

SB3098



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3098

Introduced 2/15/2018, by Sen. Martin A. Sandoval

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-111
625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-111
from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Provides that the Department of Transportation may issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by the Code or otherwise not in conformity with the Code upon any State or local highway. Deletes language providing that local authorities may issue a special permit authorizing an applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by the Code or otherwise not in conformity with the Code upon local highways under their jurisdiction. Makes conforming changes. Effective January 1, 2023.

LRB100 17174 LNS 32329 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 15-111 and 15-301 as follows:

6 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

7 Sec. 15-111. Wheel and axle loads and gross weights.

8 (a) No vehicle or combination of vehicles with pneumatic
9 tires may be operated, unladen or with load, when the total
10 weight on the road surface exceeds the following: 20,000 pounds
11 on a single axle; 34,000 pounds on a tandem axle with no axle
12 within the tandem exceeding 20,000 pounds; 80,000 pounds gross
13 weight for vehicle combinations of 5 or more axles; or a total
14 weight on a group of 2 or more consecutive axles in excess of
15 that weight produced by the application of the following
16 formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$
17 36 , where "W" equals overall total weight on any group of 2 or
18 more consecutive axles to the nearest 500 pounds, "L" equals
19 the distance measured to the nearest foot between extremes of
20 any group of 2 or more consecutive axles, and "N" equals the
21 number of axles in the group under consideration.

22 The above formula when expressed in tabular form results in
23 allowable loads as follows:

1	Distance measured					
2	to the nearest					
3	foot between the					
4	extremes of any		Maximum weight in pounds			
5	group of 2 or		of any group of			
6	more consecutive		2 or more consecutive axles			
7	axles					
8	feet	2 axles	3 axles	4 axles	5 axles	6 axles
9	4	34,000				
10	5	34,000				
11	6	34,000				
12	7	34,000				
13	8	38,000*	42,000			
14	9	39,000	42,500			
15	10	40,000	43,500			
16	11		44,000			
17	12		45,000	50,000		
18	13		45,500	50,500		
19	14		46,500	51,500		
20	15		47,000	52,000		
21	16		48,000	52,500	58,000	
22	17		48,500	53,500	58,500	
23	18		49,500	54,000	59,000	
24	19		50,000	54,500	60,000	
25	20		51,000	55,500	60,500	66,000

1	21	51,500	56,000	61,000	66,500
2	22	52,500	56,500	61,500	67,000
3	23	53,000	57,500	62,500	68,000
4	24	54,000	58,000	63,000	68,500
5	25	54,500	58,500	63,500	69,000
6	26	55,500	59,500	64,000	69,500
7	27	56,000	60,000	65,000	70,000
8	28	57,000	60,500	65,500	71,000
9	29	57,500	61,500	66,000	71,500
10	30	58,500	62,000	66,500	72,000
11	31	59,000	62,500	67,500	72,500
12	32	60,000	63,500	68,000	73,000
13	33		64,000	68,500	74,000
14	34		64,500	69,000	74,500
15	35		65,500	70,000	75,000
16	36		66,000	70,500	75,500
17	37		66,500	71,000	76,000
18	38		67,500	72,000	77,000
19	39		68,000	72,500	77,500
20	40		68,500	73,000	78,000
21	41		69,500	73,500	78,500
22	42		70,000	74,000	79,000
23	43		70,500	75,000	80,000
24	44		71,500	75,500	
25	45		72,000	76,000	
26	46		72,500	76,500	

1	47	73,500	77,500
2	48	74,000	78,000
3	49	74,500	78,500
4	50	75,500	79,000
5	51	76,000	80,000
6	52	76,500	
7	53	77,500	
8	54	78,000	
9	55	78,500	
10	56	79,500	
11	57	80,000	

12 *If the distance between 2 axles is 96 inches or less, the 2
 13 axles are tandem axles and the maximum total weight may not
 14 exceed 34,000 pounds, notwithstanding the higher limit
 15 resulting from the application of the formula.

