



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2580

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-401
625 ILCS 5/15-301

from Ch. 95 1/2, par. 3-401
from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Provides that upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department of Transportation shall be required from September 1 through December 31 during harvest season emergencies for a vehicle that exceeds the maximum axle weight and gross limits or a vehicle that exceeds its registered gross weight, provided that the vehicle's axle weight and gross weight do not both exceed 10% above the maximum specified limits, and does not exceed the vehicle's registered gross weight by 10%. Provides that all other restrictions that apply to permits issued shall apply during the declared time period and no fee shall be charged for the issuance of those permits. Provides that the permits issued by the Department are only valid on federal and State highways under the jurisdiction of the Department, except interstate highways. Provides that with respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies, and set a divisible load weight limit not to exceed 10% of a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum specified limits. Provides that any vehicle operating under an emergency harvest permit shall not be in violation of a Section concerning the effect of provisions within the original and renewal of registration Article of the Illinois Vehicle Code. Effective immediately.

LRB100 08381 AXK 18490 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 3-401 and 15-301 as follows:

6 (625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

7 Sec. 3-401. Effect of provisions.

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

20 (b) The appropriate fees required to be paid under the
21 various provisions of this Act for registration of vehicles
22 shall mean the fee or fees which would have been paid
23 initially, if proper and timely application had been made to

1 the Secretary of State for the appropriate registration
2 required, whether such registration be a flat weight
3 registration, a single trip permit, a reciprocity permit or a
4 supplemental application to an original prorate application
5 together with payment of fees due under the supplemental
6 application for prorate decals.

7 (c) Effective October 1, 1984, no vehicle required to pay a
8 Federal Highway Users Tax shall be registered unless proof of
9 payment, in a form prescribed and approved by the Secretary of
10 State, is submitted with the appropriate registration.
11 Notwithstanding any other provision of this Code, failure of
12 the applicant to comply with this paragraph shall be deemed
13 grounds for the Secretary to refuse registration.

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

16 (1) was originally manufactured for operation on
17 highways;

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

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

22 (d) Second division vehicles.

23 (1) A vehicle of the second division moved or operated
24 within this State shall have had paid for it the
25 appropriate registration fees and flat weight tax, as
26 evidenced by the Illinois registration issued for that

1 vehicle, for the gross weight of the vehicle and load being
2 operated or moved within this State. Second division
3 vehicles of foreign jurisdictions operated within this
4 State under a single trip permit, fleet reciprocity plan,
5 prorate registration plan, or apportioned registration
6 plan, instead of second division vehicle registration
7 under Article VIII of this Chapter, must have had paid for
8 it the appropriate registration fees and flat weight tax in
9 the base jurisdiction of that vehicle, as evidenced by the
10 maximum gross weight shown on the foreign registration
11 cards, plus any appropriate fees required under this Code.

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

1 (3) Any person operating a legal combination of
2 vehicles displaying valid registration shall not be
3 considered in violation of the registration provision of
4 this subsection unless the total gross weight of the
5 combination exceeds the total licensed weight of the
6 vehicles in the combination. The gross weight of a vehicle
7 exempt from the registration requirements of this Chapter
8 shall not be included when determining the total gross
9 weight of vehicles in combination. Any vehicle operating
10 under an emergency harvest permit, as described in
11 subsection (e-1) of Section 15-301 of this Code, shall not
12 be in violation of this paragraph (3).

13 (4) If the defendant claims that he or she had
14 previously paid the appropriate Illinois registration fees
15 and taxes for this vehicle before the alleged violation,
16 the defendant shall have the burden of proving the
17 existence of the payment by competent evidence. Proof of
18 proper Illinois registration issued by the Secretary of
19 State, or the appropriate registration authority from the
20 foreign state, shall be the only competent evidence of
21 payment.

22 (Source: P.A. 97-201, eff. 1-1-12.)

