on the foreign registration

1 cards, plus any appropriate fees required under this Code.

2 (2) If a vehicle and load are operated in this State  
3 and the appropriate fees and taxes have not been paid or  
4 the vehicle and load exceed the registered gross weight for  
5 which the required fees and taxes have been paid by 2001  
6 pounds or more, the operator or owner shall be fined as  
7 provided in Section 15-113 of this Code. However, an owner  
8 or operator shall not be subject to arrest under this  
9 subsection for any weight in excess of 80,000 pounds.  
10 Further, no fine shall exceed the actual cost of what the  
11 appropriate registration for that vehicle and load should  
12 have been as established in subsection (a) of Section 3-815  
13 of this Chapter regardless of the route traveled. For  
14 purposes of this paragraph (2), "appropriate registration"  
15 means the full annual cost of the required registration and  
16 its associated fees.

17 (3) Any person operating a legal combination of  
18 vehicles displaying valid registration shall not be  
19 considered in violation of the registration provision of  
20 this subsection unless the total gross weight of the  
21 combination exceeds the total licensed weight of the  
22 vehicles in the combination. The gross weight of a vehicle  
23 exempt from the registration requirements of this Chapter  
24 shall not be included when determining the total gross  
25 weight of vehicles in combination. Any vehicle operating  
26 under (i) an emergency harvest permit, as described in

1 subsection (e-1) of Section 15-301 ~~of this Code, or (ii) a~~  
2 disaster assistance permit, as described under subsection  
3 (e-5) of Section 15-301, shall not be in violation of this  
4 paragraph (3).

5 (4) If the defendant claims that he or she had  
6 previously paid the appropriate Illinois registration fees  
7 and taxes for this vehicle before the alleged violation,  
8 the defendant shall have the burden of proving the  
9 existence of the payment by competent evidence. Proof of  
10 proper Illinois registration issued by the Secretary of  
11 State, or the appropriate registration authority from the  
12 foreign state, shall be the only competent evidence of  
13 payment.

14 (Source: P.A. 100-70, eff. 8-11-17.)

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

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

17 (a) The Department with respect to highways under its  
18 jurisdiction and local authorities with respect to highways  
19 under their jurisdiction may, in their discretion, upon  
20 application and good cause being shown therefor, issue a  
21 special permit authorizing the applicant to operate or move a  
22 vehicle or combination of vehicles of a size or weight of  
23 vehicle or load exceeding the maximum specified in this Act or  
24 otherwise not in conformity with this Act upon any highway  
25 under the jurisdiction of the party granting such permit and

1 for the maintenance of which the party is responsible.  
2 Applications and permits other than those in written or printed  
3 form may only be accepted from and issued to the company or  
4 individual making the movement. Except for an application to  
5 move directly across a highway, it shall be the duty of the  
6 applicant to establish in the application that the load to be  
7 moved by such vehicle or combination cannot reasonably be  
8 dismantled or disassembled, the reasonableness of which shall  
9 be determined by the Secretary of the Department. For the  
10 purpose of over length movements, more than one object may be  
11 carried side by side as long as the height, width, and weight  
12 laws are not exceeded and the cause for the over length is not  
13 due to multiple objects. For the purpose of over height  
14 movements, more than one object may be carried as long as the  
15 cause for the over height is not due to multiple objects and  
16 the length, width, and weight laws are not exceeded. For the  
17 purpose of an over width movement, more than one object may be  
18 carried as long as the cause for the over width is not due to  
19 multiple objects and length, height, and weight laws are not  
20 exceeded. Except for transporting fluid milk products, no State  
21 or local agency shall authorize the issuance of excess size or  
22 weight permits for vehicles and loads that are divisible and  
23 that can be carried, when divided, within the existing size or  
24 weight maximums specified in this Chapter. Any excess size or  
25 weight permit issued in violation of the provisions of this  
26 Section shall be void at issue and any movement made thereunder

1 shall not be authorized under the terms of the void permit. In  
2 any prosecution for a violation of this Chapter when the  
3 authorization of an excess size or weight permit is at issue,  
4 it is the burden of the defendant to establish that the permit  
5 was valid because the load to be moved could not reasonably be  
6 dismantled or disassembled, or was otherwise nondivisible.

