

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.