23 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

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

25 (a) The Department with respect to highways under its

1 jurisdiction and local authorities with respect to highways
2 under their jurisdiction may, in their discretion, upon
3 application and good cause being shown therefor, issue a
4 special permit authorizing the applicant to operate or move a
5 vehicle or combination of vehicles of a size or weight of
6 vehicle or load exceeding the maximum specified in this Act or
7 otherwise not in conformity with this Act upon any highway
8 under the jurisdiction of the party granting such permit and
9 for the maintenance of which the party is responsible.
10 Applications and permits other than those in written or printed
11 form may only be accepted from and issued to the company or
12 individual making the movement. Except for an application to
13 move directly across a highway, it shall be the duty of the
14 applicant to establish in the application that the load to be
15 moved by such vehicle or combination cannot reasonably be
16 dismantled or disassembled, the reasonableness of which shall
17 be determined by the Secretary of the Department. For the
18 purpose of over length movements, more than one object may be
19 carried side by side as long as the height, width, and weight
20 laws are not exceeded and the cause for the over length is not
21 due to multiple objects. For the purpose of over height
22 movements, more than one object may be carried as long as the
23 cause for the over height is not due to multiple objects and
24 the length, width, and weight laws are not exceeded. For the
25 purpose of an over width movement, more than one object may be
26 carried as long as the cause for the over width is not due to

1 multiple objects and length, height, and weight laws are not
2 exceeded. Except for transporting fluid milk products, no State
3 or local agency shall authorize the issuance of excess size or
4 weight permits for vehicles and loads that are divisible and
5 that can be carried, when divided, within the existing size or
6 weight maximums specified in this Chapter. Any excess size or
7 weight permit issued in violation of the provisions of this
8 Section shall be void at issue and any movement made thereunder
9 shall not be authorized under the terms of the void permit. In
10 any prosecution for a violation of this Chapter when the
11 authorization of an excess size or weight permit is at issue,
12 it is the burden of the defendant to establish that the permit
13 was valid because the load to be moved could not reasonably be
14 dismantled or disassembled, or was otherwise nondivisible.

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

1 points of origin and destination, and may identify and include
2 a request for routing to the nearest certified scale in
3 accordance with the Department's rules and regulations,
4 provided the applicant has approval to travel on local roads;
5 and (5) state if the vehicles or loads are being transported
6 for hire. No permits for the movement of a vehicle or load for
7 hire shall be issued to any applicant who is required under the
8 Illinois Motor Carrier of Property Law to have a certificate,
9 registration or permit and does not have such certificate,
10 registration or permit.

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

1 Department shall install an automatic device for recording
2 applications received and permits issued by telephone. In
3 making application by telephone, the Department and applicant
4 waive all objections to the recording of the conversation.

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

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

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

2 (1) cultivated plants or agricultural produce grown
3 including, but is not limited to, corn, soybeans, wheat,
4 oats, grain sorghum, canola, and rice;

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

7 (3) ensilage; and

8 (4) fruits and vegetables.

9 Permits may be issued for a period not to exceed 40 days
10 and moves may be made of a distance not to exceed 50 miles from
11 a field, an on-farm grain storage facility, a warehouse as
12 defined in the Illinois Grain Code, or a livestock management
13 facility as defined in the Livestock Management Facilities Act
14 over any highway except the National System of Interstate and
15 Defense Highways. The operator of the vehicle, however, must
16 abide by posted bridge and posted highway weight limits. All
17 implements of husbandry operating under this Section between
18 sunset and sunrise shall be equipped as prescribed in Section
19 12-205.1.

