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09300SB2327ham001

LRB093 20380 DRH 49780 a

1 AMENDMENT TO SENATE BILL 2327

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2327 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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

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

24 (b) The application for any such permit shall: (1) state  
25 whether such permit is requested for a single trip or for  
26 limited continuous operation; (2) state if the applicant is an  
27 authorized carrier under the Illinois Motor Carrier of Property  
28 Law, if so, his certificate, registration or permit number  
29 issued by the Illinois Commerce Commission; (3) specifically  
30 describe and identify the vehicle or vehicles and load to be  
31 operated or moved except that for vehicles or vehicle  
32 combinations registered by the Department as provided in  
33 Section 15-319 of this Chapter, only the Illinois Department of  
34 Transportation's (IDT) registration number or classification

1 need be given; (4) state the routing requested including the  
2 points of origin and destination, and may identify and include  
3 a request for routing to the nearest certified scale in  
4 accordance with the Department's rules and regulations,  
5 provided the applicant has approval to travel on local roads;  
6 and (5) state if the vehicles or loads are being transported  
7 for hire. No permits for the movement of a vehicle or load for  
8 hire shall be issued to any applicant who is required under the  
9 Illinois Motor Carrier of Property Law to have a certificate,  
10 registration or permit and does not have such certificate,  
11 registration or permit.

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

32 (d) The Department shall, upon application in writing from  
33 any local authority, issue an annual permit authorizing the  
34 local authority to move oversize highway construction,

1 transportation, utility and maintenance equipment over roads  
2 under the jurisdiction of the Department. The permit shall be  
3 applicable only to equipment and vehicles owned by or  
4 registered in the name of the local authority, and no fee shall  
5 be charged for the issuance of such permits.

6 (e) As an exception to paragraph (a) of this Section, the  
7 Department and local authorities, with respect to highways  
8 under their respective jurisdictions, in their discretion and  
9 upon application in writing may issue a special permit for  
10 limited continuous operation, authorizing the applicant to  
11 move loads of agricultural commodities ~~sweet corn, soybeans,~~  
12 ~~corn, wheat, milo, other small grains and ensilage during the~~  
13 ~~harvest season only~~ on a 2 axle single vehicle registered by  
14 the Secretary of State with axle loads not to exceed 35%, on a  
15 3 or 4 axle vehicle registered by the Secretary of State with  
16 axle loads not to exceed 20%, and on a 5 axle vehicle  
17 registered by the Secretary of State not to exceed 10% above  
18 those provided in Section 15-111. The total gross weight of the  
19 vehicle, however, may not exceed the maximum gross weight of  
20 the registration class of the vehicle allowed under Section  
21 3-815 or 3-818 of this Code.

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

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

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

28 (3) ensilage; and

29 (4) fruits and vegetables.

30 Permits may be issued for a period not to exceed 40 days  
31 and moves may be made of a distance not to exceed 50 ~~25~~ miles  
32 from a field, an on-farm grain storage facility, a warehouse as  
33 defined in the Illinois Grain Code, or a livestock management  
34 facility as defined in the Livestock Management Facilities Act

1 ~~to a specified processing plant~~ over any highway except the  
2 National System of Interstate and Defense Highways. The  
3 operator of the vehicle, however, must abide by posted bridge  
4 and posted highway weight limits. All implements of husbandry  
5 operating under this Section between sunset and sunrise shall  
6 be equipped as prescribed in Section 12-205.1. All such  
7 ~~vehicles shall be operated in the daytime except when weather~~  
8 ~~or crop conditions require emergency operation at night, but~~  
9 ~~with respect to such night operation, every such vehicle with~~  
10 ~~load shall be equipped with flashing amber lights as specified~~  
11 ~~under Section 12-215.~~

12 (e-1) Upon a declaration by the Governor that an emergency  
13 harvest situation exists, a special permit issued by the  
14 Department under this Section shall not be required from  
15 September 1 through December 31 during harvest season  
16 emergencies, provided that the weight does not exceed 20% above  
17 the limits provided in Section 15-111. All other restrictions  
18 that apply to permits issued under this Section shall apply  
19 during the declared time period. With respect to highways under  
20 the jurisdiction of local authorities, the local authorities  
21 may, at their discretion, waive special permit requirements  
22 during harvest season emergencies. This permit exemption shall  
23 apply to all vehicles eligible to obtain permits under this  
24 Section, including commercial vehicles in use during the  
25 declared time period.

26 (f) The form and content of the permit shall be determined  
27 by the Department with respect to highways under its  
28 jurisdiction and by local authorities with respect to highways  
29 under their jurisdiction. Every permit shall be in written form  
30 and carried in the vehicle or combination of vehicles to which  
31 it refers and shall be open to inspection by any police officer  
32 or authorized agent of any authority granting the permit and no  
33 person shall violate any of the terms or conditions of such  
34 special permit. Violation of the terms and conditions of the

1 permit shall not be deemed a revocation of the permit; however,  
2 any vehicle and load found to be off the route prescribed in  
3 the permit shall be held to be operating without a permit. Any  
4 off route vehicle and load shall be required to obtain a new  
5 permit or permits, as necessary, to authorize the movement back  
6 onto the original permit routing. No rule or regulation, nor  
7 anything herein shall be construed to authorize any police  
8 officer, court, or authorized agent of any authority granting  
9 the permit to remove the permit from the possession of the  
10 permittee unless the permittee is charged with a fraudulent  
11 permit violation as provided in paragraph (i). However, upon  
12 arrest for an offense of violation of permit, operating without  
13 a permit when the vehicle is off route, or any size or weight  
14 offense under this Chapter when the permittee plans to raise  
15 the issuance of the permit as a defense, the permittee, or his  
16 agent, must produce the permit at any court hearing concerning  
17 the alleged offense.

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

23	Single axle	2000 pounds
24	Tandem axle	3000 pounds
25	Gross	5000 pounds

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

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

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

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

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

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

1 by the type or class highway upon which the vehicle and load  
2 are being operated.

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

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

32 (k) Whenever any vehicle is operated on local roads under  
33 permits for excess width or length issued by local authorities,  
34 such vehicle may be moved upon a State highway for a distance



1 not to exceed one-half mile without a permit for the purpose of  
2 crossing the State highway.

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

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

15 (m) Penalties for violations of this Section shall be in  
16 addition to any penalties imposed for violating any other  
17 Section of this Code.

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

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

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

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

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

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

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

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

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

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

11 (10) the tow-truck is capable of utilizing the lighting  
12 and braking systems of the disabled vehicle or combination  
13 of vehicles;

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

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

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

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

24 (625 ILCS 5/15-308) (from Ch. 95 1/2, par. 15-308)

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

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

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".