16 Vehicles not in a combination having more than 4 axles may
 17 not exceed the weight in the table in this subsection (a) for 4
 18 axles measured between the extreme axles of the vehicle.

19 Vehicles in a combination having more than 6 axles may not
 20 exceed the weight in the table in this subsection (a) for 6
 21 axles measured between the extreme axles of the combination.

22 Local authorities, with respect to streets and highways
 23 under their jurisdiction, without additional fees, may also by
 24 ordinance or resolution allow the weight limitations of this
 25 subsection, provided the maximum gross weight on any one axle
 26 shall not exceed 20,000 pounds and the maximum total weight on

1 any tandem axle shall not exceed 34,000 pounds, on designated
2 highways when appropriate regulatory signs giving notice are
3 erected upon the street or highway or portion of any street or
4 highway affected by the ordinance or resolution.

5 The following are exceptions to the above formula:

6 (1) Vehicles for which a different limit is established
7 and posted in accordance with Section 15-316 of this Code.

8 (2) Vehicles for which the Department of
9 Transportation issues ~~and local authorities issue~~
10 overweight permits under authority of Section 15-301 of
11 this Code. These vehicles are not subject to the bridge
12 formula.

13 (3) Cities having a population of more than 50,000 may
14 permit by ordinance axle loads on 2-axle motor vehicles 33
15 1/2% above those provided for herein, but the increase
16 shall not become effective until the city has officially
17 notified the Department of the passage of the ordinance and
18 shall not apply to those vehicles when outside of the
19 limits of the city, nor shall the gross weight of any
20 2-axle motor vehicle operating over any street of the city
21 exceed 40,000 pounds.

22 (4) Weight limitations shall not apply to vehicles
23 (including loads) operated by a public utility when
24 transporting equipment required for emergency repair of
25 public utility facilities or properties or water wells.

26 (4.5) A 3-axle or 4-axle vehicle (including when laden)

1 operated or hired by a municipality within Cook, Lake,
2 McHenry, Kane, DuPage, or Will county being operated for
3 the purpose of performing emergency sewer repair that would
4 be subject to a weight limitation less than 66,000 pounds
5 under the formula in this subsection (a) shall have a
6 weight limitation of 66,000 pounds or the vehicle's gross
7 vehicle weight rating, whichever is less. This paragraph
8 (4.5) does not apply to vehicles being operated on the
9 National System of Interstate and Defense Highways, or to
10 vehicles being operated on bridges or other elevated
11 structures constituting a part of a highway.

12 (5) Two consecutive sets of tandem axles may carry a
13 total weight of 34,000 pounds each if the overall distance
14 between the first and last axles of the consecutive sets of
15 tandem axles is 36 feet or more, notwithstanding the lower
16 limit resulting from the application of the above formula.

17 (6) A truck, not in combination and used exclusively
18 for the collection of rendering materials, may, when laden,
19 transmit upon the road surface, except when on part of the
20 National System of Interstate and Defense Highways, the
21 following maximum weights: 22,000 pounds on a single axle;
22 40,000 pounds on a tandem axle.

23 (7) A truck not in combination, equipped with a self
24 compactor or an industrial roll-off hoist and roll-off
25 container, used exclusively for garbage, refuse, or
26 recycling operations, may, when laden, transmit upon the

1 road surface, except when on part of the National System of
2 Interstate and Defense Highways, the following maximum
3 weights: 22,000 pounds on a single axle; 40,000 pounds on a
4 tandem axle; 40,000 pounds gross weight on a 2-axle
5 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.
6 This vehicle is not subject to the bridge formula.

7 (7.5) A 3-axle rear discharge truck mixer registered as
8 a Special Hauling Vehicle, used exclusively for the mixing
9 and transportation of concrete in the plastic state, may,
10 when laden, transmit upon the road surface, except when on
11 part of the National System of Interstate and Defense
12 Highways, the following maximum weights: 22,000 pounds on
13 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
14 gross weight on a 3-axle vehicle. This vehicle is not
15 subject to the bridge formula.