7 (b) The application for any such permit shall: (1) state  
8 whether such permit is requested for a single trip or for  
9 limited continuous operation; (2) state if the applicant is an  
10 authorized carrier under the Illinois Motor Carrier of Property  
11 Law, if so, his certificate, registration or permit number  
12 issued by the Illinois Commerce Commission; (3) specifically  
13 describe and identify the vehicle or vehicles and load to be  
14 operated or moved except that for vehicles or vehicle  
15 combinations registered by the Department as provided in  
16 Section 15-319 of this Chapter, only the Illinois Department of  
17 Transportation's (IDT) registration number or classification  
18 need be given; (4) state the routing requested including the  
19 points of origin and destination, and may identify and include  
20 a request for routing to the nearest certified scale in  
21 accordance with the Department's rules and regulations,  
22 provided the applicant has approval to travel on local roads;  
23 and (5) state if the vehicles or loads are being transported  
24 for hire. No permits for the movement of a vehicle or load for  
25 hire shall be issued to any applicant who is required under the  
26 Illinois Motor Carrier of Property Law to have a certificate,



1 registration or permit and does not have such certificate,  
2 registration or permit.

3 (c) The Department or local authority when not inconsistent  
4 with traffic safety is authorized to issue or withhold such  
5 permit at its discretion; or, if such permit is issued at its  
6 discretion to prescribe the route or routes to be traveled, to  
7 limit the number of trips, to establish seasonal or other time  
8 limitations within which the vehicles described may be operated  
9 on the highways indicated, or otherwise to limit or prescribe  
10 conditions of operations of such vehicle or vehicles, when  
11 necessary to assure against undue damage to the road  
12 foundations, surfaces or structures, and may require such  
13 undertaking or other security as may be deemed necessary to  
14 compensate for any injury to any roadway or road structure. The  
15 Department shall maintain a daily record of each permit issued  
16 along with the fee and the stipulated dimensions, weights,  
17 conditions and restrictions authorized and this record shall be  
18 presumed correct in any case of questions or dispute. The  
19 Department shall install an automatic device for recording  
20 applications received and permits issued by telephone. In  
21 making application by telephone, the Department and applicant  
22 waive all objections to the recording of the conversation.

23 (d) The Department shall, upon application in writing from  
24 any local authority, issue an annual permit authorizing the  
25 local authority to move oversize highway construction,  
26 transportation, utility and maintenance equipment over roads

1 under the jurisdiction of the Department. The permit shall be  
2 applicable only to equipment and vehicles owned by or  
3 registered in the name of the local authority, and no fee shall  
4 be charged for the issuance of such permits.

5 (e) As an exception to subsection ~~paragraph~~ (a) of this  
6 Section, the Department and local authorities, with respect to  
7 highways under their respective jurisdictions, in their  
8 discretion and upon application in writing may issue a special  
9 permit for limited continuous operation, authorizing the  
10 applicant to move loads of agricultural commodities on a 2-axle  
11 ~~2-axle~~ single vehicle registered by the Secretary of State with  
12 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4 axle~~  
13 vehicle registered by the Secretary of State with axle loads  
14 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by  
15 the Secretary of State not to exceed 10% above those provided  
16 in Section 15-111. The total gross weight of the vehicle,  
17 however, may not exceed the maximum gross weight of the  
18 registration class of the vehicle allowed under Section 3-815  
19 or 3-818 of this Code.

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

21 (1) cultivated plants or agricultural produce grown  
22 including, but ~~is~~ not limited to, corn, soybeans, wheat,  
23 oats, grain sorghum, canola, and rice;

24 (2) livestock, including, l but not limited to, l hogs,  
25 equine, sheep, and poultry;

26 (3) ensilage; and

1 (4) fruits and vegetables.

2 Permits may be issued for a period not to exceed 40 days  
3 and moves may be made of a distance not to exceed 50 miles from  
4 a field, an on-farm grain storage facility, a warehouse as  
5 defined in the ~~Illinois~~ Grain Code, or a livestock management  
6 facility as defined in the Livestock Management Facilities Act  
7 over any highway except the National System of Interstate and  
8 Defense Highways. The operator of the vehicle, however, must  
9 abide by posted bridge and posted highway weight limits. All  
10 implements of husbandry operating under this Section between  
11 sunset and sunrise shall be equipped as prescribed in Section  
12 12-205.1.