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

1 the vehicle's axle weight and gross weight do not exceed 10%
2 above the maximum limits and does not exceed the vehicle's
3 registered gross weight by 10%. All other restrictions that
4 apply to permits issued under this Section shall apply during
5 the declared time period and no fee shall be charged for the
6 issuance of those permits. Permits issued by the Department
7 under this subsection (e-1) are only valid on federal and State
8 highways under the jurisdiction of the Department, except
9 interstate highways. ~~the weight does not exceed 20% above the~~
10 ~~limits provided in Section 15-111. All other restrictions that~~
11 ~~apply to permits issued under this Section shall apply during~~
12 ~~the declared time period.~~ With respect to highways under the
13 jurisdiction of local authorities, the local authorities may,
14 at their discretion, waive special permit requirements during
15 harvest season emergencies, and set a divisible load weight
16 limit not to exceed 10% of a vehicle's registered gross weight,
17 provided that the vehicle's axle weight and gross weight do not
18 exceed 10% above the maximum limits specified in Section
19 15-111. The ~~This~~ permit exemptions under this subsection (e-1)
20 ~~exemption~~ shall apply to all registered vehicles eligible to
21 obtain permits under this Section, including ~~commercial~~
22 vehicles used in private or for-hire movement of divisible load
23 agricultural commodities ~~in use~~ during the declared time
24 period.

25 (f) The form and content of the permit shall be determined
26 by the Department with respect to highways under its

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

25 If the permit designates and includes a routing to a
26 certified scale, the permittee, while enroute to the designated

1 scale, shall be deemed in compliance with the weight provisions
2 of the permit provided the axle or gross weights do not exceed
3 any of the permitted limits by more than the following amounts:

4	Single axle	2000 pounds
5	Tandem axle	3000 pounds
6	Gross	5000 pounds

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

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

26 (2) Vehicles escorting oversized loads more than

1 12-feet wide must be equipped with a rotating or flashing
2 amber light mounted on top as specified under Section
3 12-215.

4 The Department shall establish reasonable rules and
5 regulations regarding liability insurance or self insurance
6 for vehicles with oversized loads promulgated under the
7 Illinois Administrative Procedure Act. Police vehicles may be
8 required for escort under circumstances as required by rules
9 and regulations of the Department.

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

26 (i) Whenever any vehicle is operated or movement made under

1 a fraudulent permit the permit shall be void, and the person,
2 firm, or corporation to whom such permit was granted, the
3 driver of such vehicle in addition to the person who issued
4 such permit and any accessory, shall be guilty of fraud and
5 either one or all persons may be prosecuted for such violation.
6 Any person, firm, or corporation committing such violation
7 shall be guilty of a Class 4 felony and the Department shall
8 not issue permits to the person, firm or corporation convicted
9 of such violation for a period of one year after the date of
10 conviction. Penalties for violations of this Section shall be
11 in addition to any penalties imposed for violation of other
12 Sections of this Act.

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

1 corporation convicted of a third offense during a period of one
2 year after the date of conviction for such third offense.

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

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

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

20 (m) Penalties for violations of this Section shall be in
21 addition to any penalties imposed for violating any other
22 Section of this Code.

23 (n) The Department with respect to highways under its
24 jurisdiction and local authorities with respect to highways
25 under their jurisdiction, in their discretion and upon
26 application in writing, may issue a special permit for

1 continuous limited operation, authorizing the applicant to
2 operate a tow-truck that exceeds the weight limits provided for
3 in subsection (a) of Section 15-111, provided:

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

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

8 (2.1) no triple rear axle on a manufactured recovery
9 unit exceeds 60,000 pounds;

10 (3) neither the disabled vehicle nor the disabled
11 combination of vehicles exceed the weight restrictions
12 imposed by this Chapter 15, or the weight limits imposed
13 under a permit issued by the Department prior to hookup;

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

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

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

21 (7) the tow-truck is specifically designed and
22 licensed as a tow-truck;

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

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

26 (10) the tow-truck is capable of utilizing the lighting

1 and braking systems of the disabled vehicle or combination
2 of vehicles;

3 (11) the tow commences at the initial point of wreck or
4 disablement and terminates at a point where the repairs are
5 actually to occur;

6 (12) the permit issued to the tow-truck is carried in
7 the tow-truck and exhibited on demand by a police officer;
8 and

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

11 (o) (Blank).

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

1 route travels less than 5 miles. The Department may promulgate
2 rules for the purpose of establishing the divisibility of a
3 load pursuant to paragraph (a). Any load determined by the
4 Secretary to be nondivisible shall otherwise comply with the
5 existing size or weight maximums specified in this Chapter.

6 (Source: P.A. 99-717, eff. 8-5-16.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.