16 (8) Except as provided in paragraph (7.5) of this
17 subsection (a), tandem axles on a 3-axle truck registered
18 as a Special Hauling Vehicle, manufactured prior to or in
19 the model year of 2024 and first registered in Illinois
20 prior to January 1, 2025, with a distance greater than 72
21 inches but not more than 96 inches between any series of 2
22 axles, is allowed a combined weight on the series not to
23 exceed 36,000 pounds and neither axle of the series may
24 exceed 20,000 pounds. Any vehicle of this type manufactured
25 after the model year of 2024 or first registered in
26 Illinois after December 31, 2024 may not exceed a combined

1 weight of 34,000 pounds through the series of 2 axles and
2 neither axle of the series may exceed 20,000 pounds.

3 A 3-axle combination sewer cleaning jetting vacuum
4 truck registered as a Special Hauling Vehicle, used
5 exclusively for the transportation of non-hazardous solid
6 waste, manufactured before or in the model year of 2014,
7 first registered in Illinois before January 1, 2015, may,
8 when laden, transmit upon the road surface, except when on
9 part of the National System of Interstate and Defense
10 Highways, the following maximum weights: 22,000 pounds on a
11 single axle; 40,000 pounds on a tandem axle; 54,000 pounds
12 gross weight on a 3-axle vehicle. This vehicle is not
13 subject to the bridge formula.

14 (9) A 4-axle truck mixer registered as a Special
15 Hauling Vehicle, used exclusively for the mixing and
16 transportation of concrete in the plastic state, and not
17 operated on a highway that is part of the National System
18 of Interstate Highways, is allowed the following maximum
19 weights: 20,000 pounds on any single axle; 36,000 pounds on
20 a series of axles greater than 72 inches but not more than
21 96 inches; and 34,000 pounds on any series of 2 axles
22 greater than 40 inches but not more than 72 inches. The
23 gross weight of this vehicle may not exceed the weights
24 allowed by the bridge formula for 4 axles. The bridge
25 formula does not apply to any series of 3 axles while the
26 vehicle is transporting concrete in the plastic state, but

1 no axle or tandem axle of the series may exceed the maximum
2 weight permitted under this paragraph (9) of subsection
3 (a).

4 (10) Combinations of vehicles, registered as Special
5 Hauling Vehicles that include a semitrailer manufactured
6 prior to or in the model year of 2024, and registered in
7 Illinois prior to January 1, 2025, having 5 axles with a
8 distance of 42 feet or less between extreme axles, may not
9 exceed the following maximum weights: 20,000 pounds on a
10 single axle; 34,000 pounds on a tandem axle; and 72,000
11 pounds gross weight. This combination of vehicles is not
12 subject to the bridge formula. For all those combinations
13 of vehicles that include a semitrailer manufactured after
14 the effective date of P.A. 92-0417, the overall distance
15 between the first and last axles of the 2 sets of tandems
16 must be 18 feet 6 inches or more. Any combination of
17 vehicles that has had its cargo container replaced in its
18 entirety after December 31, 2024 may not exceed the weights
19 allowed by the bridge formula.

20 (11) The maximum weight allowed on a vehicle with
21 crawler type tracks is 40,000 pounds.

22 (12) A combination of vehicles, including a tow truck
23 and a disabled vehicle or disabled combination of vehicles,
24 that exceeds the weight restriction imposed by this Code,
25 may be operated on a public highway in this State provided
26 that neither the disabled vehicle nor any vehicle being

1 towed nor the tow truck itself shall exceed the weight
2 limitations permitted under this Chapter. During the
3 towing operation, neither the tow truck nor the vehicle
4 combination shall exceed 24,000 pounds on a single rear
5 axle and 44,000 pounds on a tandem rear axle, provided the
6 towing vehicle:

7 (i) is specifically designed as a tow truck having
8 a gross vehicle weight rating of at least 18,000 pounds
9 and is equipped with air brakes, provided that air
10 brakes are required only if the towing vehicle is
11 towing a vehicle, semitrailer, or tractor-trailer
12 combination that is equipped with air brakes;

