



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 1343

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1343 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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 Code  
15 ~~Act~~ or otherwise not in conformity with this Code ~~Act~~ upon any  
16 highway under the jurisdiction of the party granting such

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

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

8 (a-1) As used in this Section, "extreme heavy duty tow and  
9 recovery vehicle" means a tow truck manufactured as a unit  
10 having a lifting capacity of not less than 50 tons, and having  
11 either 4 axles and an unladen weight of not more than 80,000  
12 pounds or 5 axles and an unladen weight not more than 90,000  
13 pounds. Notwithstanding otherwise applicable gross and axle  
14 weight limits, an extreme heavy duty tow and recovery vehicle  
15 may lawfully travel to and from the scene of a disablement and  
16 clear a disabled vehicle if the towing service has obtained an  
17 extreme heavy duty tow and recovery permit for the vehicle. The  
18 form and content of the permit shall be determined by the  
19 Department with respect to highways under its jurisdiction and  
20 by local authorities with respect to highways under their  
21 jurisdiction.

22 (b) The application for any such permit shall: (1) state  
23 whether such permit is requested for a single trip or for  
24 limited continuous operation; (2) state if the applicant is an  
25 authorized carrier under the Illinois Motor Carrier of Property  
26 Law, if so, his certificate, registration, or permit number

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

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

1 along with the fee and the stipulated dimensions, weights,  
2 conditions, and restrictions authorized and this record shall  
3 be presumed correct in any case of questions or dispute. The  
4 Department shall install an automatic device for recording  
5 applications received and permits issued by telephone. In  
6 making application by telephone, the Department and applicant  
7 waive all objections to the recording of the conversation.

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

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

1 gross weight of the vehicle, however, may not exceed the  
2 maximum gross weight of the registration class of the vehicle  
3 allowed under Section 3-815 or 3-818 of this Code.

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

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

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

10 (3) ensilage; and

11 (4) fruits and vegetables.

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

22 (e-1) A special permit shall be issued by the Department  
23 under this Section and shall be required from September 1  
24 through December 31 for a vehicle that exceeds the maximum axle  
25 weight and gross weight limits under Section 15-111 of this  
26 Code or exceeds the vehicle's registered gross weight, provided

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

21 (f) The form and content of the permit shall be determined  
22 by the Department with respect to highways under its  
23 jurisdiction and by local authorities with respect to highways  
24 under their jurisdiction. Every permit shall be in written form  
25 and carried in the vehicle or combination of vehicles to which  
26 it refers and shall be open to inspection by any police officer

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

21 If the permit designates and includes a routing to a  
22 certified scale, the permittee, while en route ~~enroute~~ to the  
23 designated scale, shall be deemed in compliance with the weight  
24 provisions of the permit provided the axle or gross weights do  
25 not exceed any of the permitted limits by more than the  
26 following amounts:



1	Single axle	2000 pounds
2	Tandem axle	3000 pounds
3	Gross	5000 pounds

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

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

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

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

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

23           (i) Whenever any vehicle is operated or movement made under  
24 a fraudulent permit, the permit shall be void, and the person,  
25 firm, or corporation to whom such permit was granted, the  
26 driver of such vehicle in addition to the person who issued

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

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

1 violation is the cause or contributing cause in a motor vehicle  
2 accident causing damage to property, injury, or death to a  
3 person, the Department may, in its discretion, not issue a  
4 permit to the person, firm, or corporation for a period of one  
5 year after the date of conviction or supervision for the  
6 offense.

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

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

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

24 (m) Penalties for violations of this Section shall be in  
25 addition to any penalties imposed for violating any other  
26 Section of this Code.

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

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

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

12           (2.1) no triple rear axle on a manufactured recovery  
13 unit exceeds 60,000 pounds;

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

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

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

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

25           (7) the tow truck is specifically designed and licensed  
26 as a tow truck;

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

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

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

7           (11) the tow commences at the initial point of wreck or  
8 disablement and terminates at a point where the repairs are  
9 actually to occur;

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

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

15           (o) (Blank).

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

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

11 (Source: P.A. 99-717, eff. 8-5-16; 100-70, eff. 8-11-17;  
12 100-728, eff. 1-1-19; 100-830, eff. 1-1-19; 100-863, eff.  
13 8-14-18; 100-1090, eff. 1-1-19; revised 10-9-18.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2020."