



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB3052

Introduced 1/20/2006, by Sen. Frank C. Watson - David Luechtefeld - J. Bradley Burzynski - Todd Sieben

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-606

from Ch. 95 1/2, par. 11-606

625 ILCS 5/15-301

from Ch. 95 1/2, par. 15-301

Amends the Illinois Vehicle Code. Provides that, if the Governor has declared that an emergency harvest situation exists, a vehicle carrying agricultural products from a field to a grain storage facility during the period September 1 through December 31 may travel on an interstate highway at a speed below the established minimum speed and may exceed otherwise applicable weight limits without a special permit. Provides that the exemptions apply only if the interstate highway provides the shortest available route from the field to the grain storage facility, the vehicle remains in the right lane of the interstate highway, and the distance traveled on any one interstate highway is less than 20 miles. Effective immediately.

LRB094 14934 DRH 50009 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 11-606 and 15-301 as follows:

6 (625 ILCS 5/11-606) (from Ch. 95 1/2, par. 11-606)

7 Sec. 11-606. Minimum speed regulation. (a) No person shall
8 drive a motor vehicle at such a slow speed as to impede or
9 block the normal and reasonable movement of traffic except when
10 reduced speed is necessary for safe operation of his vehicle or
11 in compliance with law.

12 (b) Subject to subsection (c), whenever ~~Whenever~~ the
13 Department, The Illinois State Toll Highway Authority, or a
14 local authority described in Section 11-604 of this Chapter
15 determines, upon the basis of an engineering and traffic
16 investigation concerning a highway or street under its
17 jurisdiction that slow vehicle speeds along any part or zone of
18 such highway or street consistently impede the normal and
19 reasonable movement of traffic, the Department, the Toll
20 Highway Authority, or local authority (as appropriate) may
21 determine and declare by proper regulation or ordinance a
22 minimum speed limit below which no person shall drive except
23 when necessary for safe operation of his vehicle or in
24 compliance with law. A limit so determined and declared becomes
25 effective when appropriate signs giving notice of the limit are
26 erected along such part or zone of the highway or street.

27 (c) Upon a declaration by the Governor that an emergency
28 harvest situation exists, the Department and the Toll Highway
29 Authority shall allow the operator of a vehicle carrying
30 agricultural products from a field to a grain storage facility
31 during the period September 1 through December 31 to drive on
32 an interstate highway at a speed below the established minimum

1 speed, under the following conditions:

2 (1) the interstate highway must provide the shortest
3 available route from the field to the grain storage
4 facility;

5 (2) the vehicle must remain in the right lane of
6 through traffic before exiting the interstate highway; and

7 (3) the distance the vehicle travels on any one
8 interstate highway must be less than 20 miles.

9 (Source: P.A. 81-840.)

10 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

11 Sec. 15-301. Permits for excess size and weight.

12 (a) The Department with respect to highways under its
13 jurisdiction and local authorities with respect to highways
14 under their jurisdiction may, in their discretion, upon
15 application and good cause being shown therefor, issue a
16 special permit authorizing the applicant to operate or move a
17 vehicle or combination of vehicles of a size or weight of
18 vehicle or load exceeding the maximum specified in this Act or
19 otherwise not in conformity with this Act upon any highway
20 under the jurisdiction of the party granting such permit and
21 for the maintenance of which the party is responsible.
22 Applications and permits other than those in written or printed
23 form may only be accepted from and issued to the company or
24 individual making the movement. Except for an application to
25 move directly across a highway, it shall be the duty of the
26 applicant to establish in the application that the load to be
27 moved by such vehicle or combination is composed of a single
28 nondivisible object that cannot reasonably be dismantled or
29 disassembled. For the purpose of over length movements, more
30 than one object may be carried side by side as long as the
31 height, width, and weight laws are not exceeded and the cause
32 for the over length is not due to multiple objects. For the
33 purpose of over height movements, more than one object may be
34 carried as long as the cause for the over height is not due to
35 multiple objects and the length, width, and weight laws are not

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

17 (b) The application for any such permit shall: (1) state
18 whether such permit is requested for a single trip or for
19 limited continuous operation; (2) state if the applicant is an
20 authorized carrier under the Illinois Motor Carrier of Property
21 Law, if so, his certificate, registration or permit number
22 issued by the Illinois Commerce Commission; (3) specifically
23 describe and identify the vehicle or vehicles and load to be
24 operated or moved except that for vehicles or vehicle
25 combinations registered by the Department as provided in
26 Section 15-319 of this Chapter, only the Illinois Department of
27 Transportation's (IDT) registration number or classification
28 need be given; (4) state the routing requested including the
29 points of origin and destination, and may identify and include
30 a request for routing to the nearest certified scale in
31 accordance with the Department's rules and regulations,
32 provided the applicant has approval to travel on local roads;
33 and (5) state if the vehicles or loads are being transported
34 for hire. No permits for the movement of a vehicle or load for
35 hire shall be issued to any applicant who is required under the
36 Illinois Motor Carrier of Property Law to have a certificate,

1 registration or permit and does not have such certificate,
2 registration or permit.