13 (ii) is equipped with flashing, rotating, or
14 oscillating amber lights, visible for at least 500 feet
15 in all directions;

16 (iii) is capable of utilizing the lighting and
17 braking systems of the disabled vehicle or combination
18 of vehicles; and

19 (iv) does not engage in a tow exceeding 20 miles
20 from the initial point of wreck or disablement. Any
21 additional movement of the vehicles may occur only upon
22 issuance of authorization for that movement under the
23 provisions of Sections 15-301 through 15-319 of this
24 Code. The towing vehicle, however, may tow any disabled
25 vehicle to a point where repairs are actually to occur.
26 This movement shall be valid only on State routes. The

1 tower must abide by posted bridge weight limits.

2 (12.5) The vehicle weight limitations in this Section
3 do not apply to a covered heavy duty tow and recovery
4 vehicle. The covered heavy duty tow and recovery vehicle
5 license plate must cover the operating empty weight of the
6 covered heavy duty tow and recovery vehicle only.

7 (13) Upon and during a declaration of an emergency
8 propane supply disaster by the Governor under Section 7 of
9 the Illinois Emergency Management Agency Act:

10 (i) a truck not in combination, equipped with a
11 cargo tank, used exclusively for the transportation of
12 propane or liquefied petroleum gas may, when laden,
13 transmit upon the road surface, except when on part of
14 the National System of Interstate and Defense
15 Highways, the following maximum weights: 22,000 pounds
16 on a single axle; 40,000 pounds on a tandem axle;
17 40,000 pounds gross weight on a 2-axle vehicle; 54,000
18 pounds gross weight on a 3-axle vehicle; and

19 (ii) a truck when in combination with a trailer
20 equipped with a cargo tank used exclusively for the
21 transportation of propane or liquefied petroleum gas
22 may, when laden, transmit upon the road surface, except
23 when on part of the National System of Interstate and
24 Defense Highways, the following maximum weights:
25 22,000 pounds on a single axle; 40,000 pounds on a
26 tandem axle; 90,000 pounds gross weight on a 5-axle or

1 6-axle vehicle.

2 Vehicles operating under this paragraph (13) are not
3 subject to the bridge formula.

4 (14) A vehicle or combination of vehicles that uses
5 natural gas or propane gas as a motor fuel may exceed the
6 above weight limitations by up to 2,000 pounds, the total
7 allowance is calculated by an amount that is equal to the
8 difference between the weight of the vehicle attributable
9 to the natural gas or propane gas tank and fueling system
10 carried by the vehicle, and the weight of a comparable
11 diesel tank and fueling system. This paragraph (14) shall
12 not allow a vehicle to exceed any posted weight limit on a
13 highway or structure.

14 (15) An emergency vehicle or fire apparatus that is a
15 vehicle designed to be used under emergency conditions to
16 transport personnel and equipment, and used to support the
17 suppression of fires and mitigation of other hazardous
18 situations on a Class I highway, may not exceed 86,000
19 pounds gross weight, or any of the following weight
20 allowances:

21 (i) 24,000 pounds on a single steering axle;
22 (ii) 33,500 pounds on a single drive axle;
23 (iii) 62,000 pounds on a tandem axle; or
24 (iv) 52,000 pounds on a tandem rear drive steer
25 axle.

26 (16) A bus, motor coach, or recreational vehicle may

1 carry a total weight of 24,000 pounds on a single axle, but
2 may not exceed other weight provisions of this Section.

3 Gross weight limits shall not apply to the combination of
4 the tow truck and vehicles being towed. The tow truck license
5 plate must cover the operating empty weight of the tow truck
6 only. The weight of each vehicle being towed shall be covered
7 by a valid license plate issued to the owner or operator of the
8 vehicle being towed and displayed on that vehicle. If no valid
9 plate issued to the owner or operator of that vehicle is
10 displayed on that vehicle, or the plate displayed on that
11 vehicle does not cover the weight of the vehicle, the weight of
12 the vehicle shall be covered by the third tow truck plate
13 issued to the owner or operator of the tow truck and
14 temporarily affixed to the vehicle being towed. If a roll-back
15 carrier is registered and being used as a tow truck, however,
16 the license plate or plates for the tow truck must cover the
17 gross vehicle weight, including any load carried on the bed of
18 the roll-back carrier.

