



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4848

Introduced 2/7/2024, by Rep. Jeff Keicher

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-109.1
705 ILCS 135/15-70

from Ch. 95 1/2, par. 15-109.1

Amends the Illinois Vehicle Code. Provides that no person shall operate a second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material on any highway, unless a cover or tarpaulin of sufficient size is attached so as to prevent any load, residue, or other material from escaping. Allows a vehicle owner to be found in violation of the provisions. Provides that any violation of the provisions shall be a petty offense and the owner or operator of the vehicle in violation shall be subject to mandatory minimum fine of \$150 (rather than a fine not to exceed \$250). Amends the Criminal and Traffic Assessment Act. In provisions concerning conditional assessments, provides for distribution of a conditional assessment for a violation of the provisions requiring covers or tarpaulins for certain loads.

LRB103 37935 MXP 68067 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
5 changing Section 15-109.1 as follows:

6 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

7 Sec. 15-109.1. Covers or tarpaulins required for certain
8 loads.

9 (a) No person shall operate or cause to be operated, on a
10 highway, any second division vehicle loaded with dirt,
11 aggregate, garbage, refuse, or other similar material, when
12 any portion of the load is falling, sifting, blowing, dropping
13 or in any way escaping from the vehicle.

14 (b) No person shall operate or cause to be operated, on a
15 highway, any second division vehicle having a gross vehicle
16 weight rating of 8,000 pounds or more loaded with dirt,
17 aggregate, garbage, refuse, or other similar material in or on
18 any part of the vehicle other than in the cargo area. In
19 addition, no person shall operate on any highway, such vehicle
20 unless the tailgate on the vehicle is in good working repair
21 and operating condition and closes securely, with a cover or
22 tarpaulin of sufficient size attached, so as to prevent any
23 load, residue, or other material from escaping.

1 (c) This Section shall not apply to the operation of
2 highway maintenance vehicles engaged in removing snow and ice
3 from the roadway, nor to implements of husbandry or other farm
4 vehicles while transporting agricultural products to or from
5 the original place of production.

6 (d) For the purpose of this Section "aggregate" shall
7 include all ores, minerals, sand, gravel, shale, coal, clay,
8 limestone or any other ore or mineral which may be mined.

9 (e) Notwithstanding any other penalty, whenever a police
10 officer determines that the owner or operator of a vehicle is
11 in violation of this Section, as evidenced by the issuance of a
12 citation for a violation of Section 15-109.1 of this Code, or
13 where a police officer determines that a dangerous condition
14 exists whereby any portion of the load may fall, sift, blow,
15 drop, or in any way escape or fall from the vehicle, the police
16 officer shall require the operator to stop the vehicle in a
17 suitable place and keep such vehicle stationary until the load
18 has either been reduced, secured, or covered with a cover or
19 tarpaulin of sufficient size to prevent any further violation
20 of this Section.

21 (f) Any violation of the provisions of this Section shall
22 be a petty offense and the owner or operator of the vehicle in
23 violation shall be subject to mandatory minimum fine of \$150.
24 ~~punishable by a fine not to exceed \$250.~~

25 (Source: P.A. 91-858, eff. 1-1-01.)

1 Section 10. The Criminal and Traffic Assessment Act is
2 amended by changing Section 15-70 as follows:

3 (705 ILCS 135/15-70)

4 Sec. 15-70. Conditional assessments. In addition to
5 payments under one of the Schedule of Assessments 1 through 13
6 of this Act, the court shall also order payment of any of the
7 following conditional assessment amounts for each sentenced
8 violation in the case to which a conditional assessment is
9 applicable, which shall be collected and remitted by the Clerk
10 of the Circuit Court as provided in this Section:

11 (1) arson, residential arson, or aggravated arson,
12 \$500 per conviction to the State Treasurer for deposit
13 into the Fire Prevention Fund;

14 (2) child pornography under Section 11-20.1 of the
15 Criminal Code of 1961 or the Criminal Code of 2012, \$500
16 per conviction, unless more than one agency is responsible
17 for the arrest in which case the amount shall be remitted
18 to each unit of government equally:

