

HB2192



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2192

Introduced 2/17/2021, 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.

LRB102 12428 RAM 17765 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
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 ~~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 or otherwise not in conformity with this Code 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
19 printed form may only be accepted from and issued to the
20 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
4 than one object may be carried side by side as long as the
5 height, width, and weight laws are not exceeded and the cause
6 for the over length is not due to multiple objects. For the
7 purpose of over height movements, more than one object may be
8 carried as long as the cause for the over height is not due to
9 multiple objects and the length, width, and weight laws are
10 not exceeded. For the purpose of an over width movement, more
11 than one object may be carried as long as the cause for the
12 over width is not due to multiple objects and length, height,
13 and weight laws are not exceeded. Except for transporting
14 fluid milk products, no State or local agency shall authorize
15 the issuance of excess size or weight permits for vehicles and
16 loads that are divisible and that can be carried, when
17 divided, within the existing size or weight maximums specified
18 in this Chapter. Any excess size or weight permit issued in
19 violation of the provisions of this Section shall be void at
20 issue and any movement made thereunder shall not be authorized
21 under the terms of the void permit. In any prosecution for a
22 violation of this Chapter when the authorization of an excess
23 size or weight permit is at issue, it is the burden of the
24 defendant to establish that the permit was valid because the
25 load to be moved could not reasonably be dismantled or
26 disassembled, or was otherwise nondivisible.

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

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
19 Property Law, if so, his certificate, registration, or permit
20 number issued by the Illinois Commerce Commission; (3)
21 specifically describe and identify the vehicle or vehicles and
22 load to be operated or moved; (4) state the routing requested,
23 including the points of origin and destination, and may
24 identify and include a request for routing to the nearest
25 certified scale in accordance with the Department's rules and
26 regulations, provided the applicant has approval to travel on

1 local roads; and (5) state if the vehicles or loads are being
2 transported for hire. No permits for the movement of a vehicle
3 or load for hire shall be issued to any applicant who is
4 required under the Illinois Motor Carrier of Property Law to
5 have a certificate, registration, or permit and does not have
6 such certificate, registration, or permit.

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

1 conversation.

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

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

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

25 (1) cultivated plants or agricultural produce grown,
26 including, but not limited to, corn, soybeans, wheat,

1 oats, grain sorghum, canola, and rice;

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

4 (3) ensilage; and

5 (4) fruits and vegetables.

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

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

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

16 (f) The form and content of the permit shall be determined
17 by the Department with respect to highways under its
18 jurisdiction and by local authorities with respect to highways
19 under their jurisdiction. Every permit shall be in written
20 form and carried in the vehicle or combination of vehicles to
21 which it refers and shall be open to inspection by any police
22 officer or authorized agent of any authority granting the
23 permit and no person shall violate any of the terms or
24 conditions of such special permit. Violation of the terms and
25 conditions of the permit shall not be deemed a revocation of
26 the permit; however, any vehicle and load found to be off the

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

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

23	Single axle	2000 pounds
24	Tandem axle	3000 pounds
25	Gross	5000 pounds

26 (g) The Department is authorized to adopt, amend, and make

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

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

18 (2) Vehicles escorting oversized loads more than 12
19 feet wide must be equipped with a rotating or flashing
20 amber light mounted on top as specified under Section
21 12-215.

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

1 and regulations of the Department.

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

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

1 corporation convicted of such violation for a period of one
2 year after the date of conviction. Penalties for violations of
3 this Section shall be in addition to any penalties imposed for
4 violation of other Sections of this Code.

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

1 offense.

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

7 (l) Notwithstanding any other provision of this Section,
8 the Department, with respect to highways under its
9 jurisdiction, and local authorities, with respect to highways
10 under their jurisdiction, may at their discretion authorize
11 the movement of a vehicle in violation of any size or weight
12 requirement, or both, that would not ordinarily be eligible
13 for a permit, when there is a showing of extreme necessity that
14 the vehicle and load should be moved without unnecessary
15 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
3 for in subsection (a) of Section 15-111, provided:

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

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

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

3 (11) the tow commences at the initial point of wreck
4 or disablement and terminates at a point where the repairs
5 are 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 subsection (a),
14 the Department shall consider whether there is a significant
15 negative impact on the condition of the pavement and
16 structures along the proposed route, whether the load or
17 vehicle as proposed causes a safety hazard to the traveling
18 public, whether dismantling or disassembling the load promotes
19 or stifles economic development, and whether the proposed
20 route travels less than 5 miles. A load is not required to be
21 dismantled or disassembled for the purposes of subsection (a)
22 if the Secretary of the Department determines there will be no
23 significant negative impact to pavement or structures along
24 the proposed route, the proposed load or vehicle causes no
25 safety hazard to the traveling public, dismantling or
26 disassembling the load does not promote economic development,

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

7 (Source: P.A. 100-70, eff. 8-11-17; 100-728, eff. 1-1-19;
8 100-830, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1090, eff.
9 1-1-19; 101-81, eff. 7-12-19; 101-547, eff. 1-1-20.)