

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 Sections 15-301 and 15-308 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 agricultural commodities ~~sweet corn, soybeans,~~
36 ~~corn, wheat, milo, other small grains and ensilage during the~~

1 ~~harvest season only~~ on a 2 axle single vehicle registered by
2 the Secretary of State with axle loads not to exceed 35%, on a
3 3 or 4 axle vehicle registered by the Secretary of State with
4 axle loads not to exceed 20%, and on a 5 axle vehicle
5 registered by the Secretary of State not to exceed 10% above
6 those provided in Section 15-111. The total gross weight of the
7 vehicle, however, may not exceed the maximum gross weight of
8 the registration class of the vehicle allowed under Section
9 3-815 or 3-818 of this Code.

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

11 (1) cultivated plants or agricultural produce grown
12 including, but is not limited to, corn, soybeans, wheat,
13 oats, grain sorghum, canola, and rice;

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

16 (3) ensilage; and

17 (4) fruits and vegetables.

18 Permits may be issued for a period not to exceed 40 days
19 and moves may be made of a distance not to exceed 50 ~~25~~ miles
20 from a field, an on-farm grain storage facility, a warehouse as
21 defined in the Illinois Grain Code, or a livestock management
22 facility as defined in the Livestock Management Facilities Act
23 ~~to a specified processing plant~~ over any highway except the
24 National System of Interstate and Defense Highways. The
25 operator of the vehicle, however, must abide by posted bridge
26 and posted highway weight limits. All implements of husbandry
27 operating under this Section between sunset and sunrise shall
28 be equipped as prescribed in Section 12-205.1. All such
29 ~~vehicles shall be operated in the daytime except when weather~~
30 ~~or crop conditions require emergency operation at night, but~~
31 ~~with respect to such night operation, every such vehicle with~~
32 ~~load shall be equipped with flashing amber lights as specified~~
33 ~~under Section 12-215.~~

34 (e-1) Upon a declaration by the Governor that an emergency
35 harvest situation exists, a special permit issued by the
36 Department under this Section shall not be required from

1 September 1 through December 31 during harvest season
2 emergencies, provided that the weight does not exceed 20% above
3 the limits provided in Section 15-111. All other restrictions
4 that apply to permits issued under this Section shall apply
5 during the declared time period. With respect to highways under
6 the jurisdiction of local authorities, the local authorities
7 may, at their discretion, waive special permit requirements
8 during harvest season emergencies. This permit exemption shall
9 apply to all vehicles eligible to obtain permits under this
10 Section, including commercial vehicles in use during the
11 declared time period.

12 (f) The form and content of the permit shall be determined
13 by the Department with respect to highways under its
14 jurisdiction and by local authorities with respect to highways
15 under their jurisdiction. Every permit shall be in written form
16 and carried in the vehicle or combination of vehicles to which
17 it refers and shall be open to inspection by any police officer
18 or authorized agent of any authority granting the permit and no
19 person shall violate any of the terms or conditions of such
20 special permit. Violation of the terms and conditions of the
21 permit shall not be deemed a revocation of the permit; however,
22 any vehicle and load found to be off the route prescribed in
23 the permit shall be held to be operating without a permit. Any
24 off route vehicle and load shall be required to obtain a new
25 permit or permits, as necessary, to authorize the movement back
26 onto the original permit routing. No rule or regulation, nor
27 anything herein shall be construed to authorize any police
28 officer, court, or authorized agent of any authority granting
29 the permit to remove the permit from the possession of the
30 permittee unless the permittee is charged with a fraudulent
31 permit violation as provided in paragraph (i). However, upon
32 arrest for an offense of violation of permit, operating without
33 a permit when the vehicle is off route, or any size or weight
34 offense under this Chapter when the permittee plans to raise
35 the issuance of the permit as a defense, the permittee, or his
36 agent, must produce the permit at any court hearing concerning

1 the alleged offense.

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

7 Single axle	2000 pounds
8 Tandem axle	3000 pounds
9 Gross	5000 pounds

10 (g) The Department is authorized to adopt, amend, and to
11 make available to interested persons a policy concerning
12 reasonable rules, limitations and conditions or provisions of
13 operation upon highways under its jurisdiction in addition to
14 those contained in this Section for the movement by special
15 permit of vehicles, combinations, or loads which cannot
16 reasonably be dismantled or disassembled, including
17 manufactured and modular home sections and portions thereof.
18 All rules, limitations and conditions or provisions adopted in
19 the policy shall have due regard for the safety of the
20 traveling public and the protection of the highway system and
21 shall have been promulgated in conformity with the provisions
22 of the Illinois Administrative Procedure Act. The requirements
23 of the policy for flagmen and escort vehicles shall be the same
24 for all moves of comparable size and weight. When escort
25 vehicles are required, they shall meet the following
26 requirements:

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

29 (2) Vehicles escorting oversized loads more than
30 12-feet wide must be equipped with a rotating or flashing
31 amber light mounted on top as specified under Section
32 12-215.

