



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

SB2327

Introduced 1/28/2004, by Sen. Lawrence M. Walsh

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Provides that the Department of Transportation and local authorities may issue permits allowing certain additional vehicles with weights exceeding normal limits to transport specified agricultural products over any highway except an interstate highway. Provides that the permit may be issued to a 3, 4, or 5 axle (as well as to a 2 axle) vehicle registered with the Secretary of State. Provides that the weight of a 3 or 4 axle vehicle may not exceed the normal weight limit by more than 20%, and the weight of a 5 axle vehicle may not exceed the normal limit by more than 10%. Provides that a vehicle may not exceed the license limits for that vehicle. Deletes language providing that these permits may authorize transport during the harvest season only. Provides that these vehicles may transport products from a storage facility (as well as from a field). Deletes language providing that the vehicle's destination must be a specified processing plant. Effective immediately.

LRB093 20380 DRH 46150 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 changing
5 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 Act or
15 otherwise not in conformity with this Act 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 printed
19 form may only be accepted from and issued to the company or
20 individual making the movement. Except for an application to
21 move directly across a highway, it shall be the duty of the
22 applicant to establish in the application that the load to be
23 moved by such vehicle or combination is composed of a single
24 nondivisible object that cannot reasonably be dismantled or
25 disassembled. For the purpose of over length movements, more
26 than one object may be carried side by side as long as the
27 height, width, and weight laws are not exceeded and the cause
28 for the over length is not due to multiple objects. For the
29 purpose of over height movements, more than one object may be
30 carried as long as the cause for the over height is not due to
31 multiple objects and the length, width, and weight laws are not
32 exceeded. For the purpose of an over width movement, more than

1 one object may be carried as long as the cause for the over
2 width is not due to multiple objects and length, height, and
3 weight laws are not exceeded. No state or local agency shall
4 authorize the issuance of excess size or weight permits for
5 vehicles and loads that are divisible and that can be carried,
6 when divided, within the existing size or weight maximums
7 specified in this Chapter. Any excess size or weight permit
8 issued in violation of the provisions of this Section shall be
9 void at issue and any movement made thereunder shall not be
10 authorized under the terms of the void permit. In any
11 prosecution for a violation of this Chapter when the
12 authorization of an excess size or weight permit is at issue,
13 it is the burden of the defendant to establish that the permit
14 was valid because the load to be moved could not reasonably be
15 dismantled or disassembled, or was otherwise nondivisible.

16 (b) The application for any such permit shall: (1) state
17 whether such permit is requested for a single trip or for
18 limited continuous operation; (2) state if the applicant is an
19 authorized carrier under the Illinois Motor Carrier of Property
20 Law, if so, his certificate, registration or permit number
21 issued by the Illinois Commerce Commission; (3) specifically
22 describe and identify the vehicle or vehicles and load to be
23 operated or moved except that for vehicles or vehicle
24 combinations registered by the Department as provided in
25 Section 15-319 of this Chapter, only the Illinois Department of
26 Transportation's (IDT) registration number or classification
27 need be given; (4) state the routing requested including the
28 points of origin and destination, and may identify and include
29 a request for routing to the nearest certified scale in
30 accordance with the Department's rules and regulations,
31 provided the applicant has approval to travel on local roads;
32 and (5) state if the vehicles or loads are being transported
33 for hire. No permits for the movement of a vehicle or load for
34 hire shall be issued to any applicant who is required under the
35 Illinois Motor Carrier of Property Law to have a certificate,
36 registration or permit and does not have such certificate,

1 registration or permit.

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

22 (d) The Department shall, upon application in writing from
23 any local authority, issue an annual permit authorizing the
24 local authority to move oversize highway construction,
25 transportation, utility and maintenance equipment over roads
26 under the jurisdiction of the Department. The permit shall be
27 applicable only to equipment and vehicles owned by or
28 registered in the name of the local authority, and no fee shall
29 be charged for the issuance of such permits.

30 (e) As an exception to paragraph (a) of this Section, the
31 Department and local authorities, with respect to highways
32 under their respective jurisdictions, in their discretion and
33 upon application in writing may issue a special permit for
34 limited continuous operation, authorizing the applicant to
35 move loads of sweet corn, soybeans, corn, wheat, milo, other
36 small grains and ensilage ~~during the harvest season only~~ on a 2

1 axle single vehicle registered by the Secretary of State with
2 axle loads not to exceed 35%, on a 3 axle vehicle registered by
3 the Secretary of State with axle loads not to exceed 20%, on a
4 4 axle vehicle registered by the Secretary of State with axle
5 loads not to exceed 20%, and on a 5 axle vehicle registered by
6 the Secretary of State not to exceed 10% above those provided
7 in Section 15-111. Further, a vehicle may not exceed the
8 license limits for that vehicle. Permits may be issued for a
9 period not to exceed 40 days and moves may be made of a
10 distance not to exceed 25 miles from a field or storage
11 facility ~~to a specified processing plant~~ over any highway
12 except the National System of Interstate and Defense Highways.
13 All such vehicles shall be operated in the daytime except when
14 weather or crop conditions require emergency operation at
15 night, but with respect to such night operation, every such
16 vehicle with load shall be equipped with flashing amber lights
17 as specified under Section 12-215. Upon a declaration by the
18 Governor that an emergency harvest situation exists, a special
19 permit issued by the Department under this Section shall not be
20 required from September 1 through December 31 during harvest
21 season emergencies, provided that the weight does not exceed
22 20% above the limits provided in Section 15-111. All other
23 restrictions that apply to permits issued under this Section
24 shall apply during the declared time period. With respect to
25 highways under the jurisdiction of local authorities, the local
26 authorities may, at their discretion, waive special permit
27 requirements during harvest season emergencies. This permit
28 exemption shall apply to all vehicles eligible to obtain
29 permits under this Section, including commercial vehicles in
30 use during the declared time period.

