**Section 390.1020 Definitions**

The following definitions apply to all Parts in the IMCSR unless a specific Part expressly defines a term differently:

"Accident" means:

Except as provided below, an occurrence involving a commercial motor vehicle operating on a highway that results in:

A fatality;

Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle or vehicles to be transported away from the scene by a tow truck or other motor vehicle.

The term accident does not include:

An occurrence involving only boarding and alighting from a stationary motor vehicle; or

An occurrence involving only the loading or unloading of cargo. (49 CFR 390.5)

*"Agricultural commodities" means any agricultural commodity, non-processed food, feed, fiber, or livestock, including insects.* (Section 18b-101 of the Law)

*"Agricultural operations" means the operation of a motor vehicle or combination of vehicles transporting agricultural commodities or farm supplies for agricultural purposes.* (Section 18b-101 of the Law)

*"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers.* (Section 18b-101 of the Law)

"Alcohol concentration" or "AC" means the concentration of alcohol in a person's blood or breath. When expressed as a percentage it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. (49 CFR 390.5)

"Bus" means any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs. (49 CFR 390.5)

*"Business district" means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks, or office buildings, railroad stations and public buildings* *which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway*. (Section 1-108 of the Code)

"Charter transportation of passengers" means transportation, using a bus, of a group of persons who, pursuant to a common purpose, under a single contract, at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin. (49 CFR 390.5)

"Code" means the Illinois Vehicle Code [625 ILCS 5].

*"Commerce" means trade, commerce or transportation within the State*. (Section 1-111.4 of the Code)

*"Commercial motor vehicle" or "CMV" means:*

*Any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds* (4,537 or more kilograms)*; or*

*The vehicle is used or designed to transport more than 15 passengers, including the driver; or*

*The vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or*

*The vehicle is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation; or*

*The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act* [430 ILCS 30]*.*

*This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 of the Code nor implements of husbandry as defined in Section 1-130 of the Code.* (Section 18b-101 of the Law)

"Commercial vehicle inspections" means:

Level 1 − North American Standard Inspection: An inspection that includes examination of driver's license; medical examiner's certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver's record of duty status as required; hours of service; seat belt; vehicle inspection report or reports (if applicable); brake systems; coupling devices; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); securement of cargo; steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; emergency exits and/or electrical cables and systems in engine and battery compartments (buses); and Hazardous Material/Dangerous Goods (HM/DG) requirements as applicable. HM/DG required inspection items will be inspected by certified HM/DG inspectors.

Level 2 – Walk-Around Driver/Vehicle Inspection: An examination that includes each of the items specified under the North American Standard Inspection Level 2 Walk-Around Driver/Vehicle Inspection Procedure. At a minimum, Level 2 inspections must include examination of: driver's license; medical examiner's certificate and Skill Performance Evaluation (SPE) Certificate (if applicable); alcohol and drugs; driver's record of duty status as required; hours of service; seat belt; vehicle inspection report or reports (if applicable); brake systems; coupling devices; exhaust systems; frames; fuel systems; lighting devices (headlamps, tail lamps, stop lamps, turn signals and lamps/flags on projecting loads); securement of cargo; steering mechanisms; suspensions; tires; van and open-top trailer bodies; wheels, rims and hubs; windshield wipers; emergency exits and/or electrical cables and systems in engine and battery compartments (buses); and HM/DG requirements as applicable. HM/DG required inspection items will be inspected by certified HM/DG inspectors. It is contemplated that the walk-around driver/vehicle inspection will include only those items that can be inspected without physically getting under the vehicle.

Level 3 − Driver/Credential Inspection: An examination that includes those items specified under the North American Standard Level 3 Driver/Credential Inspection Procedure. At a minimum, Level 3 inspections must include, when required and/or applicable, examination of the driver's license; medical examiner's certificate and Skill Performance Evaluation (SPE) Certificate; driver's record of duty status; hours of service; seat belt; vehicle inspection report; and HM/DG requirements. Those items not indicated in the North American Standard Level 3 Driver/Credential Inspection Procedure shall not be included on a Level 3 inspection.

Level 4 − Special Inspections: Inspections under this heading typically include a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.