33 The Department shall establish reasonable rules and
34 regulations regarding liability insurance or self insurance
35 for vehicles with oversized loads promulgated under The
36 Illinois Administrative Procedure Act. Police vehicles may be

1 required for escort under circumstances as required by rules
2 and regulations of the Department.

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

19 (i) Whenever any vehicle is operated or movement made under
20 a fraudulent permit the permit shall be void, and the person,
21 firm, or corporation to whom such permit was granted, the
22 driver of such vehicle in addition to the person who issued
23 such permit and any accessory, shall be guilty of fraud and
24 either one or all persons may be prosecuted for such violation.
25 Any person, firm, or corporation committing such violation
26 shall be guilty of a Class 4 felony and the Department shall
27 not issue permits to the person, firm or corporation convicted
28 of such violation for a period of one year after the date of
29 conviction. Penalties for violations of this Section shall be
30 in addition to any penalties imposed for violation of other
31 Sections of this Act.

32 (j) Whenever any vehicle is operated or movement made in
33 violation of a permit issued in accordance with this Section,
34 the person to whom such permit was granted, or the driver of
35 such vehicle, is guilty of such violation and either, but not
36 both, persons may be prosecuted for such violation as stated in

1 this subsection (j). Any person, firm or corporation convicted
2 of such violation shall be guilty of a petty offense and shall
3 be fined for the first offense, not less than \$50 nor more than
4 \$200 and, for the second offense by the same person, firm or
5 corporation within a period of one year, not less than \$200 nor
6 more than \$300 and, for the third offense by the same person,
7 firm or corporation within a period of one year after the date
8 of the first offense, not less than \$300 nor more than \$500 and
9 the Department shall not issue permits to the person, firm or
10 corporation convicted of a third offense during a period of one
11 year after the date of conviction for such third offense.

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

17 (l) Notwithstanding any other provision of this Section,
18 the Department, with respect to highways under its
19 jurisdiction, and local authorities, with respect to highways
20 under their jurisdiction, may at their discretion authorize the
21 movement of a vehicle in violation of any size or weight
22 requirement, or both, that would not ordinarily be eligible for
23 a permit, when there is a showing of extreme necessity that the
24 vehicle and load should be moved without unnecessary delay.

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

29 (m) Penalties for violations of this Section shall be in
30 addition to any penalties imposed for violating any other
31 Section of this Code.

32 (n) The Department with respect to highways under its
33 jurisdiction and local authorities with respect to highways
34 under their jurisdiction, in their discretion and upon
35 application in writing, may issue a special permit for
36 continuous limited operation, authorizing the applicant to

1 operate a tow-truck that exceeds the weight limits provided for
2 in subsection (d) of Section 15-111, provided:

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

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

7 (3) neither the disabled vehicle nor the disabled
8 combination of vehicles exceed the weight restrictions
9 imposed by this Chapter 15, or the weight limits imposed
10 under a permit issued by the Department prior to hookup;

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

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

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

18 (7) the tow-truck is specifically designed and
19 licensed as a tow-truck;

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

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

23 (10) the tow-truck is capable of utilizing the lighting
24 and braking systems of the disabled vehicle or combination
25 of vehicles;

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

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

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

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

1 (625 ILCS 5/15-308) (from Ch. 95 1/2, par. 15-308)

2 Sec. 15-308. Fees for overweight trucks hauling
3 agricultural commodities ~~Overweight Trucks Hauling Sweet Corn.~~

4 Fees for special permits for increased ~~two~~ axle loads ~~truck~~
5 ~~with gross axle load not to exceed 35 percent in excess of the~~
6 ~~legal axle load~~ to be used for hauling agricultural
7 commodities, as defined in subsection (e) of Section 15-301
8 ~~sweet corn and ensilage, for a period of 40 days only during~~
9 ~~harvest season; limited continuous operation permit only, \$5~~
10 per axle \$10.

11 (Source: P.A. 76-1586.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.