

# HB1870



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1870

by Rep. Jim Durkin

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning permits for excess size and weight.

LRB101 05759 TAE 50775 b

A BILL FOR

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 ~~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 Code  
15 ~~Act~~ or otherwise not in conformity with this Code ~~Act~~ upon any  
16 highway under the jurisdiction of the party granting such  
17 permit and for the maintenance of which the party is  
18 responsible. Applications and permits other than those in  
19 written or printed form may only be accepted from and issued to  
20 the company or individual making the movement. Except for an  
21 application to move directly across a highway, it shall be the  
22 duty of the applicant to establish in the application that the  
23 load to be moved by such vehicle or combination cannot

1 reasonably be dismantled or disassembled, the reasonableness  
2 of which shall be determined by the Secretary of the  
3 Department. For the purpose of over length movements, more than  
4 one object may be carried side by side as long as the height,  
5 width, and weight laws are not exceeded and the cause for the  
6 over length is not due to multiple objects. For the purpose of  
7 over height movements, more than one object may be carried as  
8 long as the cause for the over height is not due to multiple  
9 objects and the length, width, and weight laws are not  
10 exceeded. For the purpose of an over width movement, more than  
11 one object may be carried as long as the cause for the over  
12 width is not due to multiple objects and length, height, and  
13 weight laws are not exceeded. Except for transporting fluid  
14 milk products, no State or local agency shall authorize the  
15 issuance of excess size or weight permits for vehicles and  
16 loads that are divisible and that can be carried, when divided,  
17 within the existing size or weight maximums specified in this  
18 Chapter. Any excess size or weight permit issued in violation  
19 of the provisions of this Section shall be void at issue and  
20 any movement made thereunder shall not be authorized under the  
21 terms of the void permit. In any prosecution for a violation of  
22 this Chapter when the authorization of an excess size or weight  
23 permit is at issue, it is the burden of the defendant to  
24 establish that the permit was valid because the load to be  
25 moved could not reasonably be dismantled or disassembled, or  
26 was otherwise nondivisible.

1           (b) The application for any such permit shall: (1) state  
2 whether such permit is requested for a single trip or for  
3 limited continuous operation; (2) state if the applicant is an  
4 authorized carrier under the Illinois Motor Carrier of Property  
5 Law, if so, his certificate, registration, or permit number  
6 issued by the Illinois Commerce Commission; (3) specifically  
7 describe and identify the vehicle or vehicles and load to be  
8 operated or moved; (4) state the routing requested, including  
9 the points of origin and destination, and may identify and  
10 include a request for routing to the nearest certified scale in  
11 accordance with the Department's rules and regulations,  
12 provided the applicant has approval to travel on local roads;  
13 and (5) state if the vehicles or loads are being transported  
14 for hire. No permits for the movement of a vehicle or load for  
15 hire shall be issued to any applicant who is required under the  
16 Illinois Motor Carrier of Property Law to have a certificate,  
17 registration, or permit and does not have such certificate,  
18 registration, or permit.

19           (c) The Department or local authority when not inconsistent  
20 with traffic safety is authorized to issue or withhold such  
21 permit at its discretion; or, if such permit is issued at its  
22 discretion to prescribe the route or routes to be traveled, to  
23 limit the number of trips, to establish seasonal or other time  
24 limitations within which the vehicles described may be operated  
25 on the highways indicated, or otherwise to limit or prescribe  
26 conditions of operations of such vehicle or vehicles, when

1 necessary to assure against undue damage to the road  
2 foundations, surfaces or structures, and may require such  
3 undertaking or other security as may be deemed necessary to  
4 compensate for any injury to any roadway or road structure. The  
5 Department shall maintain a daily record of each permit issued  
6 along with the fee and the stipulated dimensions, weights,  
7 conditions, and restrictions authorized and this record shall  
8 be presumed correct in any case of questions or dispute. The  
9 Department shall install an automatic device for recording  
10 applications received and permits issued by telephone. In  
11 making application by telephone, the Department and applicant  
12 waive all objections to the recording of the conversation.

13 (d) The Department shall, upon application in writing from  
14 any local authority, issue an annual permit authorizing the  
15 local authority to move oversize highway construction,  
16 transportation, utility, and maintenance equipment over roads  
17 under the jurisdiction of the Department. The permit shall be  
18 applicable only to equipment and vehicles owned by or  
19 registered in the name of the local authority, and no fee shall  
20 be charged for the issuance of such permits.

21 (e) As an exception to subsection (a) of this Section, the  
22 Department and local authorities, with respect to highways  
23 under their respective jurisdictions, in their discretion and  
24 upon application in writing, may issue a special permit for  
25 limited continuous operation, authorizing the applicant to  
26 move loads of agricultural commodities on a 2-axle single

1 vehicle registered by the Secretary of State with axle loads  
2 not to exceed 35%, on a 3-axle or 4-axle vehicle registered by  
3 the Secretary of State with axle loads not to exceed 20%, and  
4 on a 5-axle vehicle registered by the Secretary of State not to  
5 exceed 10% above those provided in Section 15-111. The total  
6 gross weight of the vehicle, however, may not exceed the  
7 maximum gross weight of the registration class of the vehicle  
8 allowed under Section 3-815 or 3-818 of this Code.