Level 5 − Vehicle-Only Inspection: An inspection that includes each of the vehicle inspection items specified under the North American Standard Inspection (Level 1), without a driver present, conducted at any location.

Level 6 – North American Standard Inspection for Transuranic Waste and Highway Route Controlled Quantities (HRCQ) of Radioactive Material: An inspection for select radiological shipments, which include inspection procedures, enhancements to the North American Standard Level 1 Inspection, radiological requirements, and the North American Standard Out-of-Service Criteria for Transuranic Waste and HRCQ of Radioactive Material. All vehicles and carriers transporting HRCQ of radioactive material are regulated by the U.S. Department of Transportation and required to pass the North American Standard Level 6 Inspection. Select radiological shipments include HRCQ of radioactive material as defined in 49 CFR 173.403. Because only a small fraction of transuranics are HRCQ, the U.S. Department of Energy has decided to include its transuranic waste shipments in the North American Standard Level 6 Inspection Program.

Level 7 – Jurisdictional Mandated Commercial Vehicle Inspection: An inspection that is a jurisdictional mandated inspection program that does not meet the requirements of any other level of inspection. An example would include inspection programs including, but not limited to: school buses; limousines; taxis; shared rides; hotel courtesy shuttles; and other intrastate/intraprovincial operations. These inspections may be conducted by CVSA-certified inspectors, other designated government employees or jurisdiction approved contractors. Inspector training requirements shall be determined by each jurisdiction. No CVSA decal shall be issued for a Level 7 inspection, but a jurisdiction-specific decal may be applied.

(CVSA, North American Standard Out-of-Service Criteria, April 2013)

"Commercial Vehicle Safety Alliance" or "CVSA" means the international not-for-profit organization comprising local, state, provincial, territorial and federal motor carrier safety officials and industry representatives from the United States, Canada and Mexico. Its mission is to promote commercial motor vehicle safety and security by providing leadership to enforcement, industry and policy makers. CVSA actively monitors, evaluates and identifies solutions to potentially unsafe transportation processes and procedures related to driver and vehicle safety requirements most often associated with commercial motor vehicle crashes. In addition, CVSA has several hundred associate members who are committed to helping CVSA achieve its goals: uniformity, compatibility and reciprocity of commercial vehicle inspections, and enforcement activities throughout North America by individuals dedicated to highway safety and security.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated. (49 CFR 390.5)

*"Covered farm vehicle" means a straight truck or articulated vehicle, excluding vehicles transporting hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation* Act [430 ILCS 30]*, registered in this State or another state and equipped with a special license plate or other designation by the state in which the vehicle is registered identifying the vehicle as a covered farm vehicle for law enforcement personnel and:*

*Is operated by a farm or ranch owner or operator, or an employee or family member of the farm or ranch owner or operator; and*

*Is being used to transport the following to or from a farm or ranch:*

*agricultural commodities;*

*livestock; or*

*machinery or supplies; and*

*If registered in this State, is:*

*registered as a farm truck under Section 3-815(c) of* the *Code; or*

*operated in combination as an articulated vehicle when the truck in the combination is registered for 12,000 lbs. or less as a covered farm vehicle under Section 3-815(a) and (a-5) of* the *Code or Section 3-818(a) of* the *Code and contains in the cab of the motor vehicle a registration designating the vehicle as a covered farm vehicle under Section 3-815(a) and (a-5) of* the *Code and the trailer in the combination is registered as a farm trailer under Section 3-819(a) of* the *Code and displays a farm registration license plate; or*

*a truck registered for 12,000 lbs. or less as a covered farm vehicle under Section 3-815(a) and (a-5) of* the *Code or Section 3-818(a) of* the *Code containing in the cab of the motor vehicle a registration designating the vehicle as a covered farm vehicle under Section 3-815(a) and (a-5) of* the *Code that is towing an implement of husbandry as part of a farming operation; and*

*Is not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the definition of a covered farm vehicle by a tenant pursuant to a crop share farm lease agreement to transport the landlord's portion of the crops under that agreement; and*

*Has a gross vehicle weight rating (GVWR), a gross combination weight rating (GCWR), or a gross vehicle weight or gross vehicle combination weight, whichever is greater, that is:*

*26,001 lbs. or less, for vehicles operating in interstate commerce; or*

*greater than 26,001 lbs., operating in interstate commerce and registered in this State; or*

*greater than 26,001 lbs. and traveling interstate within 150 air miles of the farm or ranch for which the vehicle is being operated, regardless of whether it is registered in this State; or*

*greater than 10,000 lbs. and traveling intrastate.* (Section 18b-101 of the Law)

AGENCY NOTE: Covered farm vehicles used in intrastate commerce are subject to the Illinois Vehicle Inspection Law as prescribed in Sections 13-101 and 13-109 of the Code.