19 (A) if the arresting agency is an agency of a unit
20 of local government, \$500 to the treasurer of the unit
21 of local government for deposit into the unit of local
22 government's General Fund, except that if the Illinois
23 State Police provides digital or electronic forensic
24 examination assistance, or both, to the arresting
25 agency then \$100 to the State Treasurer for deposit

1 into the State Crime Laboratory Fund; or

2 (B) if the arresting agency is the Illinois State
3 Police, \$500 to the State Treasurer for deposit into
4 the State Crime Laboratory Fund;

5 (3) crime laboratory drug analysis for a drug-related
6 offense involving possession or delivery of cannabis or
7 possession or delivery of a controlled substance as
8 defined in the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine Control
10 and Community Protection Act, \$100 reimbursement for
11 laboratory analysis, as set forth in subsection (f) of
12 Section 5-9-1.4 of the Unified Code of Corrections;

13 (4) DNA analysis, \$250 on each conviction in which it
14 was used to the State Treasurer for deposit into the State
15 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
16 the Unified Code of Corrections;

17 (5) DUI analysis, \$150 on each sentenced violation in
18 which it was used as set forth in subsection (f) of Section
19 5-9-1.9 of the Unified Code of Corrections;

20 (6) drug-related offense involving possession or
21 delivery of cannabis or possession or delivery of a
22 controlled substance, other than methamphetamine, as
23 defined in the Cannabis Control Act or the Illinois
24 Controlled Substances Act, an amount not less than the
25 full street value of the cannabis or controlled substance
26 seized for each conviction to be disbursed as follows:

1 (A) 12.5% of the street value assessment shall be
2 paid into the Youth Drug Abuse Prevention Fund, to be
3 used by the Department of Human Services for the
4 funding of programs and services for drug-abuse
5 treatment, and prevention and education services;

6 (B) 37.5% to the county in which the charge was
7 prosecuted, to be deposited into the county General
8 Fund;

9 (C) 50% to the treasurer of the arresting law
10 enforcement agency of the municipality or county, or
11 to the State Treasurer if the arresting agency was a
12 state agency, to be deposited as provided in
13 subsection (c) of Section 10-5;

14 (D) if the arrest was made in combination with
15 multiple law enforcement agencies, the clerk shall
16 equitably allocate the portion in subparagraph (C) of
17 this paragraph (6) among the law enforcement agencies
18 involved in the arrest;

19 (6.5) Kane County or Will County, in felony,
20 misdemeanor, local or county ordinance, traffic, or
21 conservation cases, up to \$30 as set by the county board
22 under Section 5-1101.3 of the Counties Code upon the entry
23 of a judgment of conviction, an order of supervision, or a
24 sentence of probation without entry of judgment under
25 Section 10 of the Cannabis Control Act, Section 410 of the
26 Illinois Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,
2 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
3 the Criminal Code of 1961 or the Criminal Code of 2012,
4 Section 10-102 of the Illinois Alcoholism and Other Drug
5 Dependency Act, or Section 10 of the Steroid Control Act;
6 except in local or county ordinance, traffic, and
7 conservation cases, if fines are paid in full without a
8 court appearance, then the assessment shall not be imposed
9 or collected. Distribution of assessments collected under
10 this paragraph (6.5) shall be as provided in Section
11 5-1101.3 of the Counties Code;

12 (7) methamphetamine-related offense involving
13 possession or delivery of methamphetamine or any salt of
14 an optical isomer of methamphetamine or possession of a
15 methamphetamine manufacturing material as set forth in
16 Section 10 of the Methamphetamine Control and Community
17 Protection Act with the intent to manufacture a substance
18 containing methamphetamine or salt of an optical isomer of
19 methamphetamine, an amount not less than the full street
20 value of the methamphetamine or salt of an optical isomer
21 of methamphetamine or methamphetamine manufacturing
22 materials seized for each conviction to be disbursed as
23 follows:

24 (A) 12.5% of the street value assessment shall be
25 paid into the Youth Drug Abuse Prevention Fund, to be
26 used by the Department of Human Services for the

1 funding of programs and services for drug-abuse
2 treatment, and prevention and education services;

3 (B) 37.5% to the county in which the charge was
4 prosecuted, to be deposited into the county General
5 Fund;