13 (e-1) Upon a declaration by the Governor that an emergency  
14 harvest situation exists, a special permit issued by the  
15 Department under this Section shall be required from September  
16 1 through December 31 during harvest season emergencies for a  
17 vehicle that exceeds the maximum axle weight and gross weight  
18 limits under Section 15-111 of this Code or exceeds the  
19 vehicle's registered gross weight, provided that the vehicle's  
20 axle weight and gross weight do not exceed 10% above the  
21 maximum limits under Section 15-111 of this Code and does not  
22 exceed the vehicle's registered gross weight by 10%. All other  
23 restrictions that apply to permits issued under this Section  
24 shall apply during the declared time period and no fee shall be  
25 charged for the issuance of those permits. Permits issued by  
26 the Department under this subsection (e-1) are only valid on

1 federal and State highways under the jurisdiction of the  
2 Department, except interstate highways. With respect to  
3 highways under the jurisdiction of local authorities, the local  
4 authorities may, at their discretion, waive special permit  
5 requirements during harvest season emergencies, and set a  
6 divisible load weight limit not to exceed 10% above a vehicle's  
7 registered gross weight, provided that the vehicle's axle  
8 weight and gross weight do not exceed 10% above the maximum  
9 limits specified in Section 15-111. Permits issued under this  
10 subsection (e-1) shall apply to all registered vehicles  
11 eligible to obtain permits under this Section, including  
12 vehicles used in private or for-hire movement of divisible load  
13 agricultural commodities during the declared time period.

14 (e-5) Upon declaration by the Governor that a disaster, as  
15 defined under Section 4 of the Illinois Emergency Management  
16 Agency Act, exists, a special permit issued by the Department  
17 shall be required for a vehicle operated by a waste hauler that  
18 exceeds the maximum axle weight and gross weight limits under  
19 Section 15-111 of this Code or exceeds the vehicle's registered  
20 gross weight, provided that the vehicle's weight and gross  
21 weight do not exceed the maximum limits under Section 15-111 of  
22 this Code by 10% and do not exceed the vehicle's registered  
23 gross weight by 10%. With respect to a highway under the  
24 jurisdiction of a local authority, a local authority may waive  
25 special permit requirements for a vehicle operated by a waste  
26 hauler during a disaster to remove waste from a disaster area

1 and may set a divisible load weight limit not to exceed the  
2 vehicle's registered gross weight by 10%, provided that the  
3 vehicle's axle weight and gross weight do not exceed the  
4 maximum limits under Section 15-111 of this Code by 10%.  
5 Permits issued under this subsection (e-5) shall apply to all  
6 registered vehicles operated by a waste hauler eligible to  
7 obtain permits under this Section, including vehicles used in  
8 private or for-hire movement of divisible load waste during the  
9 declared time period.

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

1 the permit to remove the permit from the possession of the  
2 permittee unless the permittee is charged with a fraudulent  
3 permit violation as provided in subsection ~~paragraph~~ (i).  
4 However, upon arrest for an offense of violation of permit,  
5 operating without a permit when the vehicle is off route, or  
6 any size or weight offense under this Chapter when the  
7 permittee plans to raise the issuance of the permit as a  
8 defense, the permittee, or his agent, must produce the permit  
9 at any court hearing concerning the alleged offense.

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

15	Single axle	2000 pounds
16	Tandem axle	3000 pounds
17	Gross	5000 pounds

18 (g) The Department is authorized to adopt, amend, and to  
19 make available to interested persons a policy concerning  
20 reasonable rules, limitations and conditions or provisions of  
21 operation upon highways under its jurisdiction in addition to  
22 those contained in this Section for the movement by special  
23 permit of vehicles, combinations, or loads which cannot  
24 reasonably be dismantled or disassembled, including  
25 manufactured and modular home sections and portions thereof.  
26 All rules, limitations and conditions or provisions adopted in

1 the policy shall have due regard for the safety of the  
2 traveling public and the protection of the highway system and  
3 shall have been promulgated in conformity with the provisions  
4 of the Illinois Administrative Procedure Act. The requirements  
5 of the policy for flagmen and escort vehicles shall be the same  
6 for all moves of comparable size and weight. When escort  
7 vehicles are required, they shall meet the following  
8 requirements:

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

11 (2) Vehicles escorting oversized loads more than  
12 12-feet wide must be equipped with a rotating or flashing  
13 amber light mounted on top as specified under Section  
14 12-215.

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

21 (h) Violation of any rule, limitation or condition or  
22 provision of any permit issued in accordance with the  
23 provisions of this Section shall not render the entire permit  
24 null and void but the violator shall be deemed guilty of  
25 violation of permit and guilty of exceeding any size, weight or  
26 load limitations in excess of those authorized by the permit.