"Dangerous goods" see the definition of "Hazardous Material" in this Section.

*"Department" means the* *Department of Transportation* *of the State of Illinois, acting directly or through its duly authorized officers and agents*. (Section 1-115.05 of the Code)

"Direct assistance" means transportation and other relief services provided by a motor carrier or its drivers incident to the immediate restoration of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel). It does not include transportation related to long-term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed. (49 CFR 390.5)

*"Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services.* (Section 18b-101 of the Law )

"Disabling damage" means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Exclusions:

Damage that can be remedied temporarily at the scene of the accident without special tools or parts.

Tire disablement without other damage even if no spare tire is available.

Headlamp or taillight damage.

Damage to turn signals, horn or windshield wipers that makes them inoperative. (49 CFR 390.5)

"Distribution point" means the point, for for-hire motor carriers, where the bill of lading originates for the farm supply being transported. For not-for-hire motor carriers, the distribution point means the original loading point for the farm supply. This definition applies to both wholesale and retail movements.

"Driveaway-towaway operation" means any operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported:

Between vehicle manufacturer's facilities;

Between a vehicle manufacturer and a dealership or purchaser;

Between a dealership, or other entity selling or leasing the vehicle, and a purchaser or lessee;

To a motor carrier's terminal or repair facility for the repair of disabling damage (as defined in this Section) following a crash;

To a motor carrier's terminal or repair facility for repairs associated with the failure of a vehicle component or system; or

By means of a saddle-mount or tow-bar. (49 CFR 390.5)

"Driver" means any person who operates any commercial motor vehicle. (49 CFR 390.5)

"Driving a commercial motor vehicle while under the influence of alcohol" means committing any one or more of the following acts in a CMV: driving a CMV while the person's alcohol concentration is 0.04 percent or more; driving under the influence of alcohol, as prescribed by state law; or refusal to undergo such testing as is required by any state or jurisdiction in the enforcement of Table 1 to "Commercial Driver's License Standards; Requirements and Penalties" (49 CFR 383.51) or "Driving of Motor Vehicles" (49 CFR 392.5(a)(2)). (49 CFR 390.5)

"Electronic device" means, but is not limited to, a cellular telephone; personal digital assistant; pager; computer; or any other device used to input, write, send, receive or read text. (49 CFR 390.5)

"Emergency" means any hurricane, tornado, storm (e.g., thunderstorm, snowstorm, icestorm, blizzard, sandstorm, etc.), high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, mud slide, drought, forest fire, explosion, blackout or other occurrence, natural or man-made, that interrupts the delivery of essential services (such as electricity, medical care, sewer, water, telecommunications, and telecommunication transmissions) or essential supplies (such as food and fuel) or otherwise immediately threatens human life or public welfare, provided such hurricane, tornado, or other event results in:

A declaration of an emergency by the President of the United States, the Governor of a state, or their authorized representatives having authority to declare emergencies; by the FMCSA Field Administrator for the geographical area in which the occurrence happens; or by other federal, State or local government officials having authority to declare emergencies, including but not limited to the Illinois Department of Transportation's Director, Division of Traffic Safety, or his or her designee; or

A request by a police officer for tow trucks to move wrecked or disabled motor vehicles. (49 CFR 390.5)

"Emergency condition requiring immediate response" means any condition that, if left unattended, is reasonably likely to result in immediate serious bodily harm, death or substantial damage to property. In the case of transportation of propane winter heating fuel, these conditions shall include (but are not limited to) the detection of gas odor, the activation of carbon monoxide alarms, the detection of carbon monoxide poisoning, and any real or suspected damage to a propane gas system following a severe storm or flooding. An "emergency condition requiring immediate response" does not include requests to refill empty gas tanks. In the case of a pipeline emergency, these conditions include (but are not limited to) indication of an abnormal pressure event, leak, release or rupture. (49 CFR 390.5)

