

1 AMENDMENT TO HOUSE BILL 717

2 AMENDMENT NO. _____. Amend House Bill 717 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 18b-101, 18b-102, 18b-103.1, and 18b-109 as
6 follows:

7 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)
8 Sec. 18b-101. Definitions. Unless the context otherwise
9 clearly requires, as used in this Chapter:

10 "Commercial motor vehicle" means any self propelled or
11 towed vehicle used on public highways in interstate and
12 intrastate commerce to transport passengers or property when
13 the vehicle has a gross vehicle weight, a gross vehicle
14 weight rating, a gross combination weight, or a gross
15 combination weight rating of 10,001 or more pounds; or the
16 vehicle is designed to transport more than 15 passengers,
17 including the driver; or the vehicle is designed to carry 15
18 or fewer passengers and is operated by a contract carrier
19 transporting employees in the course of their employment on a
20 highway of this State; or the vehicle is used in the
21 transportation of hazardous materials in a quantity requiring
22 placarding under the Illinois Hazardous Materials

1 Transportation Act. This definition shall not include farm
2 machinery, fertilizer spreaders, and other special
3 agricultural movement equipment described in Section 3-809
4 nor implements of husbandry as defined in Section 1-130;

5 "Officer" means Illinois State Police Officer or
6 Certified Compliance Officer from the Illinois Department of
7 Transportation, Division of Traffic Safety;

8 "Person" means any natural person or individual,
9 governmental body, firm, association, partnership,
10 copartnership, joint venture, company, corporation, joint
11 stock company, trust, estate or any other legal entity or
12 their legal representative, agent or assigns.

13 (Source: P.A. 91-179, eff. 1-1-00; 92-108, eff. 1-1-02.)

14 (625 ILCS 5/18b-102) (from Ch. 95 1/2, par. 18b-102)

15 Sec. 18b-102. Authority of Department. To the extent
16 necessary to administer this Chapter, the Department is
17 authorized to:

18 (a) Adopt by reference all or any portion of the Federal
19 Motor Carrier Safety Regulations of the United States
20 Department of Transportation, as they are now or hereafter
21 amended.

22 (b) Conduct investigations; make reports; issue
23 subpoenas; conduct hearings; require the production of
24 relevant documents, records and property; take depositions;
25 and, in conjunction with the Illinois State Police, conduct
26 directly or indirectly research, development, demonstrations,
27 and training activities, and vehicle and driver inspections.

28 (c) Authorize any officer or Department employee to
29 enter upon, inspect and examine at reasonable times and in a
30 reasonable manner, the records and properties of persons to
31 the extent such records and properties relate to the
32 transportation by motor vehicle of persons or property.

33 (d) Conduct a continuing review of all aspects of the

1 transportation of persons and property by motor vehicle in
2 order to determine and recommend appropriate steps to assure
3 safe transportation by motor vehicle in Illinois.

4 (e) Administer and enforce the provisions of this
5 Chapter and any rules and regulations issued under this
6 Chapter. Only the Illinois State Police and Certified
7 Compliance Officers from the Illinois Department of
8 Transportation, Division of Traffic Safety, shall be
9 authorized to stop and inspect any commercial motor vehicle
10 or driver at any time for the purpose of determining
11 compliance with the provisions of this Chapter or rules and
12 regulations issued under this Chapter.

13 (Source: P.A. 90-89, eff. 1-1-98.)

14 (625 ILCS 5/18b-103.1) (from Ch. 95 1/2, par. 18b-103.1)
15 Sec. 18b-103.1. Obedience to Police Officer.

16 (a) No person shall willfully fail or refuse to comply
17 with any lawful order or direction of any officer authorized
18 by law to enforce this Chapter and to perform vehicle and
19 driver motor carrier safety inspections under this Chapter.
20 Lawful orders or directions shall include providing
21 documentation and answering questions necessary to determine
22 compliance with the provisions of this Chapter. The driver
23 or owner shall assist the officer, as needed, during the
24 course of any such inspection.

25 (b) Any person who violates this Section shall be guilty
26 of a Class C misdemeanor offense.

27 (Source: P.A. 87-768; 88-476.)

28 (625 ILCS 5/18b-109) (from Ch. 95 1/2, par. 18b-109)

29 Sec. 18b-109. Enforcement of Rules and Regulations.
30 Only the Illinois State Police and Certified Compliance
31 Officers from the Illinois Department of Transportation,
32 Division of Traffic Safety, shall enforce the rules and

1 regulations issued under this Chapter against drivers. The
2 Department and the Illinois State Police shall enforce the
3 rules and regulations issued under this Chapter against
4 persons other than drivers.

5 (Source: P.A. 86-611.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."