



Sen. Dale Fowler

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10000HB5749sam002

LRB100 18124 LNS 41075 a

1 AMENDMENT TO HOUSE BILL 5749

2 AMENDMENT NO. _____. Amend House Bill 5749 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 15-301 and 15-312 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

1 for the maintenance of which the party is responsible.
2 Applications and permits other than those in written or printed
3 form may only be accepted from and issued to the company or
4 individual making the movement. Except for an application to
5 move directly across a highway, it shall be the duty of the
6 applicant to establish in the application that the load to be
7 moved by such vehicle or combination cannot reasonably be
8 dismantled or disassembled, the reasonableness of which shall
9 be determined by the Secretary of the Department. For the
10 purpose of over length movements, more than one object may be
11 carried side by side as long as the height, width, and weight
12 laws are not exceeded and the cause for the over length is not
13 due to multiple objects. For the purpose of over height
14 movements, more than one object may be carried as long as the
15 cause for the over height is not due to multiple objects and
16 the length, width, and weight laws are not exceeded. For the
17 purpose of an over width movement, more than one object may be
18 carried as long as the cause for the over width is not due to
19 multiple objects and length, height, and weight laws are not
20 exceeded. Except for transporting fluid milk products, no State
21 or local agency shall authorize the issuance of excess size or
22 weight permits for vehicles and loads that are divisible and
23 that can be carried, when divided, within the existing size or
24 weight maximums specified in this Chapter. Any excess size or
25 weight permit issued in violation of the provisions of this
26 Section shall be void at issue and any movement made thereunder

1 shall not be authorized under the terms of the void permit. In
2 any prosecution for a violation of this Chapter when the
3 authorization of an excess size or weight permit is at issue,
4 it is the burden of the defendant to establish that the permit
5 was valid because the load to be moved could not reasonably be
6 dismantled or disassembled, or was otherwise nondivisible.

7 (b) The application for any such permit shall: (1) state
8 whether such permit is requested for a single trip or for
9 limited continuous operation; (2) state if the applicant is an
10 authorized carrier under the Illinois Motor Carrier of Property
11 Law, if so, his certificate, registration or permit number
12 issued by the Illinois Commerce Commission; (3) specifically
13 describe and identify the vehicle or vehicles and load to be
14 operated or moved except that for vehicles or vehicle
15 combinations registered by the Department as provided in
16 Section 15-319 of this Chapter, only the Illinois Department of
17 Transportation's (IDT) registration number or classification
18 need be given; (4) state the routing requested including the
19 points of origin and destination, and may identify and include
20 a request for routing to the nearest certified scale in
21 accordance with the Department's rules and regulations,
22 provided the applicant has approval to travel on local roads;
23 and (5) state if the vehicles or loads are being transported
24 for hire. No permits for the movement of a vehicle or load for
25 hire shall be issued to any applicant who is required under the
26 Illinois Motor Carrier of Property Law to have a certificate,

1 registration or permit and does not have such certificate,
2 registration or permit.

3 (c) The Department or local authority when not inconsistent
4 with traffic safety is authorized to issue or withhold such
5 permit at its discretion; or, if such permit is issued at its
6 discretion to prescribe the route or routes to be traveled, to
7 limit the number of trips, to establish seasonal or other time
8 limitations within which the vehicles described may be operated
9 on the highways indicated, or otherwise to limit or prescribe
10 conditions of operations of such vehicle or vehicles, when
11 necessary to assure against undue damage to the road
12 foundations, surfaces or structures, and may require such
13 undertaking or other security as may be deemed necessary to
14 compensate for any injury to any roadway or road structure. The
15 Department shall maintain a daily record of each permit issued
16 along with the fee and the stipulated dimensions, weights,
17 conditions and restrictions authorized and this record shall be
18 presumed correct in any case of questions or dispute. The
19 Department shall install an automatic device for recording
20 applications received and permits issued by telephone. In
21 making application by telephone, the Department and applicant
22 waive all objections to the recording of the conversation.

23 (d) The Department shall, upon application in writing from
24 any local authority, issue an annual permit authorizing the
25 local authority to move oversize highway construction,
26 transportation, utility and maintenance equipment over roads

1 under the jurisdiction of the Department. The permit shall be
2 applicable only to equipment and vehicles owned by or
3 registered in the name of the local authority, and no fee shall
4 be charged for the issuance of such permits.