"Emergency relief" means an operation in which a motor carrier or driver of a commercial motor vehicle is providing direct assistance to supplement State and local efforts and capabilities to save lives or property or to protect public health and safety as a result of an emergency as defined in this Section. (49 CFR 390.5)

"Employee" means any individual, other than an employer, who is employed by an employer and who, in the course of his or her employment, directly affects commercial motor vehicle safety. The term includes:

A driver of a commercial motor vehicle (including an independent contractor while in the course of operating a commercial motor vehicle);

A mechanic; and

A freight handler.

The term does not include an employee of the United States, any state, any political subdivision of a state, or any agency established under a compact among states and approved by the Congress of the United States who is acting within the course of that employment. (49 CFR 390.5)

"Employer" means any person engaged in a business affecting interstate or intrastate commerce who owns or leases a commercial motor vehicle in connection with that business, or assigns employees to operate it, but such term does not include the United States, any state, any political subdivision of a state, or an agency established under a compact between states approved by the Congress of the United States.

"Exempt intracity zone" means the geographic area of a municipality or the commercial zone of that municipality described by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR 372, subpart B. The descriptions are printed in appendix F to the Federal Motor Carrier Safety Regulations. For purposes of 49 CFR 391.62, a driver may be considered to operate a commercial motor vehicle wholly within an exempt intracity zone notwithstanding any common control, management, or arrangement for a continuous carriage or shipment to or from a point without such zone. (49 CFR 390.5)

"Exempt motor carrier" means a person engaged in transportation exempt from economic regulation by the FMCSA under 49 USC 135, but subject to the safety regulations set forth in the IMCSR.

"Farm machinery" − see definition of "Special agricultural movement equipment" in this Section.

*"Farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities and livestock feed at any time of the year.* (Section 18b-101 of the Law)

*"Farm to market agricultural transportation" means the operation of a motor vehicle controlled and operated by a farmer who is a private motor carrier of property; who is using the vehicle to transport agricultural products to or from a farm operated by the farmer, or to transport farm machinery or farm supplies to or from a farm operated by the farmer; and who is not using the commercial vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Illinois Hazardous Materials Transportation Act* [430 ILCS 30]*.* (Section 1-119.6 of the Code)

"Farm vehicle driver" means a person who drives only a commercial motor vehicle that is –

Controlled and operated by a farmer as a private motor carrier of property;

Being used to transport either –

Agricultural products, or

Farm machinery, farm supplies, or both, to or from a farm;

Not being used in the operation of a for-hire motor carrier;

Not carrying hazardous materials of a type or quantity that requires the commercial motor vehicle to be placarded in accordance with 49 CFR 177.823; and

Being used within 150 air-miles of the farmer's farm. (49 CFR 390.5)

"Farmer" means any person who operates a farm or is directly involved in the cultivation of land, crops, or livestock that:

Are owned by that person; or

Are under the direct control of that person. (49 CFR 390.5)

"Fatality" means any injury that results in the death of a person at the time of the motor vehicle accident or within 30 days after the accident. (49 CFR 390.5)

"Federal Motor Carrier Safety Administrator" means the chief executive of theFMCSA, an agency within the United States Department of Transportation. (49 CFR 390.5)

*"For-hire" means the operation of a vehicle for compensation and subject to federal regulation by the Interstate Commerce Commission or to State regulation by the Illinois Commerce Commission* *and those vehicles governed by Chapters 8 and 9 under the Code and regulated by the Secretary of State*. (Section 1-122.5 of the Code)

"For-hire motor carrier" means a person engaged in the transportation of goods or passengers for compensation. (49 CFR 390.5)

"Gross Combination Weight Rating" or "GCWR" means the greater of:

A value specified by the manufacturer of the power unit, if that value is displayed on the Federal Motor Vehicle Safety Standard (FMVSS) certification label required by the National Highway Traffic Safety Administration; or

The sum of the GVWRs or the gross vehicle weights (GVWs) of the power unit and the towed unit or units, or any combination thereof, that produces the highest value. Exception: The GCWR of the power unit will not be used to define a CMV when the power unit is not towing another vehicle. (49 CFR 390.5)

