



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0612

Introduced 2/18/2005, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-2102
625 ILCS 5/18c-2106

from Ch. 95 1/2, par. 18c-2102
from Ch. 95 1/2, par. 18c-2106

Amends Illinois Vehicle Code provisions regarding hearings before the Illinois Commerce Commission. Provides that, in any case involving the licensing of a motor carrier of passengers, if an airport is a point to be served by that carrier, notice of an application for a license or transfer of a license must be served on the corporation counsel or chief legal officer of any municipality or other political subdivision operating the airport and on the agent for service of process in Illinois of any motor carrier possessing a license authorizing all or part of the service for which the license is sought. Provides that the municipality or other political subdivision operating the airport has standing to participate in the hearing on issuance or transfer of the license.

LRB094 10144 DRH 40406 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 18c-2102 and 18c-2106 as follows:

6 (625 ILCS 5/18c-2102) (from Ch. 95 1/2, par. 18c-2102)

7 Sec. 18c-2102. Hearings in other than household goods
8 carrier authority cases.

9 (1) Hearing required. Except as otherwise provided in
10 subsection (2) of this Section, and in Section 18c-2108 of this
11 Chapter the Commission shall, in other than household goods
12 carrier authority cases, issue orders granting authority or
13 other relief, prescribing rates, imposing sanctions, or
14 directing that a person take, continue to take, refrain from
15 taking or cease and desist from continuing to take any action,
16 only after notice and hearing in accordance with the rules of
17 practice applicable to proceedings under this Chapter.

18 (1.1) Service of notice in a case involving a motor carrier
19 of passengers. In any case involving a motor carrier of
20 passengers, if an airport is a point to be served, in addition
21 to public notice by publication, notice of an application for a
22 license or transfer of a license must be served by certified
23 mail, return receipt requested, on (i) the corporation counsel
24 or chief legal officer of any municipality or other political
25 subdivision operating the airport and (ii) the agent for
26 service of process in Illinois of any motor carrier possessing
27 a license under Section 18c-6201 authorizing all or part of the
28 service for which authority is sought under Section 18c-6201 of
29 this Chapter.

30 (2) Hearing not required. Except as otherwise provided in
31 Section 18c-2108 of this Chapter, the Commission may, in other
32 than household goods carrier authority cases, conduct its

1 review and issue orders without hearing, the taking of
2 evidence, or the making of a record where action taken in the
3 order:

4 (a) Was not opposed in a timely pleading addressed to
5 the Commission;

6 (b) Was opposed in a timely pleading, but such
7 opposition was later withdrawn or the parties in opposition
8 waived further hearing and taking of evidence;

9 (c) Was taken on an emergency temporary or interim
10 basis in accordance with Section 18c-2108 of this Chapter;
11 or

12 (d) Is interlocutory in nature.

13 (3) Section not applicable to household goods carrier
14 authority cases. Nothing in this Section shall have application
15 to any household goods carrier authority case.

16 (Source: P.A. 89-444, eff. 1-25-96.)

17 (625 ILCS 5/18c-2106) (from Ch. 95 1/2, par. 18c-2106)
18 Sec. 18c-2106. Standing.

19 (1) General Provisions. Each person with an
20 administratively cognizable interest in a proceeding before
21 the Commission shall, upon compliance with procedural rules
22 adopted by the Commission for such proceedings, be entitled to
23 appear and participate as a party to the proceeding. The
24 Commission may, in addition, grant leave to appear and
25 participate on such terms as it may prescribe, where to do so
26 would assist the Commission in reaching an informed and just
27 decision in the proceeding.

28 (2) Definition of Administratively Cognizable Interest.
29 The following persons or entities shall be deemed to have an
30 administratively cognizable interest in proceedings under this
31 Chapter:

32 (a) Licensing Proceedings. A person or an entity shall
33 be deemed to have an administratively cognizable interest
34 in a proceeding in which an application for a new, amended,
35 or extended intrastate license is under consideration only

1 if:

2 (i) The person possesses a license authorizing all
3 or part of the service for which authority is sought,
4 such license is in good standing, and the person has
5 transported or actively solicited traffic or both
6 within the scope of the application during the 12 month
7 period immediately preceding initiation of the
8 proceeding; ~~or~~

9 (ii) The proceeding involves an application for a
10 household goods carrier license and the person is an
11 organization representing employees of a household
12 goods carrier; or

13 (iii) The entity is a municipality or other
14 political subdivision operating an airport that is a
15 point to be served for the license under consideration.

16 (b) Rate Proceedings. A person shall be deemed to have
17 an administratively cognizable interest in a proceeding in
18 which new or amended rates are under consideration only if
19 the person is:

20 (i) A carrier authorized to transport traffic such
21 as would be subject to or affected by the rates;

22 (ii) A shipper or receiver of traffic such as would
23 be subject to or affected by the rates;

24 (iii) An association of two or more carriers,
25 acting at the request of and on behalf of one or more
26 carriers authorized to transport traffic such as would
27 be subject to or affected by the rates; or an
28 association of two or more shippers or receivers acting
29 at the request of and on behalf of one or more shippers
30 or receivers of such traffic; or

31 (iv) An organization representing employees of a
32 household goods carrier.

33 (c) Proceedings to Transfer a License. A person shall
34 be deemed to have an administratively cognizable interest
35 in a proceeding to transfer an intrastate license only if
36 the person:

1 (i) Has an ownership interest in or control of the
2 license which is the subject of the proceeding;

3 (ii) Would, if the proposed transfer is approved,
4 acquire ownership or control of the license which is
5 the subject of the proceeding;

6 (iii) Possesses a license authorizing all or part
7 of the service authorized by the license sought to be
8 transferred, such license is in good standing, and the
9 person or entity has transported or actively solicited
10 traffic within the scope of the license sought to be
11 transported during the 12 months period immediately
12 preceding initiation of the proceeding;

13 (iv) Would be directly affected by the transfer; ~~or~~

14 (v) Is an organization representing employees of a
15 household goods carrier; ~~or~~

16 (vi) Is a municipality or other political
17 subdivision operating an airport that is a point to be
18 served for the license under consideration.

19 (d) Complaint and Enforcement Proceedings. A person
20 shall be deemed to have an administratively cognizable
21 interest in a complaint proceeding if the person:

22 (i) Has an ownership interest in or control of the
23 license which is the subject of the proceeding;

24 (ii) Would be directly and adversely affected by
25 failure to grant relief sought in the complaint or
26 enforcement action and such adverse effect is contrary
27 to the purposes of this Chapter; or

28 (iii) Is an organization representing employees of
29 a household goods carrier of property.

30 (e) All Proceedings. Notwithstanding the provisions of
31 subsections (2) (a) through (2) (d) of this Section, a
32 person shall be deemed to have an administratively
33 cognizable interest in a proceeding other than a complaint
34 proceeding if the person:

35 (i) Filed the pleading pursuant to which the
36 proceeding was initiated; or

1 (ii) Is an organization representing employees of
2 a household goods carrier.

3 (Source: P.A. 89-444, eff. 1-25-96.)