19 The Department may by rule or regulation prescribe
20 additional requirements. However, nothing in this Code shall
21 prohibit a tow truck under instructions of a police officer
22 from legally clearing a disabled vehicle, that may be in
23 violation of weight limitations of this Chapter, from the
24 roadway to the berm or shoulder of the highway. If in the
25 opinion of the police officer that location is unsafe, the
26 officer is authorized to have the disabled vehicle towed to the

1 nearest place of safety.

2 For the purpose of this subsection, gross vehicle weight
3 rating, or GVWR, means the value specified by the manufacturer
4 as the loaded weight of the tow truck.

5 (b) As used in this Section, "recycling haul" or "recycling
6 operation" means the hauling of non-hazardous, non-special,
7 non-putrescible materials, such as paper, glass, cans, or
8 plastic, for subsequent use in the secondary materials market.

9 (c) No vehicle or combination of vehicles equipped with
10 pneumatic tires shall be operated, unladen or with load, upon
11 the highways of this State in violation of the provisions of
12 any permit issued under the provisions of Sections 15-301
13 through 15-319 of this Chapter.

14 (d) No vehicle or combination of vehicles equipped with
15 other than pneumatic tires may be operated, unladen or with
16 load, upon the highways of this State when the gross weight on
17 the road surface through any wheel exceeds 800 pounds per inch
18 width of tire tread or when the gross weight on the road
19 surface through any axle exceeds 16,000 pounds.

20 (e) No person shall operate a vehicle or combination of
21 vehicles over a bridge or other elevated structure constituting
22 part of a highway with a gross weight that is greater than the
23 maximum weight permitted by the Department, when the structure
24 is sign posted as provided in this Section.

25 (f) The Department upon request from any local authority
26 shall, or upon its own initiative may, conduct an investigation

1 of any bridge or other elevated structure constituting a part
2 of a highway, and if it finds that the structure cannot with
3 safety to itself withstand the weight of vehicles otherwise
4 permissible under this Code the Department shall determine and
5 declare the maximum weight of vehicles that the structures can
6 withstand, and shall cause or permit suitable signs stating
7 maximum weight to be erected and maintained before each end of
8 the structure. No person shall operate a vehicle or combination
9 of vehicles over any structure with a gross weight that is
10 greater than the posted maximum weight.

11 (g) Upon the trial of any person charged with a violation
12 of subsection (e) or (f) of this Section, proof of the
13 determination of the maximum allowable weight by the Department
14 and the existence of the signs, constitutes conclusive evidence
15 of the maximum weight that can be maintained with safety to the
16 bridge or structure.

17 (Source: P.A. 99-78, eff. 7-20-15; 99-717, eff. 8-5-16;
18 100-366, eff. 1-1-18.)

19 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

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

21 (a) The Department, with respect to State and local
22 highways, ~~under its jurisdiction and local authorities with~~
23 ~~respect to highways under their jurisdiction~~ may, in its ~~their~~
24 discretion, upon application and good cause being shown
25 therefor, issue a special permit authorizing the applicant to

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

1 vehicles and loads that are divisible and that can be carried,
2 when divided, within the existing size or weight maximums
3 specified in this Chapter. Any excess size or weight permit
4 issued in violation of the provisions of this Section shall be
5 void at issue and any movement made thereunder shall not be
6 authorized under the terms of the void permit. In any
7 prosecution for a violation of this Chapter when the
8 authorization of an excess size or weight permit is at issue,
9 it is the burden of the defendant to establish that the permit
10 was valid because the load to be moved could not reasonably be
11 dismantled or disassembled, or was otherwise nondivisible.