"Gross Vehicle Weight Rating" or "GVWR" means the value specified by the manufacturer as the loaded weight of a single motor vehicle. (49 CFR 390.5)

"Hazardous material" means a substance or material that has been determined by the Secretary of the United States Department of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and that has been so designated. (49 CFR 390.5)

"Hazardous substance" means a material, and its mixtures or solutions, that is identified in appendix A to 49 CFR 172.101, List of Hazardous Substances and Reportable Quantities when offered for transportation in one package, or in one transport motor vehicle if not packaged, and when the quantity of the material therein equals or exceeds the reportable quantity (RQ). This definition does not apply to petroleum products that are lubricants or fuels, or to mixtures or solutions of hazardous substances if in a concentration less than that shown in the table "General Information, Regulations and Definitions" in 49 CFR 171.8 based on the reportable quantity (RQ) specified for the materials listed in appendix A to 49 CFR 172.101. (49 CFR 390.5)

"Hazardous waste" means any material that is subject to the hazardous waste manifest requirements of the EPA specified in "Standards Applicable to Generators of Hazardous Waste" in 40 CFR 262 or would be subject to these requirements absent an interim authorization to a state under "State Program Requirements" in 40 CFR 123, subpart F. (49 CFR 390.5)

"Highway" means any road, street, or way, whether on public or private property, open to public travel. "Open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars, and open to the general public for use without restrictive gates, prohibitive signs, or regulation other than restrictions based on size, weight, or class of registration. Toll plazas of public toll roads are not considered restrictive gates. (49 CFR 390.5)

"Illinois Motor Carrier Safety Regulations" or "IMCSR" means the requirements established in Parts 340, 380, 382, 383, 385, 386, 387, 390, 391, 392, 393, 395, 396 and 397 (92 Ill. Adm. Code: Chapter I, Subchapter d).

"Illinois State Police" means any individual officer of the Illinois State Police.

*"Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a gross weight of more than 36,000 pounds, shall be included hereunder*. (Section 1-130 of the Code)

"Interchange" means the act of providing intermodal equipment to a motor carrier pursuant to an intermodal equipment interchange agreement for the purpose of transporting the equipment for loading or unloading by any person or repositioning the equipment for the benefit of the equipment provider, but it does not include the leasing of equipment to a motor carrier for primary use in the motor carrier's freight hauling operations. (49 CFR 390.5)

"Intermodal equipment" means trailing equipment that is used in the intermodal transportation of containers over public highways in interstate commerce, including trailers and chassis. (49 CFR 390.5)

"Intermodal equipment interchange agreement" means the Uniform Intermodal Interchange and Facilities Access Agreement (UIIFA) or any other written document executed by an intermodal equipment provider or its agent and a motor carrier or its agent, the primary purpose of which is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment. (49 CFR 390.5)

"Intermodal equipment provider" means any person that interchanges intermodal equipment with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the intermodal equipment. (49 CFR 390.5)

*"Interstate commerce" means transportation between two or more states or transportation originating in one state and passing into or through other states for delivery in another state*. (Section 1-133 of the Code)

"Intrastate commerce" means any trade, traffic, or transportation in Illinois that is not described in the term "interstate commerce." (49 CFR 390.5)

"Law" means the Illinois Motor Carrier Safety Law [625 ILCS 5/Ch. 18B].

*"Livestock" means cattle, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary of the United States Department of Transportation (at his or her sole discretion) that are part of a foundation herd (including producing dairy cattle) or offspring.* (Section 18b-101 of the Law)

"Medical Examiner" means an individual certified by FMCSA and listed on the National Registry of Certified Medical Examiners in accordance with 49 CFR 390.subpart D.