31 (f) The form and content of the permit shall be determined
32 by the Department with respect to highways under its
33 jurisdiction and by local authorities with respect to highways
34 under their jurisdiction. Every permit shall be in written form
35 and carried in the vehicle or combination of vehicles to which
36 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 vehicle and load shall be required to obtain a new
 8 permit or permits, as necessary, to authorize the movement back
 9 onto the original permit routing. No rule or regulation, nor
 10 anything herein shall be construed to authorize any police
 11 officer, court, or authorized agent of any authority granting
 12 the permit to remove the permit from the possession of the
 13 permittee unless the permittee is charged with a fraudulent
 14 permit violation as provided in paragraph (i). However, upon
 15 arrest for an offense of violation of permit, operating without
 16 a permit when the vehicle is off route, or any size or weight
 17 offense under this Chapter when the permittee plans to raise
 18 the issuance of the permit as a defense, the permittee, or his
 19 agent, must produce the permit at any court hearing concerning
 20 the alleged offense.

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

26	Single axle	2000 pounds
27	Tandem axle	3000 pounds
28	Gross	5000 pounds

29 (g) The Department is authorized to adopt, amend, and to
 30 make available to interested persons a policy concerning
 31 reasonable rules, limitations and conditions or provisions of
 32 operation upon highways under its jurisdiction in addition to
 33 those contained in this Section for the movement by special
 34 permit of vehicles, combinations, or loads which cannot
 35 reasonably be dismantled or disassembled, including
 36 manufactured and modular home sections and portions thereof.

1 All rules, limitations and conditions or provisions adopted in
2 the policy shall have due regard for the safety of the
3 traveling public and the protection of the highway system and
4 shall have been promulgated in conformity with the provisions
5 of the Illinois Administrative Procedure Act. The requirements
6 of the policy for flagmen and escort vehicles shall be the same
7 for all moves of comparable size and weight. When escort
8 vehicles are required, they shall meet the following
9 requirements:

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

12 (2) Vehicles escorting oversized loads more than
13 12-feet wide must be equipped with a rotating or flashing
14 amber light mounted on top as specified under Section
15 12-215.

16 The Department shall establish reasonable rules and
17 regulations regarding liability insurance or self insurance
18 for vehicles with oversized loads promulgated under The
19 Illinois Administrative Procedure Act. Police vehicles may be
20 required for escort under circumstances as required by rules
21 and regulations of the Department.

22 (h) Violation of any rule, limitation or condition or
23 provision of any permit issued in accordance with the
24 provisions of this Section shall not render the entire permit
25 null and void but the violator shall be deemed guilty of
26 violation of permit and guilty of exceeding any size, weight or
27 load limitations in excess of those authorized by the permit.
28 The prescribed route or routes on the permit are not mere
29 rules, limitations, conditions, or provisions of the permit,
30 but are also the sole extent of the authorization granted by
31 the permit. If a vehicle and load are found to be off the route
32 or routes prescribed by any permit authorizing movement, the
33 vehicle and load are operating without a permit. Any off route
34 movement shall be subject to the size and weight maximums,
35 under the applicable provisions of this Chapter, as determined
36 by the type or class highway upon which the vehicle and load

1 are being operated.

2 (i) Whenever any vehicle is operated or movement made under
3 a fraudulent permit the permit shall be void, and the person,
4 firm, or corporation to whom such permit was granted, the
5 driver of such vehicle in addition to the person who issued
6 such permit and any accessory, shall be guilty of fraud and
7 either one or all persons may be prosecuted for such violation.
8 Any person, firm, or corporation committing such violation
9 shall be guilty of a Class 4 felony and the Department shall
10 not issue permits to the person, firm or corporation convicted
11 of such violation for a period of one year after the date of
12 conviction. Penalties for violations of this Section shall be
13 in addition to any penalties imposed for violation of other
14 Sections of this Act.

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

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

36 (l) Notwithstanding any other provision of this Section,

1 the Department, with respect to highways under its
2 jurisdiction, and local authorities, with respect to highways
3 under their jurisdiction, may at their discretion authorize the
4 movement of a vehicle in violation of any size or weight
5 requirement, or both, that would not ordinarily be eligible for
6 a permit, when there is a showing of extreme necessity that the
7 vehicle and load should be moved without unnecessary delay.

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

12 (m) Penalties for violations of this Section shall be in
13 addition to any penalties imposed for violating any other
14 Section of this Code.

15 (n) The Department with respect to highways under its
16 jurisdiction and local authorities with respect to highways
17 under their jurisdiction, in their discretion and upon
18 application in writing, may issue a special permit for
19 continuous limited operation, authorizing the applicant to
20 operate a tow-truck that exceeds the weight limits provided for
21 in subsection (d) of Section 15-111, provided:

22 (1) no rear single axle of the tow-truck exceeds 26,000
23 pounds;

24 (2) no rear tandem axle of the tow-truck exceeds 50,000
25 pounds;

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

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

32 (5) during the tow operation the tow-truck does not
33 violate any weight restriction sign;

34 (6) the tow-truck is equipped with flashing, rotating,
35 or oscillating amber lights, visible for at least 500 feet
36 in all directions;

1 (7) the tow-truck is specifically designed and
2 licensed as a tow-truck;

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

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

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

9 (11) the tow distance of the tow does not exceed 50
10 miles from the point of disablement to a place of repair or
11 safekeeping;

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

15 (13) the movement shall be valid only on state routes
16 approved by the Department.

17 (Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655,
18 eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff. 1-1-00.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.