



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5749

by Rep. Natalie Phelps Finnie

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

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

Amends the Illinois Vehicle Code. Provides that the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit authorizing the applicant to move loads of agricultural commodities on a 2-axle single vehicle registered by the Secretary of State with the axle loads not to exceed 45%, on a 3-axle or 4-axle vehicle registered by the Secretary of State not to exceed 30%, and on a 5-axle vehicle registered by the Secretary of State not to exceed 20% above the allowed gross weights. Provides that the fee for such permit shall be \$500 to be distributed into the State Construction Account Fund. Effective July 1, 2019.

LRB100 18124 LNS 33319 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 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 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. Except for transporting fluid milk products, no State
14 or local agency shall authorize the issuance of excess size or
15 weight permits for vehicles and loads that are divisible and
16 that can be carried, when divided, within the existing size or
17 weight maximums specified in this Chapter. Any excess size or
18 weight permit issued in violation of the provisions of this
19 Section shall be void at issue and any movement made thereunder
20 shall not be authorized under the terms of the void permit. In
21 any prosecution for a violation of this Chapter when the
22 authorization of an excess size or weight permit is at issue,
23 it is the burden of the defendant to establish that the permit
24 was valid because the load to be moved could not reasonably be
25 dismantled or disassembled, or 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 subsection ~~paragraph~~ (a) of this
25 Section, the Department and local authorities, with respect to
26 highways under their respective jurisdictions, in their

1 discretion and upon application in writing may issue a special
2 permit for limited continuous operation, authorizing the
3 applicant to move loads of agricultural commodities on a 2-axle
4 ~~2-axle~~ single vehicle registered by the Secretary of State with
5 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4-axle~~
6 vehicle registered by the Secretary of State with axle loads
7 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by
8 the Secretary of State not to exceed 10% above those provided
9 in Section 15-111. The total gross weight of the vehicle,
10 however, may not exceed the maximum gross weight of the
11 registration class of the vehicle allowed under Section 3-815
12 or 3-818 of this Code.

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

14 (1) cultivated plants or agricultural produce grown
15 including, but ~~is~~ not limited to, corn, soybeans, wheat,
16 oats, grain sorghum, canola, and rice;

17 (2) livestock, including, l but not limited to, l hogs,
18 equine, sheep, and poultry;

19 (3) ensilage; and

20 (4) fruits and vegetables.

21 Permits may be issued for a period not to exceed 40 days
22 and moves may be made of a distance not to exceed 50 miles from
23 a field, an on-farm grain storage facility, a warehouse as
24 defined in the ~~Illinois~~ Grain Code, or a livestock management
25 facility as defined in the Livestock Management Facilities Act
26 over any highway except the National System of Interstate and

1 Defense Highways. The operator of the vehicle, however, must
2 abide by posted bridge and posted highway weight limits. All
3 implements of husbandry operating under this Section between
4 sunset and sunrise shall be equipped as prescribed in Section
5 12-205.1.

6 (e-1) Upon a declaration by the Governor that an emergency
7 harvest situation exists, a special permit issued by the
8 Department under this Section shall be required from September
9 1 through December 31 during harvest season emergencies for a
10 vehicle that exceeds the maximum axle weight and gross weight
11 limits under Section 15-111 of this Code or exceeds the
12 vehicle's registered gross weight, provided that the vehicle's
13 axle weight and gross weight do not exceed 10% above the
14 maximum limits under Section 15-111 of this Code and does not
15 exceed the vehicle's registered gross weight by 10%. All other
16 restrictions that apply to permits issued under this Section
17 shall apply during the declared time period and no fee shall be
18 charged for the issuance of those permits. Permits issued by
19 the Department under this subsection (e-1) are only valid on
20 federal and State highways under the jurisdiction of the
21 Department, except interstate highways. With respect to
22 highways under the jurisdiction of local authorities, the local
23 authorities may, at their discretion, waive special permit
24 requirements during harvest season emergencies, and set a
25 divisible load weight limit not to exceed 10% above a vehicle's
26 registered gross weight, provided that the vehicle's axle

1 weight and gross weight do not exceed 10% above the maximum
2 limits specified in Section 15-111. Permits issued under this
3 subsection (e-1) shall apply to all registered vehicles
4 eligible to obtain permits under this Section, including
5 vehicles used in private or for-hire movement of divisible load
6 agricultural commodities during the declared time period.

7 (e-5) As an exception to subsection (a), the Department and
8 local authorities, with respect to highways under their
9 respective jurisdictions, in their discretion and upon
10 application in writing may issue a special permit authorizing
11 the applicant to move loads of agricultural commodities on a
12 2-axle single vehicle registered by the Secretary of State with
13 the axle loads not to exceed 45%, on a 3-axle or 4-axle vehicle
14 registered by the Secretary of State not to exceed 30%, and on
15 a 5-axle vehicle registered by the Secretary of State not to
16 exceed 20% above those gross weights provided in Section
17 15-111. The fee for such permit shall be \$500 to be deposited
18 into the State Construction Account Fund.

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 subsection ~~paragraph~~ (i).
13 However, upon arrest for an offense of violation of permit,
14 operating without a permit when the vehicle is off route, or
15 any size or weight offense under this Chapter when the
16 permittee plans to raise the issuance of the permit as a
17 defense, the permittee, or his agent, must produce the permit
18 at any court hearing concerning 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 ~~off-route~~ movement shall be subject to the size and weight
17 maximums, under the applicable provisions of this Chapter, as
18 determined by the type or class highway upon which the vehicle
19 and load 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 Code 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 ~~tow-truck~~ that exceeds the weight limits
23 provided for in subsection (a) of Section 15-111, provided:

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

26 (2) no rear tandem axle of the tow truck ~~tow-truck~~

1 exceeds 50,000 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 ~~tow truck~~ prior to hookup does not
9 exceed the weight restrictions imposed by this Chapter 15;

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

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

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

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

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

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

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

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

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

6 (o) (Blank).

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

1 weight maximums specified in this Chapter.

2 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;

3 revised 10-12-17.)

4 Section 99. Effective date. This Act takes effect July 1,

5 2019.