"Medical variance" means a driver has received one of the following from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

An exemption letter permitting operation of an interstate commercial motor vehicle pursuant to 49 CFR 381, subpart C or 49 CFR 391.64;

A skill performance evaluation certificate permitting operation of an interstate commercial motor vehicle pursuant to 49 CFR 391.49. (49 CFR 390.5)

"Mobile telephone" means a mobile communication device that falls under or uses any commercial mobile radio service, as defined in regulations of the Federal Communications Commission (47 CFR 20.3). It does not include two-way or Citizens Band Radio services. (49 CFR 390.5)

"Motor carrier" means a for-hire motor carrier or a private motor carrier. The term includes a motor carrier's agents, officers and representatives as well as employees responsible for hiring, supervising, training, assigning, or dispatching of drivers and employees concerned with the installation, inspection, and maintenance of motor vehicle equipment and/or accessories. For purposes of the IMCSR, the definition of "motor carrier" includes the terms "employer" and "exempt motor carrier." (49 CFR 390.5)

"Motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof determined by the Federal Motor Carrier Safety Administration, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails, or a trolley bus operated by electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street-railway service. (49 CFR 390.5)

"Motor vehicle record" means the report of the driving status and history of a driver generated from the driver record, provided to users, such as drivers or employers, and subject to the provisions of the Driver Privacy Protection Act (18 USC 2721 through 2725). (49 CFR 390.5)

"Multiple-employer driver" means a driver who, in any period of 7 consecutive days, is employed or used as a driver by more than one motor carrier. (49 CFR 390.5)

"North American Uniform Out-Of-Service Criteria" means a set of guidelines established by the CVSA and recognized by all states, the provinces of Canada, and Mexico as acceptable standards for identifying driver violations and critical vehicle inspection items that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced, in some states, by qualified law enforcement officers of a municipality, county, state or the federal government. In Illinois, only qualified officers of the Department, the Illinois State Police and the federal government have authority to enforce the out-of-service criteria.

"Operating authority" means the registration required by 49 USC 13902, [49 CFR 365](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrredirectpage.aspx?contentid=1338), [49 CFR 368](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrredirectpage.aspx?contentid=1341) and [49 CFR 392.9a](http://www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrredirectpage.aspx?contentid=2301). (49 CFR 390.5)

"Operator" – see driver.

"Other terms" – any other term used in the IMCSR is used in its commonly accepted meaning, except where such other term has been defined elsewhere in the IMCSR. In that event, the definition therein given shall apply.

"Out-of-service order" means a declaration by the Illinois State Police or by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation, is out-of-service pursuant to 49 CFR 386.72, 49 CFR 392.5, 49 CFR 392.9(a), 49 CFR 395.13, 49 CFR 396.9, or 92 Ill. Adm. Code 392.2000(d), or compatible laws, or the North American Uniform Out-of-Service Criteria as defined in this Section.

*"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns*. (Section 18b-101 of the Law)

"Planting and harvesting season" means the period of January 1 through December 31 each year.

"Previous employer" means any USDOT or Department regulated person who employed the driver in the preceding three years, including any possible current employer.

"Principal place of business" means a single location designated by the motor carrier, normally its headquarters, for purposes of identification under this Subchapter d. The motor carrier must make records required by 92 Ill. Adm. Code 340, 380, 382, 383, 385, 387, 390, 391, 395, 396 and 397, available for inspection at its principal place of business within 48 hours (Saturdays, Sundays and federal or State holidays excluded) after a request has been made by a special agent or authorized representative of the Federal Motor Carrier Safety Administration or the Illinois Department of Transportation.

"Private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle, and is not a for-hire motor carrier.

(49 CFR 390.5)

"Private motor carrier of passengers (business)" means a private motor carrier engaged in the interstate or intrastate transportation of passengers that is provided in the furtherance of a commercial enterprise and is not available to the public at large.

"Private motor carrier of passengers (nonbusiness)" means a private motor carrier involved in the interstate or intrastate transportation of passengers that does not otherwise meet the definition of a private motor carrier of passengers (business). (49 CFR 390.5)

"Radar detector" means any device or mechanism to detect the emission of radio microwaves, laser beams or any other future speed measurement technology employed by enforcement personnel to measure the speed of commercial motor vehicles upon public roads and highways for enforcement purposes. Excluded from this definition are radar detection devices that meet both of the following requirements:

Transported outside the driver's compartment of the commercial motor vehicle. For this purpose, the driver's compartment of a passenger-carrying CMV shall include all space designed to accommodate both the driver and the passengers; and

Completely inaccessible to, inoperable by, and imperceptible to the driver while operating the commercial motor vehicle. (49 CFR 390.5)