5 (e) As an exception to subsection ~~paragraph~~ (a) of this
6 Section, the Department and local authorities, with respect to
7 highways under their respective jurisdictions, in their
8 discretion and upon application in writing may issue a special
9 permit for limited continuous operation, authorizing the
10 applicant to move loads of agricultural commodities on a 2-axle
11 ~~2-axle~~ single vehicle registered by the Secretary of State with
12 axle loads not to exceed 35%, on a 3-axle or 4-axle ~~3 or 4-axle~~
13 vehicle registered by the Secretary of State with axle loads
14 not to exceed 20%, and on a 5-axle ~~5-axle~~ vehicle registered by
15 the Secretary of State not to exceed 10% above those provided
16 in Section 15-111. The total gross weight of the vehicle,
17 however, may not exceed the maximum gross weight of the
18 registration class of the vehicle allowed under Section 3-815
19 or 3-818 of this Code.

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

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

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

26 (3) ensilage; and

1 (4) fruits and vegetables.

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

13 (e-1) A ~~Upon a declaration by the Governor that an~~
14 ~~emergency harvest situation exists, a special permit shall be~~
15 issued by the Department under this Section and shall be
16 required from September 1 through December 31 ~~during harvest~~
17 ~~season emergencies~~ for a vehicle that exceeds the maximum axle
18 weight and gross weight limits under Section 15-111 of this
19 Code or exceeds the vehicle's registered gross weight, provided
20 that the vehicle's axle weight and gross weight do not exceed
21 10% above the maximum limits under Section 15-111 of this Code
22 and does not exceed the vehicle's registered gross weight by
23 10%. All other restrictions that apply to permits issued under
24 this Section shall apply during the declared time period and no
25 fee shall be charged for the issuance of those permits. Permits
26 issued by the Department under this subsection (e-1) are only

1 valid on federal and State highways under the jurisdiction of
2 the Department, except interstate highways. With respect to
3 highways under the jurisdiction of local authorities, the local
4 authorities may, at their discretion, waive special permit
5 requirements ~~during harvest season emergencies~~, and set a
6 divisible load weight limit not to exceed 10% above a vehicle's
7 registered gross weight, provided that the vehicle's axle
8 weight and gross weight do not exceed 10% above the maximum
9 limits specified in Section 15-111. Permits issued under this
10 subsection (e-1) shall apply to all registered vehicles
11 eligible to obtain permits under this Section, including
12 vehicles used in private or for-hire movement of divisible load
13 agricultural commodities during the declared time period.

14 (f) The form and content of the permit shall be determined
15 by the Department with respect to highways under its
16 jurisdiction and by local authorities with respect to highways
17 under their jurisdiction. Every permit shall be in written form
18 and carried in the vehicle or combination of vehicles to which
19 it refers and shall be open to inspection by any police officer
20 or authorized agent of any authority granting the permit and no
21 person shall violate any of the terms or conditions of such
22 special permit. Violation of the terms and conditions of the
23 permit shall not be deemed a revocation of the permit; however,
24 any vehicle and load found to be off the route prescribed in
25 the permit shall be held to be operating without a permit. Any
26 off route vehicle and load shall be required to obtain a new

1 permit or permits, as necessary, to authorize the movement back
2 onto the original permit routing. No rule or regulation, nor
3 anything herein shall be construed to authorize any police
4 officer, court, or authorized agent of any authority granting
5 the permit to remove the permit from the possession of the
6 permittee unless the permittee is charged with a fraudulent
7 permit violation as provided in subsection ~~paragraph~~ (i).
8 However, upon arrest for an offense of violation of permit,
9 operating without a permit when the vehicle is off route, or
10 any size or weight offense under this Chapter when the
11 permittee plans to raise the issuance of the permit as a
12 defense, the permittee, or his agent, must produce the permit
13 at any court hearing concerning the alleged offense.

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

19 Single axle 2000 pounds

20 Tandem axle 3000 pounds

21 Gross 5000 pounds

22 (g) The Department is authorized to adopt, amend, and to
23 make available to interested persons a policy concerning
24 reasonable rules, limitations and conditions or provisions of
25 operation upon highways under its jurisdiction in addition to
26 those contained in this Section for the movement by special

1 permit of vehicles, combinations, or loads which cannot
2 reasonably be dismantled or disassembled, including
3 manufactured and modular home sections and portions thereof.
4 All rules, limitations and conditions or provisions adopted in
5 the policy shall have due regard for the safety of the
6 traveling public and the protection of the highway system and
7 shall have been promulgated in conformity with the provisions
8 of the Illinois Administrative Procedure Act. The requirements
9 of the policy for flagmen and escort vehicles shall be the same
10 for all moves of comparable size and weight. When escort
11 vehicles are required, they shall meet the following
12 requirements:

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

15 (2) Vehicles escorting oversized loads more than
16 12-feet wide must be equipped with a rotating or flashing
17 amber light mounted on top as specified under Section
18 12-215.

19 The Department shall establish reasonable rules and
20 regulations regarding liability insurance or self insurance
21 for vehicles with oversized loads promulgated under the
22 Illinois Administrative Procedure Act. Police vehicles may be
23 required for escort under circumstances as required by rules
24 and regulations of the Department.