12 (b) The application for any such permit shall: (1) state
13 whether such permit is requested for a single trip or for
14 limited continuous operation; (2) state if the applicant is an
15 authorized carrier under the Illinois Motor Carrier of Property
16 Law, if so, his certificate, registration or permit number
17 issued by the Illinois Commerce Commission; (3) specifically
18 describe and identify the vehicle or vehicles and load to be
19 operated or moved except that for vehicles or vehicle
20 combinations registered by the Department as provided in
21 Section 15-319 of this Chapter, only the Illinois Department of
22 Transportation's (IDT) registration number or classification
23 need be given; (4) state the routing requested including the
24 points of origin and destination, and may identify and include
25 a request for routing to the nearest certified scale in
26 accordance with the Department's rules and regulations,

1 provided the applicant has approval to travel on local roads;
2 and (5) state if the vehicles or loads are being transported
3 for hire. No permits for the movement of a vehicle or load for
4 hire shall be issued to any applicant who is required under the
5 Illinois Motor Carrier of Property Law to have a certificate,
6 registration or permit and does not have such certificate,
7 registration or permit.

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

1 waive all objections to the recording of the conversation.

2 (d) The Department shall, upon application in writing from
3 any local authority, issue an annual permit authorizing the
4 local authority to move oversize highway construction,
5 transportation, utility, and maintenance equipment over roads
6 under the jurisdiction of the Department. The permit shall be
7 applicable only to equipment and vehicles owned by or
8 registered in the name of the local authority, and no fee shall
9 be charged for the issuance of such permits.

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

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

26 (1) cultivated plants or agricultural produce grown

1 including, but ~~is~~ not limited to, corn, soybeans, wheat,
2 oats, grain sorghum, canola, and rice;

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

5 (3) ensilage; and

6 (4) fruits and vegetables.

7 Permits may be issued for a period not to exceed 40 days
8 and moves may be made of a distance not to exceed 50 miles from
9 a field, an on-farm grain storage facility, a warehouse as
10 defined in the ~~Illinois~~ Grain Code, or a livestock management
11 facility as defined in the Livestock Management Facilities Act
12 over any highway except the National System of Interstate and
13 Defense Highways. The operator of the vehicle, however, must
14 abide by posted bridge and posted highway weight limits. All
15 implements of husbandry operating under this Section between
16 sunset and sunrise shall be equipped as prescribed in Section
17 12-205.1.

18 (e-1) Upon a declaration by the Governor that an emergency
19 harvest situation exists, a special permit issued by the
20 Department under this Section shall be required from September
21 1 through December 31 during harvest season emergencies for a
22 vehicle that exceeds the maximum axle weight and gross weight
23 limits under Section 15-111 of this Code or exceeds the
24 vehicle's registered gross weight, provided that the vehicle's
25 axle weight and gross weight do not exceed 10% above the
26 maximum limits under Section 15-111 of this Code and does not

1 exceed the vehicle's registered gross weight by 10%. All other
2 restrictions that apply to permits issued under this Section
3 shall apply during the declared time period and no fee shall be
4 charged for the issuance of those permits. Permits issued by
5 the Department under this subsection (e-1) are ~~only~~ valid on
6 federal, ~~and State, and local~~ highways ~~under the jurisdiction~~
7 ~~of the Department~~, except interstate highways. ~~With respect to~~
8 ~~highways under the jurisdiction of local authorities, the local~~
9 ~~authorities may, at their discretion, waive special permit~~
10 ~~requirements during harvest season emergencies, and set a~~
11 ~~divisible load weight limit not to exceed 10% above a vehicle's~~
12 ~~registered gross weight, provided that the vehicle's axle~~
13 ~~weight and gross weight do not exceed 10% above the maximum~~
14 ~~limits specified in Section 15-111.~~ Permits issued under this
15 subsection (e-1) shall apply to all registered vehicles
16 eligible to obtain permits under this Section, including
17 vehicles used in private or for-hire movement of divisible load
18 agricultural commodities during the declared time period.

