

HB5126



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5126

by Rep. Jim Durkin - C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning permits for excess size and weight.

LRB098 18162 MLW 53291 b

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 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 ~~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, provided that the weight does not exceed 20% above
10 the limits provided in Section 15-111. All other restrictions
11 that apply to permits issued under this Section shall apply
12 during the declared time period. With respect to highways under
13 the jurisdiction of local authorities, the local authorities
14 may, at their discretion, waive special permit requirements
15 during harvest season emergencies. This permit exemption shall
16 apply to all vehicles eligible to obtain permits under this
17 Section, including commercial vehicles in use during the
18 declared time period.

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

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

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

24	Single axle	2000 pounds
25	Tandem axle	3000 pounds
26	Gross	5000 pounds

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

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

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

24 The Department shall establish reasonable rules and
25 regulations regarding liability insurance or self insurance
26 for vehicles with oversized loads promulgated under The

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

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

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

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

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

23 (k) Whenever any vehicle is operated on local roads under
24 permits for excess width or length issued by local authorities,
25 such vehicle may be moved upon a State highway for a distance
26 not to exceed one-half mile without a permit for the purpose of

1 crossing the State highway.

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

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

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

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

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

26 (2) no rear tandem axle of the tow-truck exceeds 50,000

1 pounds;

2 (2.1) no triple rear axle on a manufactured recovery
3 unit exceeds 60,000 pounds;

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

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

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

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

15 (7) the tow-truck is specifically designed and
16 licensed as a tow-truck;

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

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

20 (10) the tow-truck is capable of utilizing the lighting
21 and braking systems of the disabled vehicle or combination
22 of vehicles;

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

26 (12) the permit issued to the tow-truck is carried in

1 the tow-truck and exhibited on demand by a police officer;
2 and

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

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

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

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

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

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

18 (p) In determining whether a load may be reasonably
19 dismantled or disassembled for the purpose of paragraph (a),
20 the Department shall consider whether there is a significant
21 negative impact on the condition of the pavement and structures
22 along the proposed route, whether the load or vehicle as
23 proposed causes a safety hazard to the traveling public,
24 whether dismantling or disassembling the load promotes or
25 stifles economic development and whether the proposed route
26 travels less than 5 miles. A load is not required to be

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

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