25 (h) Violation of any rule, limitation or condition or
26 provision of any permit issued in accordance with the

1 provisions of this Section shall not render the entire permit
2 null and void but the violator shall be deemed guilty of
3 violation of permit and guilty of exceeding any size, weight or
4 load limitations in excess of those authorized by the permit.
5 The prescribed route or routes on the permit are not mere
6 rules, limitations, conditions, or provisions of the permit,
7 but are also the sole extent of the authorization granted by
8 the permit. If a vehicle and load are found to be off the route
9 or routes prescribed by any permit authorizing movement, the
10 vehicle and load are operating without a permit. Any off-route
11 ~~off-route~~ movement shall be subject to the size and weight
12 maximums, under the applicable provisions of this Chapter, as
13 determined by the type or class highway upon which the vehicle
14 and load are being operated.

15 (i) Whenever any vehicle is operated or movement made under
16 a fraudulent permit the permit shall be void, and the person,
17 firm, or corporation to whom such permit was granted, the
18 driver of such vehicle in addition to the person who issued
19 such permit and any accessory, shall be guilty of fraud and
20 either one or all persons may be prosecuted for such violation.
21 Any person, firm, or corporation committing such violation
22 shall be guilty of a Class 4 felony and the Department shall
23 not issue permits to the person, firm or corporation convicted
24 of such violation for a period of one year after the date of
25 conviction. Penalties for violations of this Section shall be
26 in addition to any penalties imposed for violation of other

1 Sections of this Code Act.

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

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

23 (l) Notwithstanding any other provision of this Section,
24 the Department, with respect to highways under its
25 jurisdiction, and local authorities, with respect to highways
26 under their jurisdiction, may at their discretion authorize the

1 movement of a vehicle in violation of any size or weight
2 requirement, or both, that would not ordinarily be eligible for
3 a permit, when there is a showing of extreme necessity that the
4 vehicle and load should be moved without unnecessary delay.

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

9 (m) Penalties for violations of this Section shall be in
10 addition to any penalties imposed for violating any other
11 Section of this Code.

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

19 (1) no rear single axle of the tow truck ~~tow truck~~
20 exceeds 26,000 pounds;

21 (2) no rear tandem axle of the tow truck ~~tow truck~~
22 exceeds 50,000 pounds;

23 (2.1) no triple rear axle on a manufactured recovery
24 unit exceeds 60,000 pounds;

25 (3) neither the disabled vehicle nor the disabled
26 combination of vehicles exceed the weight restrictions

1 imposed by this Chapter 15, or the weight limits imposed
2 under a permit issued by the Department prior to hookup;

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

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

7 (6) the tow truck ~~tow-truck~~ is equipped with flashing,
8 rotating, or oscillating amber lights, visible for at least
9 500 feet in all directions;

10 (7) the tow truck ~~tow-truck~~ is specifically designed
11 and licensed as a tow truck ~~tow-truck~~;

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

14 (9) the tow truck ~~tow-truck~~ is equipped with air
15 brakes;

16 (10) the tow truck ~~tow-truck~~ is capable of utilizing
17 the lighting and braking systems of the disabled vehicle or
18 combination of vehicles;

19 (11) the tow commences at the initial point of wreck or
20 disablement and terminates at a point where the repairs are
21 actually to occur;

22 (12) the permit issued to the tow truck ~~tow-truck~~ is
23 carried in the tow truck ~~tow-truck~~ and exhibited on demand
24 by a police officer; and

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

1 (o) (Blank).

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

23 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;
24 revised 10-12-17.)

25 (625 ILCS 5/15-312) (from Ch. 95 1/2, par. 15-312)

1 Sec. 15-312. Fees for Police Escort. When State Police
2 escorts are required by the Department of Transportation for
3 the safety of the motoring public, the following fees shall be
4 paid by the applicant:

5 (1) to the Department of Transportation: \$40 per hour
6 per vehicle based upon the pre-estimated time of the
7 movement to be agreed upon between the Department and the
8 applicant, with a minimum fee of \$80 per vehicle; and

9 (2) to the Illinois State Police: \$75 ~~\$60~~ per hour per
10 State Police vehicle based upon the actual time of the
11 movement, with a minimum fee of \$300 per State Police
12 vehicle. The Illinois State Police shall remit the moneys
13 to the State Treasurer, who shall deposit the moneys into
14 the Over Dimensional Load Police Escort Fund.

15 The actual time of the movement shall be the time the
16 police escort is required to pick up the movement to the time
17 the movement is completed. Any delays or breakdowns shall be
18 considered part of the movement time. Any fraction of an hour
19 shall be rounded up to the next whole hour.

20 (Source: P.A. 95-787, eff. 1-1-09.)".