

1 AN ACT concerning vehicles.

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 15-112 as follows:

6 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

7 Sec. 15-112. Officers to weigh vehicles and require
8 removal of excess loads.

9 (a) Any police officer having reason to believe that the
10 weight of a vehicle and load is unlawful shall require the
11 driver to stop and submit to a weighing of the same either by
12 means of a portable or stationary scales that have been
13 tested and approved at a frequency prescribed by the Illinois
14 Department of Agriculture, or for those scales operated by
15 the State, when such tests are requested by the Department of
16 State Police, whichever is more frequent. If such scales are
17 not available at the place where such vehicle is stopped, the
18 police officer shall require that such vehicle be driven to
19 the nearest available scale that has been tested and approved
20 pursuant to this Section by the Illinois Department of
21 Agriculture. Notwithstanding any provisions of the Weights
22 and Measures Act or the United States Department of Commerce
23 NIST handbook 44, multi or single draft weighing is an
24 acceptable method of weighing by law enforcement for
25 determining a violation of Chapter 3 or 15 of this Code. Law
26 enforcement is exempt from the requirements of commercial
27 weighing established in NIST handbook 44.

28 Within 18 months after the effective date of this
29 amendatory Act of the 91st General Assembly, all municipal
30 and county officers, technicians, and employees who set up
31 and operate portable scales for wheel load or axle load or

1 both and issue citations based on the use of portable scales
2 for wheel load or axle load or both and who have not
3 successfully completed initial classroom and field training
4 regarding the set up and operation of portable scales, shall
5 attend and successfully complete initial classroom and field
6 training administered by the Illinois Law Enforcement
7 Training Standards Board.

8 (b) Whenever an officer, upon weighing a vehicle and the
9 load, determines that the weight is unlawful, such officer
10 shall require the driver to stop the vehicle in a suitable
11 place and remain standing until such portion of the load is
12 removed as may be necessary to reduce the weight of the
13 vehicle to the limit permitted under this Chapter, or to the
14 limit permitted under the terms of a permit issued pursuant
15 to Sections 15-301 through 15-318 and shall forthwith arrest
16 the driver or owner. All material so unloaded shall be cared
17 for by the owner or operator of the vehicle at the risk of
18 such owner or operator; however, whenever a 3 or 4 axle
19 vehicle with a tandem axle dimension greater than 72 inches,
20 but less than 96 inches and registered as a Special Hauling
21 Vehicle is transporting asphalt or concrete in the plastic
22 state that exceeds axle weight or gross weight limits by less
23 than 4,000 pounds, the owner or operator of the vehicle shall
24 accept the arrest ticket or tickets for the alleged
25 violations under this Section and proceed without shifting or
26 reducing the load being transported or may shift or reduce
27 the load under the provisions of subsection (d) or (e) of
28 this Section, when applicable. Any fine imposed following an
29 overweight violation by a vehicle registered as a Special
30 Hauling Vehicle transporting asphalt or concrete in the
31 plastic state shall be paid as provided in subsection 4 of
32 paragraph (a) of Section 16-105 of this Code.

33 (c) The Department of Transportation may, at the request
34 of the Department of State Police, erect appropriate

1 regulatory signs on any State highway directing second
2 division vehicles to a scale. The Department of
3 Transportation may also, at the direction of any State Police
4 officer, erect portable regulating signs on any highway
5 directing second division vehicles to a portable scale.
6 Every such vehicle, pursuant to such sign, shall stop and be
7 weighed.

8 (c-1) Beginning on September 15, and through November
9 30, of each calendar year, State Police officers may not use
10 portable scales to weigh vehicles transporting commodities or
11 goods of production agriculture as defined in Section 3-35 of
12 the Use Tax Act on non-interstate highways.

13 (d) Whenever any axle load of a vehicle exceeds the axle
14 or tandem axle weight limits permitted by paragraph (a) or
15 (f) of Section 15-111 by 2000 pounds or less, the owner or
16 operator of the vehicle must shift or remove the excess so as
17 to comply with paragraph (a) or (f) of Section 15-111. No
18 overweight arrest ticket shall be issued to the owner or
19 operator of the vehicle by any officer if the excess weight
20 is shifted or removed as required by this paragraph.

21 (e) Whenever the gross weight of a vehicle with a
22 registered gross weight of 73,280 pounds or less exceeds the
23 weight limits of paragraph (b) or (f) of Section 15-111 of
24 this Chapter by 2000 pounds or less, the owner or operator of
25 the vehicle must remove the excess. Whenever the gross weight
26 of a vehicle with a registered gross weight of 73,281 pounds
27 or more exceeds the weight limits of paragraph (b) or (f) of
28 Section 15-111 by 1,000 pounds or less or 2,000 pounds or
29 less if weighed on wheel load weighers, the owner or operator
30 of the vehicle must remove the excess. In either case no
31 arrest ticket for any overweight violation of this Code shall
32 be issued to the owner or operator of the vehicle by any
33 officer if the excess weight is removed as required by this
34 paragraph. A person who has been granted a special permit

1 under Section 15-301 of this Code shall not be granted a
2 tolerance on wheel load weighers.

3 (f) Whenever an axle load of a vehicle exceeds axle
4 weight limits allowed by the provisions of a permit an arrest
5 ticket shall be issued, but the owner or operator of the
6 vehicle may shift the load so as to comply with the
7 provisions of the permit. Where such shifting of a load to
8 comply with the permit is accomplished, the owner or operator
9 of the vehicle may then proceed.

10 (g) Any driver of a vehicle who refuses to stop and
11 submit his vehicle and load to weighing after being directed
12 to do so by an officer or removes or causes the removal of
13 the load or part of it prior to weighing is guilty of a
14 business offense and shall be fined not less than \$500 nor
15 more than \$2,000.

16 (Source: P.A. 91-129, eff. 7-16-99; 92-417, eff. 1-1-02.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.