

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 adding  
5 Section 18b-106.2 as follows:

6 (625 ILCS 5/18b-106.2 new)

7 Sec. 18b-106.2. Hours of service; utility service  
8 interruption emergencies.

9 (a) As used in this Section:

10 "Commercial driver's license" has the meaning set forth in  
11 Section 1-111.6 of this Code.

12 "Commercial motor vehicle" has the meaning set forth in  
13 Section 18b-101 of this Code.

14 "Utility service interruption emergency" means an outage  
15 or interruption of utility service in Illinois occasioned by a  
16 set of circumstances included in the definition of "emergency"  
17 set forth at 49 CFR 390.5.

18 "Utility service" means the repairing, maintaining, or  
19 operating of any structures or any other physical facilities  
20 necessary for the delivery of utility services, including the  
21 furnishing of electric, gas, water, sanitary sewer, telephone,  
22 and television cable or community antenna service.

23 "Utility service vehicle" has the meaning set forth in 49  
24 CFR 395.2.

25 (b) Upon receipt of notification of a utility service  
26 interruption emergency by a utility service provider, the  
27 Illinois Department of Transportation shall declare that an  
28 emergency exists pursuant to 49 CFR 390.23. Should an audit by  
29 the Illinois Department of Transportation establish that there  
30 has been an abuse of the notification procedure by a utility  
31 service provider, the Illinois Department of Transportation  
32 may refuse to grant emergency declarations to that utility

1 service provider in the future without further confirmation of  
2 the existence of a utility service interruption emergency.

3 (c) A utility service interruption emergency continues  
4 until:

5 (1) the necessary maintenance or repair work is  
6 completed; and

7 (2) personnel used to perform necessary maintenance or  
8 repair work have returned to their respective normal work  
9 routines.

10 (d) An individual is exempt from any regulation of the  
11 maximum hours of service that an employee may work under 49 CFR  
12 395 if he or she:

13 (1) is the holder of a commercial driver's license;

14 (2) is:

15 (A) an employee;

16 (B) an employee of a contractor; or

17 (C) an employee of a subcontractor;

18 of a utility service provider in an employment capacity in  
19 which the commercial driver's license is used; and

20 (3) operates a commercial motor vehicle as a utility  
21 service vehicle and engages in intrastate maintenance or  
22 repair work in response to a utility service interruption  
23 emergency.

24 (e) The exemption from maximum hours of service regulations  
25 provided under subsection (d) shall not exceed the duration of  
26 the utility service provider's or driver's direct assistance in  
27 providing utility service interruption emergency relief, or 5  
28 days from the date of the initial declaration, whichever is  
29 less.

30 (f) Nothing in this amendatory Act of the 94th General  
31 Assembly shall be construed to contravene any federal law or to  
32 jeopardize State of Illinois entitlement to federal funding. If  
33 any provision of this amendatory Act of the 94th General  
34 Assembly or its application is found to jeopardize federal  
35 funding, that provision is declared invalid but does not affect  
36 any other provision or application. The provisions of this

1 amendatory Act of the 94th General Assembly are declared to be  
2 severable.

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