6 (C) 50% to the treasurer of the arresting law
7 enforcement agency of the municipality or county, or
8 to the State Treasurer if the arresting agency was a
9 state agency, to be deposited as provided in
10 subsection (c) of Section 10-5;

11 (D) if the arrest was made in combination with
12 multiple law enforcement agencies, the clerk shall
13 equitably allocate the portion in subparagraph (C) of
14 this paragraph (6) among the law enforcement agencies
15 involved in the arrest;

16 (8) order of protection violation under Section 12-3.4
17 of the Criminal Code of 2012, \$200 for each conviction to
18 the county treasurer for deposit into the Probation and
19 Court Services Fund for implementation of a domestic
20 violence surveillance program and any other assessments or
21 fees imposed under Section 5-9-1.16 of the Unified Code of
22 Corrections;

23 (9) order of protection violation, \$25 for each
24 violation to the State Treasurer, for deposit into the
25 Domestic Violence Abuser Services Fund;

26 (10) prosecution by the State's Attorney of a:

1 (A) petty or business offense, \$4 to the county
2 treasurer of which \$2 deposited into the State's
3 Attorney Records Automation Fund and \$2 into the
4 Public Defender Records Automation Fund;

5 (B) conservation or traffic offense, \$2 to the
6 county treasurer for deposit into the State's Attorney
7 Records Automation Fund;

8 (11) speeding in a construction zone violation, \$250
9 to the State Treasurer for deposit into the Transportation
10 Safety Highway Hire-back Fund, unless (i) the violation
11 occurred on a highway other than an interstate highway and
12 (ii) a county police officer wrote the ticket for the
13 violation, in which case to the county treasurer for
14 deposit into that county's Transportation Safety Highway
15 Hire-back Fund;

16 (12) supervision disposition on an offense under the
17 Illinois Vehicle Code or similar provision of a local
18 ordinance, 50 cents, unless waived by the court, into the
19 Prisoner Review Board Vehicle and Equipment Fund;

20 (13) victim and offender are family or household
21 members as defined in Section 103 of the Illinois Domestic
22 Violence Act of 1986 and offender pleads guilty or no
23 contest to or is convicted of murder, voluntary
24 manslaughter, involuntary manslaughter, burglary,
25 residential burglary, criminal trespass to residence,
26 criminal trespass to vehicle, criminal trespass to land,

1 criminal damage to property, telephone harassment,
2 kidnapping, aggravated kidnaping, unlawful restraint,
3 forcible detention, child abduction, indecent solicitation
4 of a child, sexual relations between siblings,
5 exploitation of a child, child pornography, assault,
6 aggravated assault, battery, aggravated battery, heinous
7 battery, aggravated battery of a child, domestic battery,
8 reckless conduct, intimidation, criminal sexual assault,
9 predatory criminal sexual assault of a child, aggravated
10 criminal sexual assault, criminal sexual abuse, aggravated
11 criminal sexual abuse, violation of an order of
12 protection, disorderly conduct, endangering the life or
13 health of a child, child abandonment, contributing to
14 dependency or neglect of child, or cruelty to children and
15 others, \$200 for each sentenced violation to the State
16 Treasurer for deposit as follows: (i) for sexual assault,
17 as defined in Section 5-9-1.7 of the Unified Code of
18 Corrections, when the offender and victim are family
19 members, one-half to the Domestic Violence Shelter and
20 Service Fund, and one-half to the Sexual Assault Services
21 Fund; (ii) for the remaining offenses to the Domestic
22 Violence Shelter and Service Fund;

23 (14) violation of Section 11-501 of the Illinois
24 Vehicle Code, Section 5-7 of the Snowmobile Registration
25 and Safety Act, Section 5-16 of the Boat Registration and
26 Safety Act, or a similar provision, whose operation of a

1 motor vehicle, snowmobile, or watercraft while in
2 violation of Section 11-501, Section 5-7 of the Snowmobile
3 Registration and Safety Act, Section 5-16 of the Boat
4 Registration and Safety Act, or a similar provision
5 proximately caused an incident resulting in an appropriate
6 emergency response, \$1,000 maximum to the public agency
7 that provided an emergency response related to the
8 person's violation, or as provided in subsection (c) of
9 Section 10-5 if the arresting agency was a State agency,
10 unless more than one agency was responsible for the
11 arrest, in which case the amount shall be remitted to each
12 unit of government equally;

