**Section 171.1000 Incorporation by Reference of 49 CFR 171**

a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 2017, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

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| 171.1 | Applicability of Hazardous Materials Regulations (HMR) to persons and functions |
| 171.2 | General Requirements |
| 171.3 | Hazardous Waste |
| 171.4 | Marine Pollutants |
| 171.7 | Reference Material |
| 171.8 | Definitions and Abbreviations |
| 171.9 | Rules of Construction |
| 171.10 | Units of Measure |
| 171.12 | Import and Export Shipments |
| 171.15 | Immediate Notice of Certain Hazardous Materials Incidents |
| 171.16 | Detailed Hazardous Materials Incident Reports |
| 171.19 | Approvals or Authorizations Issued by the Bureau of Explosives |
| 171.20 | Submission of Examination Reports |
| 171.21 | Assistance in Investigations and Special Studies |
| 171.22 | Authorization and Condition for the Use of International Standards and Regulations |
| 171.23 | Requirements for Specific Materials and Packagings Transported Under the ICAO Technical Instructions, IMDG Code, Transport Canada TDG Regulations, or the IAEA Regulations |
| 171.24 | Additional Requirements for the Use of ICAO Technical Instructions |
| 171.25 | Additional Requirements for the Use of the IMDG Code |
| 171.26 | Additional Requirements for the Use of the IAEA Regulations |

b) The following interpretations of, additions to, and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean this Part 171 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to part 174, 175, or 176, or to sections in those parts, shall be read to refer to that part or sections in the federal regulations.

5) All references to shipments of hazardous materials by air, water, and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) All references to "these regulations" or the Hazardous Materials Regulations (HMR) in the incorporated federal regulations shall be read to refer to the Illinois Hazardous Materials Transportation Regulations.

7) All references to a "settlement agreement" in these regulations means a written understanding between the Department and the person being charged.

8) 49 CFR 171.1(f)(3) is not incorporated by reference and is replaced by the following:

Preemption determination procedures are in subpart C of 49 CFR 107.

9) 49 CFR 171.1(g) is not incorporated by reference and is replaced by the following:

Each person who knowingly violates a requirement of the federal hazardous materials transportation law, an order issued under the federal hazardous materials transportation law, subchapter A of Chapter I of 49 CFR, a special permit or approval issued under subchapter A or C of Chapter I of 49 CFR, or the Illinois Hazardous Materials Transportation Regulations is liable for penalties established and set forth in 92 Ill. Adm. Code 107.1190 and 107.1390.

10) All references to approvals, exemptions, special permits, or registration referred to in 49 CFR 171.2 shall be read to refer to the federal hazardous materials regulations.

c) Copies of the materials incorporated by reference are available for inspection at the Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield IL 62764 or online via the U.S. Government Publishing Office at http://www.ecfr.gov.

(Source: Amended at 42 Ill. Reg. 2903, effective January 24, 2018)