"Regional Director of Motor Carriers" means the Field Administrator, Federal Motor Carrier Safety Administration, for a given geographical area of the United States. (49 CFR 390.5)

"Residential district" means the territory adjacent to and including a highway that is not a business district and for a distance of 300 feet or more along the highway is primarily improved with residences. (49 CFR 390.5)

"Safety permit" means a document issued by the Federal Motor Carrier Safety Administration that contains a permit number and confers authority to transport in commerce the hazardous materials listed in 49 CFR 385.403. (49 CFR 385.402)

"School bus" means a motor vehicle that meets all of the special requirements for school buses in Sections 12-801, 12-802, 12-803 and 12-805 of the Code and is designed or used to carry more than 10 passengers, including the driver, and is used for transporting preprimary, primary or secondary school students from home to school or from school to home or for intrastate school sanctioned functions.

"School bus operation" means the use of a school bus to transport only school children and/or school personnel from home to school and from school to home and for intrastate school sanctioned functions.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Single-employer driver" means a driver who, in any period of seven consecutive days, is employed or used as a driver solely by a single motor carrier. This term includes a driver who operates a commercial motor vehicle on an intermittent, casual, or occasional basis. (49 CFR 390.5)

"Special agent" − See 49 CFR appendix B to subchapter B of chapter III.

"*Special agricultural movement equipment" means a vehicle of the second division having a corn sheller, a welldriller, hay press, clover huller, feed mixer and unloader or other farm machinery permanently mounted thereon and used solely for transporting the same, farm wagon type trailers having a fertilizer spreader attachment permanently mounted thereon, having a gross weight of not to exceed 36,000 pounds and farm wagon type tank trailers (i.e., nurse tanks) not to exceed 3,000 gallon capacity. Also includes any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise especially adapted for the application of plant food materials or agricultural chemicals*. (Section 3-809 of the Code)

"State" (lower case) means a state of the United States and the District of Columbia and includes a political subdivision of a state. (49 CFR 390.5) "State" (capitalized) means the State of Illinois.

"Texting" means manually entering alphanumeric text into, or reading text from, an electronic device. This action includes, but is not limited to, short message service, emailing, instant messaging, a command or request to access a World Wide Web page, pressing more than a single button to initiate or terminate a voice communication using a mobile telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. Texting does not include:

Inputting, selecting, or reading information on a global positioning system or navigation system; or

Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

Using a device capable of performing multiple functions (e.g., fleet management systems, dispatching devices, smart phones, citizens band radios, music players, etc.) for a purpose that is not otherwise prohibited in this Part. (49 CFR 390.5)

"Trailer" includes:

"Full trailer" means any motor vehicle other than a pole trailer that is designed to be drawn by another motor vehicle and so constructed that no part of its weight, except for the towing device, rests upon the self-propelled towing motor vehicle. A semitrailer equipped with an auxiliary front axle (converter dolly) shall be considered a full trailer. (49 CFR 390.5)

"Pole trailer" means any motor vehicle that is designed to be drawn by another motor vehicle and attached to the towing motor vehicle by means of a "reach" or "pole," or by being "boomed" or otherwise secured to the towing motor vehicle, for transporting long or irregularly shaped loads such as poles, pipes, or structural members, which generally are capable of sustaining themselves as beams between the supporting connections. (49 CFR 390.5)

"Semitrailer" means any motor vehicle, other than a pole trailer, that is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing motor vehicle. (49 CFR 390.5)

"Truck" means any self-propelled commercial motor vehicle except a truck tractor, designed and/or used for the transportation of property. (49 CFR 390.5)

"Truck tractor" means a self-propelled commercial motor vehicle designed and/or used primarily for drawing other vehicles. (49 CFR 390.5)

"United States" means the 50 states and the District of Columbia. (49 CFR 390.5)

"USDOT" means the United States Department of Transportation.

"Use a hand-held mobile telephone" means:

Using at least one hand to hold a mobile telephone to conduct a voice communication;

Dialing or answering a mobile telephone by pressing more than a single button; or

Reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position and restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions. (49 CFR 390.5)

"Utility service vehicle" means any commercial motor vehicle:

Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility. (49 CFR 395.2)

(Source: Amended at 40 Ill. Reg. 2002, effective January 8, 2016)