1 The prescribed route or routes on the permit are not mere  
2 rules, limitations, conditions, or provisions of the permit,  
3 but are also the sole extent of the authorization granted by  
4 the permit. If a vehicle and load are found to be off the route  
5 or routes prescribed by any permit authorizing movement, the  
6 vehicle and load are operating without a permit. Any off-route  
7 ~~off-route~~ movement shall be subject to the size and weight  
8 maximums, under the applicable provisions of this Chapter, as  
9 determined by the type or class highway upon which the vehicle  
10 and load are being operated.

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

24 (j) Whenever any vehicle is operated or movement made in  
25 violation of a permit issued in accordance with this Section,  
26 the person to whom such permit was granted, or the driver of



1 such vehicle, is guilty of such violation and either, but not  
2 both, persons may be prosecuted for such violation as stated in  
3 this subsection (j). Any person, firm or corporation convicted  
4 of such violation shall be guilty of a petty offense and shall  
5 be fined for the first offense, not less than \$50 nor more than  
6 \$200 and, for the second offense by the same person, firm or  
7 corporation within a period of one year, not less than \$200 nor  
8 more than \$300 and, for the third offense by the same person,  
9 firm or corporation within a period of one year after the date  
10 of the first offense, not less than \$300 nor more than \$500 and  
11 the Department shall not issue permits to the person, firm or  
12 corporation convicted of a third offense during a period of one  
13 year after the date of conviction for such third offense.

14 (k) Whenever any vehicle is operated on local roads under  
15 permits for excess width or length issued by local authorities,  
16 such vehicle may be moved upon a State highway for a distance  
17 not to exceed one-half mile without a permit for the purpose of  
18 crossing the State highway.

19 (l) Notwithstanding any other provision of this Section,  
20 the Department, with respect to highways under its  
21 jurisdiction, and local authorities, with respect to highways  
22 under their jurisdiction, may at their discretion authorize the  
23 movement of a vehicle in violation of any size or weight  
24 requirement, or both, that would not ordinarily be eligible for  
25 a permit, when there is a showing of extreme necessity that the  
26 vehicle and load should be moved without unnecessary delay.

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

5 (m) Penalties for violations of this Section shall be in  
6 addition to any penalties imposed for violating any other  
7 Section of this Code.

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

15 (1) no rear single axle of the tow truck ~~tow-truck~~  
16 exceeds 26,000 pounds;

17 (2) no rear tandem axle of the tow truck ~~tow-truck~~  
18 exceeds 50,000 pounds;

19 (2.1) no triple rear axle on a manufactured recovery  
20 unit exceeds 60,000 pounds;

21 (3) neither the disabled vehicle nor the disabled  
22 combination of vehicles exceed the weight restrictions  
23 imposed by this Chapter 15, or the weight limits imposed  
24 under a permit issued by the Department prior to hookup;

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

1 (5) during the tow operation the tow truck ~~tow truck~~  
2 does not violate any weight restriction sign;

3 (6) the tow truck ~~tow truck~~ is equipped with flashing,  
4 rotating, or oscillating amber lights, visible for at least  
5 500 feet in all directions;

6 (7) the tow truck ~~tow truck~~ is specifically designed  
7 and licensed as a tow truck ~~tow truck~~;

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

10 (9) the tow truck ~~tow truck~~ is equipped with air  
11 brakes;

12 (10) the tow truck ~~tow truck~~ is capable of utilizing  
13 the lighting and braking systems of the disabled vehicle or  
14 combination of vehicles;

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

18 (12) the permit issued to the tow truck ~~tow truck~~ is  
19 carried in the tow truck ~~tow truck~~ and exhibited on demand  
20 by a police officer; and

21 (13) the movement shall be valid only on State ~~state~~  
22 routes approved by the Department.

23 (o) (Blank).

24 (p) In determining whether a load may be reasonably  
25 dismantled or disassembled for the purpose of subsection  
26 ~~paragraph~~ (a), the Department shall consider whether there is a

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

19 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;  
20 revised 10-12-17.)

21 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

22 Sec. 18b-105. Rules and Regulations.

23 (a) The Department is authorized to make and adopt  
24 reasonable rules and regulations and orders consistent with law  
25 necessary to carry out the provisions of this Chapter.