19 (f) The form and content of the permit shall be determined
20 by the Department with respect to State and local highways
21 ~~under its jurisdiction and by local authorities with respect to~~
22 ~~highways under their jurisdiction.~~ Every permit shall be in
23 written form and carried in the vehicle or combination of
24 vehicles to which it refers and shall be open to inspection by
25 any police officer or authorized agent of any authority
26 granting the permit and no person shall violate any of the

1 terms or conditions of such special permit. Violation of the
2 terms and conditions of the permit shall not be deemed a
3 revocation of the permit; however, any vehicle and load found
4 to be off the route prescribed in the permit shall be held to
5 be operating without a permit. Any off route vehicle and load
6 shall be required to obtain a new permit or permits, as
7 necessary, to authorize the movement back onto the original
8 permit routing. No rule or regulation, nor anything herein
9 shall be construed to authorize any police officer, court, or
10 authorized agent of any authority granting the permit to remove
11 the permit from the possession of the permittee unless the
12 permittee is charged with a fraudulent permit violation as
13 provided in subsection ~~paragraph~~ (i). However, upon arrest for
14 an offense of violation of permit, operating without a permit
15 when the vehicle is off route, or any size or weight offense
16 under this Chapter when the permittee plans to raise the
17 issuance of the permit as a defense, the permittee, or his
18 agent, must produce the permit at any court hearing concerning
19 the alleged offense.

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

25 Single axle 2000 pounds

26 Tandem axle 3000 pounds

1 Gross 5000 pounds

2 (g) The Department is authorized to adopt, amend, and to
3 make available to interested persons a policy concerning
4 reasonable rules, limitations and conditions or provisions of
5 operation upon highways under its jurisdiction in addition to
6 those contained in this Section for the movement by special
7 permit of vehicles, combinations, or loads which cannot
8 reasonably be dismantled or disassembled, including
9 manufactured and modular home sections and portions thereof.
10 All rules, limitations and conditions or provisions adopted in
11 the policy shall have due regard for the safety of the
12 traveling public and the protection of the highway system and
13 shall have been promulgated in conformity with the provisions
14 of the Illinois Administrative Procedure Act. The requirements
15 of the policy for flagmen and escort vehicles shall be the same
16 for all moves of comparable size and weight. When escort
17 vehicles are required, they shall meet the following
18 requirements:

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

21 (2) Vehicles escorting oversized loads more than
22 12-feet wide must be equipped with a rotating or flashing
23 amber light mounted on top as specified under Section
24 12-215.

25 The Department shall establish reasonable rules and
26 regulations regarding liability insurance or self insurance

1 for vehicles with oversized loads promulgated under the
2 Illinois Administrative Procedure Act. Police vehicles may be
3 required for escort under circumstances as required by rules
4 and regulations of the Department.

5 (h) Violation of any rule, limitation or condition or
6 provision of any permit issued in accordance with the
7 provisions of this Section shall not render the entire permit
8 null and void but the violator shall be deemed guilty of
9 violation of permit and guilty of exceeding any size, weight or
10 load limitations in excess of those authorized by the permit.
11 The prescribed route or routes on the permit are not mere
12 rules, limitations, conditions, or provisions of the permit,
13 but are also the sole extent of the authorization granted by
14 the permit. If a vehicle and load are found to be off the route
15 or routes prescribed by any permit authorizing movement, the
16 vehicle and load are operating without a permit. Any off-route
17 ~~off-route~~ movement shall be subject to the size and weight
18 maximums, under the applicable provisions of this Chapter, as
19 determined by the type or class highway upon which the vehicle
20 and load are being operated.

21 (i) Whenever any vehicle is operated or movement made under
22 a fraudulent permit the permit shall be void, and the person,
23 firm, or corporation to whom such permit was granted, the
24 driver of such vehicle in addition to the person who issued
25 such permit and any accessory, shall be guilty of fraud and
26 either one or all persons may be prosecuted for such violation.

