



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB1387

Introduced 2/9/2005, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18b-105
625 ILCS 5/18b-107

from Ch. 95 1/2, par. 18b-105
from Ch. 95 1/2, par. 18b-107

Amends the Illinois Vehicle Code. Adopts federal motor carrier safety regulations regarding: drug, alcohol, and controlled substances testing; training requirements; financial responsibility; and transportation of hazardous materials. Provides that violators of motor carrier safety regulations are subject to a civil penalty prescribed by federal regulations (rather than a civil penalty of no more than \$5,000). Effective immediately.

LRB094 03531 DRH 33534 b

1 AN ACT concerning transportation

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 18b-105 and 18b-107 as follows:

6 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

7 Sec. 18b-105. Rules and Regulations.

8 (a) The Department is authorized to make and adopt
9 reasonable rules and regulations and orders consistent with law
10 necessary to carry out the provisions of this Chapter.

11 (b) The following parts of Title 49 of the Code of Federal
12 Regulations, as now in effect, are hereby adopted by reference
13 as though they were set out in full:

14 Part 40-Procedures For Transportation Workplace Drug and
15 Alcohol Testing Programs;

16 Part 380-Special Training Requirements;

17 Part 382-Controlled Substances and Alcohol Use and
18 Testing;

19 Part 383 - Commercial Driver's License Standards,
20 Requirements, and Penalties;

21 Part 385 - Safety Fitness Procedures;

22 Part 386 Appendix B-Penalty Schedule; Violations and
23 Maximum Monetary Penalties;

24 Part 387-Minimum Levels of Financial Responsibility for
25 Motor Carriers;

26 Part 390 - Federal Motor Carrier Safety Regulations:
27 General;

28 Part 391 - Qualifications of Drivers;

29 Part 392 - Driving of Motor Vehicles;

30 Part 393 - Parts and Accessories Necessary for Safe
31 Operation;

32 Part 395 - Hours of Service of Drivers, except as provided

1 in Section 18b-106.1; ~~and~~

2 Part 396 - Inspection, Repair and Maintenance; and

3 Part 397-Transportation of hazardous materials; Driving
4 and Parking Rules.

5 (b-5) Individuals who meet the requirements set forth in
6 the definition of "medical examiner" in Section 390.5 of Part
7 390 of Title 49 of the Code of Federal Regulations may act as
8 medical examiners in accordance with Part 391 of Title 49 of
9 the Code of Federal Regulations.

10 (c) The following parts and Sections of the Federal Motor
11 Carrier Safety Regulations shall not apply to those intrastate
12 carriers, drivers or vehicles subject to subsection (b).

13 (1) Section 393.93 of Part 393 for those vehicles
14 manufactured before June 30, 1972.

15 (2) Section 393.86 of Part 393 for those vehicles ~~which~~
16 ~~are~~ registered as farm trucks under subsection (c) of
17 Section 3-815 of this Code.

18 (3) (Blank).

19 (4) (Blank).

20 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

21 (6) All of Part 395 for all agricultural movements as
22 defined in Chapter 1, between the period of February 1
23 through November 30 each year, and all farm to market
24 agricultural transportation as defined in Chapter 1 and for
25 grain hauling operations within a radius of 200 air miles
26 of the normal work reporting location.

27 (7) Paragraphs (b) (3) (insulin dependent diabetic) and
28 (b) (10) (minimum visual acuity) of Section 391.41 of part
29 391, but only for any driver who immediately prior to July
30 29, 1986 was eligible and licensed to operate a motor
31 vehicle subject to this Section and was engaged in
32 operating such vehicles, and who was disqualified on July
33 29, 1986 by the adoption of Part 391 by reason of the
34 application of paragraphs (b) (3) and (b) (10) of Section
35 391.41 with respect to a physical condition existing at
36 that time unless such driver has a record of accidents

1 which would indicate a lack of ability to operate a motor
2 vehicle in a safe manner.

3 (d) Intrastate carriers subject to the recording
4 provisions of Section 395.8 of Part 395 of the Federal Motor
5 Carrier Safety Regulations shall be exempt as established under
6 paragraph (1) of Section 395.8; provided, however, for the
7 purpose of this Code, drivers shall operate within a 150
8 air-mile radius of the normal work reporting location to
9 qualify for exempt status.

10 (e) Regulations adopted by the Department subsequent to
11 those adopted under subsection (b) hereof shall be identical in
12 substance to the Federal Motor Carrier Safety Regulations of
13 the United States Department of Transportation and adopted in
14 accordance with the procedures for rulemaking in Section 5-35
15 of the Illinois Administrative Procedure Act.

16 (Source: P.A. 91-179, eff. 1-1-00; 92-108, eff. 1-1-02; 92-249;
17 eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff. 7-19-02;
18 revised 7-30-02.)

19 (625 ILCS 5/18b-107) (from Ch. 95 1/2, par. 18b-107)

20 Sec. 18b-107. Violations - Civil penalties. Except as
21 provided in Section 18b-108, any person who is determined by
22 the Department after reasonable notice and opportunity for a
23 fair and impartial hearing to have committed an act in
24 violation of this Chapter or any rule or regulation issued
25 under this Chapter is liable to the State for a civil penalty.
26 Such person is subject to a civil penalty as prescribed by
27 Appendix B to 49 CFR Part 386 -- Penalty Schedule; Violations
28 and Maximum Monetary Penalties ~~of not more than \$5,000 for such~~
29 ~~violation~~, except that a person committing a railroad-highway
30 grade crossing violation is subject to a civil penalty of not
31 more than \$10,000, and, if any such violation is a continuing
32 one, each day of violation constitutes a separate offense. The
33 amount of any such penalty shall be assessed by the Department
34 by a written notice. In determining the amount of such penalty,
35 the Department shall take into account the nature,

1 circumstances, extent and gravity of the violation and, with
2 respect to a person found to have committed such violation, the
3 degree of culpability, history or prior offenses, ability to
4 pay, effect on ability to continue to do business and such
5 other matters as justice may require.

6 Such civil penalty is recoverable in an action brought by
7 the State's Attorney or the Attorney General on behalf of the
8 State in the circuit court or, prior to referral to the State's
9 Attorney or the Attorney General, such civil penalty may be
10 compromised by the Department. The amount of such penalty when
11 finally determined (or agreed upon in compromise), may be
12 deducted from any sums owed by the State to the person charged.
13 All civil penalties collected under this subsection shall be
14 deposited in the Road Fund.

15 (Source: P.A. 92-249, eff. 1-1-02.)

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