1 (b) The following parts of Title 49 of the Code of Federal  
2 Regulations, as now in effect, are hereby adopted by reference  
3 as though they were set out in full:

4 Part 40 - Procedures For Transportation Workplace Drug and  
5 Alcohol Testing Programs;

6 Part 380 - Special Training Requirements;

7 Part 382 - Controlled Substances and Alcohol Use and  
8 Testing;

9 Part 383 - Commercial Driver's License Standards,  
10 Requirements, and Penalties;

11 Part 385 - Safety Fitness Procedures;

12 Part 386 Appendix B - Penalty Schedule; Violations and  
13 Maximum Monetary Penalties;

14 Part 387 - Minimum Levels of Financial Responsibility for  
15 Motor Carriers;

16 Part 390 - Federal Motor Carrier Safety Regulations:  
17 General;

18 Part 391 - Qualifications of Drivers;

19 Part 392 - Driving of Motor Vehicles;

20 Part 393 - Parts and Accessories Necessary for Safe  
21 Operation;

22 Part 395 - Hours of Service of Drivers, except as provided  
23 in Section 18b-106.1;

24 Part 396 - Inspection, Repair and Maintenance; and

25 Part 397 - Transportation of hazardous materials; Driving  
26 and Parking Rules.

1           (b-5) Individuals who meet the requirements set forth in  
2 the definition of "medical examiner" in Section 390.5 of Part  
3 390 of Title 49 of the Code of Federal Regulations may act as  
4 medical examiners in accordance with Part 391 of Title 49 of  
5 the Code of Federal Regulations.

6           (c) The following parts and Sections of the Federal Motor  
7 Carrier Safety Regulations shall not apply to those intrastate  
8 carriers, drivers or vehicles subject to subsection (b).

9           (1) Section 393.93 of Part 393 for those vehicles  
10 manufactured before June 30, 1972.

11           (2) Section 393.86 of Part 393 for those vehicles  
12 registered as farm trucks under subsection (c) of Section  
13 3-815 of this Code.

14           (3) (Blank).

15           (4) (Blank).

16           (5) Paragraph (b) (1) of Section 391.11 of Part 391.

17           (6) All of Part 395 for all agricultural operations as  
18 defined in Section 18b-101 of this Chapter at any time of  
19 the year and all farm to market agricultural transportation  
20 as defined in Chapter 1 and for grain hauling operations  
21 within a radius of 200 air miles of the normal work  
22 reporting location.

23           (7) Paragraphs (b) (3) (insulin dependent diabetic) and  
24 (b) (10) (minimum visual acuity) of Section 391.41 of part  
25 391, but only for any driver who immediately prior to July  
26 29, 1986 was eligible and licensed to operate a motor

1 vehicle subject to this Section and was engaged in  
2 operating such vehicles, and who was disqualified on July  
3 29, 1986 by the adoption of Part 391 by reason of the  
4 application of paragraphs (b)(3) and (b)(10) of Section  
5 391.41 with respect to a physical condition existing at  
6 that time unless such driver has a record of accidents  
7 which would indicate a lack of ability to operate a motor  
8 vehicle in a safe manner.

9 (d) Intrastate carriers subject to the recording  
10 provisions of Section 395.8 of Part 395 of the Federal Motor  
11 Carrier Safety Regulations shall be exempt as established under  
12 paragraph (1) of Section 395.8; provided, however, for the  
13 purpose of this Code, drivers shall operate within a 150  
14 air-mile radius of the normal work reporting location to  
15 qualify for exempt status.

16 (e) Regulations adopted by the Department subsequent to  
17 those adopted under subsection (b) hereof shall be identical in  
18 substance to the Federal Motor Carrier Safety Regulations of  
19 the United States Department of Transportation and adopted in  
20 accordance with the procedures for rulemaking in Section 5-35  
21 of the Illinois Administrative Procedure Act.

22 (f) Upon declaration of a disaster, as defined under  
23 Section 4 of the Illinois Emergency Management Agency Act, by  
24 the Governor, pursuant to conditions established by the  
25 Department of Transportation, a waste hauler providing  
26 disaster assistance to any political subdivision in this State

1 that is located within the declared disaster area shall be  
2 relieved from compliance with the requirements of 92 Ill. Adm.  
3 Code 395 for a 14-day period after the date the disaster was  
4 declared. The 14-day period may be extended by the Illinois  
5 Department of Transportation for any political subdivision in  
6 this State upon the request of the principal executive officer,  
7 as defined under Section 4 of the Illinois Emergency Management  
8 Agency Act, of that political subdivision.

9 (Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05;  
10 94-739, eff. 5-5-06.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.