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

10 (1) cultivated plants or agricultural produce grown,  
11 including, but not limited to, corn, soybeans, wheat, oats,  
12 grain sorghum, canola, and rice;

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

15 (3) ensilage; and

16 (4) fruits and vegetables.

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

1 (e-1) A special permit shall be issued by the Department  
2 under this Section and shall be required from September 1  
3 through December 31 for a vehicle that exceeds the maximum axle  
4 weight and gross weight limits under Section 15-111 of this  
5 Code or exceeds the vehicle's registered gross weight, provided  
6 that the vehicle's axle weight and gross weight do not exceed  
7 10% above the maximum limits under Section 15-111 of this Code  
8 and does not exceed the vehicle's registered gross weight by  
9 10%. All other restrictions that apply to permits issued under  
10 this Section shall apply during the declared time period and no  
11 fee shall be charged for the issuance of those permits. Permits  
12 issued by the Department under this subsection (e-1) are only  
13 valid on federal and State highways under the jurisdiction of  
14 the Department, except interstate highways. With respect to  
15 highways under the jurisdiction of local authorities, the local  
16 authorities may, at their discretion, waive special permit  
17 requirements<sup>7</sup> and set a divisible load weight limit not to  
18 exceed 10% above a vehicle's registered gross weight, provided  
19 that the vehicle's axle weight and gross weight do not exceed  
20 10% above the maximum limits specified in Section 15-111.  
21 Permits issued under this subsection (e-1) shall apply to all  
22 registered vehicles eligible to obtain permits under this  
23 Section, including vehicles used in private or for-hire  
24 movement of divisible load agricultural commodities during the  
25 declared time period.

26 (f) The form and content of the permit shall be determined

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

26 If the permit designates and includes a routing to a



1 certified scale, the permittee, while en route ~~enroute~~ to the  
2 designated scale, shall be deemed in compliance with the weight  
3 provisions of the permit provided the axle or gross weights do  
4 not exceed any of the permitted limits by more than the  
5 following amounts:

6	Single axle	2000 pounds
7	Tandem axle	3000 pounds
8	Gross	5000 pounds

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

26 (1) All operators shall be 18 years of age or over and

1 properly licensed to operate the vehicle.

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

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

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

1 and load are being operated.

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

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

1 the date of the first offense, not less than \$300 nor more than  
2 \$500 and the Department may, in its discretion ~~descretion~~, not  
3 issue permits to the person, firm, or corporation convicted of  
4 a third offense during a period of one year after the date of  
5 conviction or supervision for such third offense. If any  
6 violation is the cause or contributing cause in a motor vehicle  
7 accident causing damage to property, injury, or death to a  
8 person, the Department may, in its discretion, not issue a  
9 permit to the person, firm, or corporation for a period of one  
10 year after the date of conviction or supervision for the  
11 offense.

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

17 (l) Notwithstanding any other provision of this Section,  
18 the Department, with respect to highways under its  
19 jurisdiction, and local authorities, with respect to highways  
20 under their jurisdiction, may at their discretion authorize the  
21 movement of a vehicle in violation of any size or weight  
22 requirement, or both, that would not ordinarily be eligible for  
23 a permit, when there is a showing of extreme necessity that the  
24 vehicle and load should be moved without unnecessary delay.

25 For the purpose of this subsection, showing of extreme  
26 necessity shall be limited to the following: shipments of

1 livestock, hazardous materials, liquid concrete being hauled  
2 in a mobile cement mixer, or hot asphalt.

3 (m) Penalties for violations of this Section shall be in  
4 addition to any penalties imposed for violating any other  
5 Section of this Code.

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

13 (1) no rear single axle of the tow truck exceeds 26,000  
14 pounds;

15 (2) no rear tandem axle of the tow truck exceeds 50,000  
16 pounds;

17 (2.1) no triple rear axle on a manufactured recovery  
18 unit exceeds 60,000 pounds;

19 (3) neither the disabled vehicle nor the disabled  
20 combination of vehicles exceed the weight restrictions  
21 imposed by this Chapter 15, or the weight limits imposed  
22 under a permit issued by the Department prior to hookup;

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

25 (5) during the tow operation the tow truck does not  
26 violate any weight restriction sign;

1           (6) the tow truck is equipped with flashing, rotating,  
2           or oscillating amber lights, visible for at least 500 feet  
3           in all directions;

4           (7) the tow truck is specifically designed and licensed  
5           as a tow truck;

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

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

9           (10) the tow truck is capable of utilizing the lighting  
10          and braking systems of the disabled vehicle or combination  
11          of vehicles;

12          (11) the tow commences at the initial point of wreck or  
13          disablement and terminates at a point where the repairs are  
14          actually to occur;

15          (12) the permit issued to the tow truck is carried in  
16          the tow truck and exhibited on demand by a police officer;  
17          and

18          (13) the movement shall be valid only on State routes  
19          approved by the Department.

20          (o) (Blank).

21          (p) In determining whether a load may be reasonably  
22          dismantled or disassembled for the purpose of subsection (a),  
23          the Department shall consider whether there is a significant  
24          negative impact on the condition of the pavement and structures  
25          along the proposed route, whether the load or vehicle as  
26          proposed causes a safety hazard to the traveling public,

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

16 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;  
17 100-728, eff. 1-1-19; 100-830, eff. 1-1-19; 100-863, eff.  
18 8-14-18; 100-1090, eff. 1-1-19; revised 10-9-18.)