1 Any person, firm, or corporation committing such violation
2 shall be guilty of a Class 4 felony and the Department shall
3 not issue permits to the person, firm or corporation convicted
4 of such violation for a period of one year after the date of
5 conviction. Penalties for violations of this Section shall be
6 in addition to any penalties imposed for violation of other
7 Sections of this Code Act.

8 (j) Whenever any vehicle is operated or movement made in
9 violation of a permit issued in accordance with this Section,
10 the person to whom such permit was granted, or the driver of
11 such vehicle, is guilty of such violation and either, but not
12 both, persons may be prosecuted for such violation as stated in
13 this subsection (j). Any person, firm or corporation convicted
14 of such violation shall be guilty of a petty offense and shall
15 be fined for the first offense, not less than \$50 nor more than
16 \$200 and, for the second offense by the same person, firm or
17 corporation within a period of one year, not less than \$200 nor
18 more than \$300 and, for the third offense by the same person,
19 firm or corporation within a period of one year after the date
20 of the first offense, not less than \$300 nor more than \$500 and
21 the Department shall not issue permits to the person, firm or
22 corporation convicted of a third offense during a period of one
23 year after the date of conviction for such third offense.

24 (k) Whenever any vehicle is operated on local roads under
25 permits for excess width or length ~~issued by local authorities,~~
26 such vehicle may be moved upon a State highway for a distance

1 not to exceed one-half mile without a permit for the purpose of
2 crossing the State highway.

3 (l) Notwithstanding any other provision of this Section,
4 the Department, with respect to State and local highways ~~under~~
5 ~~its jurisdiction, and local authorities, with respect to~~
6 ~~highways under their jurisdiction~~, may at its ~~their~~ discretion
7 authorize the movement of a vehicle in violation of any size or
8 weight requirement, or both, that would not ordinarily be
9 eligible for a permit, when there is a showing of extreme
10 necessity that the vehicle and load should be moved without
11 unnecessary delay.

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

16 (m) Penalties for violations of this Section shall be in
17 addition to any penalties imposed for violating any other
18 Section of this Code.

19 (n) The Department with respect to State and local highways
20 ~~under its jurisdiction and local authorities with respect to~~
21 ~~highways under their jurisdiction~~, in its ~~their~~ discretion and
22 upon application in writing, may issue a special permit for
23 continuous limited operation, authorizing the applicant to
24 operate a tow truck ~~tow truck~~ that exceeds the weight limits
25 provided for in subsection (a) of Section 15-111, provided:

26 (1) no rear single axle of the tow truck ~~tow truck~~

1 exceeds 26,000 pounds;

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

4 (2.1) no triple rear axle on a manufactured recovery
5 unit exceeds 60,000 pounds;

6 (3) neither the disabled vehicle nor the disabled
7 combination of vehicles exceed the weight restrictions
8 imposed by this Chapter 15, or the weight limits imposed
9 under a permit issued by the Department prior to hookup;

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

12 (5) during the tow operation the tow truck ~~tow-truck~~
13 does not violate any weight restriction sign;

14 (6) the tow truck ~~tow-truck~~ is equipped with flashing,
15 rotating, or oscillating amber lights, visible for at least
16 500 feet in all directions;

17 (7) the tow truck ~~tow-truck~~ is specifically designed
18 and licensed as a tow truck ~~tow-truck~~;

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

21 (9) the tow truck ~~tow-truck~~ is equipped with air
22 brakes;

23 (10) the tow truck ~~tow-truck~~ is capable of utilizing
24 the lighting and braking systems of the disabled vehicle or
25 combination of vehicles;

26 (11) the tow commences at the initial point of wreck or

1 disablement and terminates at a point where the repairs are
2 actually to occur;

3 (12) the permit issued to the tow truck ~~tow-truck~~ is
4 carried in the tow truck ~~tow-truck~~ and exhibited on demand
5 by a police officer; and

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

8 (o) (Blank).

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

1 ~~paragraph~~ (a). Any load determined by the Secretary to be
2 nondivisible shall otherwise comply with the existing size or
3 weight maximums specified in this Chapter.

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

6 Section 99. Effective date. This Act takes effect January
7 1, 2023.