13 (15) violation of Section 401, 407, or 407.2 of the
14 Illinois Controlled Substances Act that proximately caused
15 any incident resulting in an appropriate drug-related
16 emergency response, \$1,000 as reimbursement for the
17 emergency response to the law enforcement agency that made
18 the arrest, or as provided in subsection (c) of Section
19 10-5 if the arresting agency was a State agency, unless
20 more than one agency was responsible for the arrest, in
21 which case the amount shall be remitted to each unit of
22 government equally;

23 (16) violation of reckless driving, aggravated
24 reckless driving, or driving 26 miles per hour or more in
25 excess of the speed limit that triggered an emergency
26 response, \$1,000 maximum reimbursement for the emergency

1 response to be distributed in its entirety to a public
2 agency that provided an emergency response related to the
3 person's violation, or as provided in subsection (c) of
4 Section 10-5 if the arresting agency was a State agency,
5 unless more than one agency was responsible for the
6 arrest, in which case the amount shall be remitted to each
7 unit of government equally;

8 (17) violation based upon each plea of guilty,
9 stipulation of facts, or finding of guilt resulting in a
10 judgment of conviction or order of supervision for an
11 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
12 the Criminal Code of 2012 that results in the imposition
13 of a fine, to be distributed as follows:

14 (A) \$50 to the county treasurer for deposit into
15 the Circuit Court Clerk Operation and Administrative
16 Fund to cover the costs in administering this
17 paragraph (17);

18 (B) \$300 to the State Treasurer who shall deposit
19 the portion as follows:

20 (i) if the arresting or investigating agency
21 is the Illinois State Police, into the State
22 Police Law Enforcement Administration Fund;

23 (ii) if the arresting or investigating agency
24 is the Department of Natural Resources, into the
25 Conservation Police Operations Assistance Fund;

26 (iii) if the arresting or investigating agency

1 is the Secretary of State, into the Secretary of
2 State Police Services Fund;

3 (iv) if the arresting or investigating agency
4 is the Illinois Commerce Commission, into the
5 Transportation Regulatory Fund; or

6 (v) if more than one of the State agencies in
7 this subparagraph (B) is the arresting or
8 investigating agency, then equal shares with the
9 shares deposited as provided in the applicable
10 items (i) through (iv) of this subparagraph (B);
11 and

12 (C) the remainder for deposit into the Specialized
13 Services for Survivors of Human Trafficking Fund;

14 (18) weapons violation under Section 24-1.1, 24-1.2,
15 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
16 of 2012, \$100 for each conviction to the State Treasurer
17 for deposit into the Trauma Center Fund; and

18 (19) violation of subsection (c) of Section 11-907 of
19 the Illinois Vehicle Code, \$250 to the State Treasurer for
20 deposit into the Scott's Law Fund, unless a county or
21 municipal police officer wrote the ticket for the
22 violation, in which case to the county treasurer for
23 deposit into that county's or municipality's
24 Transportation Safety Highway Hire-back Fund to be used as
25 provided in subsection (j) of Section 11-907 of the
26 Illinois Vehicle Code.

1 (20) violation of Section 15-109.1 of the Illinois
2 Vehicle Code, \$300 to be distributed as follows:

3 (A) \$150 to the county treasurer for deposit into
4 the county General Fund; and

5 (B) \$150 to the treasurer of the arresting law
6 enforcement agency of the municipality or county, or
7 to the State Treasurer if the arresting agency was a
8 State agency, to be deposited as provided in
9 subsection (c) of Section 10-5.

10 Except for traffic violations, fines and assessments, such
11 as fees or administrative costs authorized in this Section,
12 shall not be ordered or imposed on a minor subject to Article
13 III, IV, or V of the Juvenile Court Act of 1987, or a minor
14 under the age of 18 transferred to adult court or excluded from
15 juvenile court jurisdiction under Article V of the Juvenile
16 Court Act of 1987, or the minor's parent, guardian, or legal
17 custodian.

18 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
19 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
20 7-28-23.)