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

23 (d) The Department shall, upon application in writing from
24 any local authority, issue an annual permit authorizing the
25 local authority to move oversize highway construction,
26 transportation, utility and maintenance equipment over roads
27 under the jurisdiction of the Department. The permit shall be
28 applicable only to equipment and vehicles owned by or
29 registered in the name of the local authority, and no fee shall
30 be charged for the issuance of such permits.

31 (e) As an exception to paragraph (a) of this Section, the
32 Department and local authorities, with respect to highways
33 under their respective jurisdictions, in their discretion and
34 upon application in writing may issue a special permit for
35 limited continuous operation, authorizing the applicant to
36 move loads of agricultural commodities on a 2 axle single

1 vehicle registered by the Secretary of State with axle loads
2 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
3 Secretary of State with axle loads not to exceed 20%, and on a
4 5 axle vehicle registered by the Secretary of State not to
5 exceed 10% above those provided in Section 15-111. The total
6 gross weight of the vehicle, however, may not exceed the
7 maximum gross weight of the registration class of the vehicle
8 allowed under Section 3-815 or 3-818 of this Code.

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

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

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

15 (3) ensilage; and

16 (4) fruits and vegetables.

17 Permits may be issued for a period not to exceed 40 days
18 and moves may be made of a distance not to exceed 50 miles from
19 a field, an on-farm grain storage facility, a warehouse as
20 defined in the Illinois Grain Code, or a livestock management
21 facility as defined in the Livestock Management Facilities Act
22 over any highway except the National System of Interstate and
23 Defense Highways. The operator of the vehicle, however, must
24 abide by posted bridge and posted highway weight limits. All
25 implements of husbandry operating under this Section between
26 sunset and sunrise shall be equipped as prescribed in Section
27 12-205.1.

28 (e-1) Upon a declaration by the Governor that an emergency
29 harvest situation exists, a special permit issued by the
30 Department under this Section shall not be required from
31 September 1 through December 31 during harvest season
32 emergencies, provided that the weight does not exceed 20% above
33 the limits provided in Section 15-111. All other restrictions
34 that apply to permits issued under this Section shall apply
35 during the declared time period. With respect to highways under
36 the jurisdiction of local authorities, the local authorities

1 may, at their discretion, waive special permit requirements
2 during harvest season emergencies. This permit exemption shall
3 apply to all vehicles eligible to obtain permits under this
4 Section, including commercial vehicles in use during the
5 declared time period.

6 (e-2) Upon a declaration by the Governor that an emergency
7 harvest situation exists, a vehicle carrying agricultural
8 products from a field to a grain storage facility from
9 September 1 through December 31 during a harvest emergency may
10 travel on an interstate highway without a special permit issued
11 by the Department under this Section under the following
12 conditions:

13 (1) the interstate highway must provide the shortest
14 route from the field to the grain storage facility;

15 (2) the vehicle must remain in the right lane of
16 through traffic before exiting the interstate highway; and

17 (3) the distance the vehicle travels on any one
18 interstate highway must be less than 20 miles.

19 (f) The form and content of the permit shall be determined
20 by the Department with respect to highways under its
21 jurisdiction and by local authorities with respect to highways
22 under their jurisdiction. Every permit shall be in written form
23 and carried in the vehicle or combination of vehicles to which
24 it refers and shall be open to inspection by any police officer
25 or authorized agent of any authority granting the permit and no
26 person shall violate any of the terms or conditions of such
27 special permit. Violation of the terms and conditions of the
28 permit shall not be deemed a revocation of the permit; however,
29 any vehicle and load found to be off the route prescribed in
30 the permit shall be held to be operating without a permit. Any
31 off route vehicle and load shall be required to obtain a new
32 permit or permits, as necessary, to authorize the movement back
33 onto the original permit routing. No rule or regulation, nor
34 anything herein shall be construed to authorize any police
35 officer, court, or authorized agent of any authority granting
36 the permit to remove the permit from the possession of the

1 permittee unless the permittee is charged with a fraudulent
2 permit violation as provided in paragraph (i). However, upon
3 arrest for an offense of violation of permit, operating without
4 a permit when the vehicle is off route, or any size or weight
5 offense under this Chapter when the permittee plans to raise
6 the issuance of the permit as a defense, the permittee, or his
7 agent, must produce the permit at any court hearing concerning
8 the alleged offense.

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

14	Single axle	2000 pounds
15	Tandem axle	3000 pounds
16	Gross	5000 pounds

17 (g) The Department is authorized to adopt, amend, and to
18 make available to interested persons a policy concerning
19 reasonable rules, limitations and conditions or provisions of
20 operation upon highways under its jurisdiction in addition to
21 those contained in this Section for the movement by special
22 permit of vehicles, combinations, or loads which cannot
23 reasonably be dismantled or disassembled, including
24 manufactured and modular home sections and portions thereof.
25 All rules, limitations and conditions or provisions adopted in
26 the policy shall have due regard for the safety of the
27 traveling public and the protection of the highway system and
28 shall have been promulgated in conformity with the provisions
29 of the Illinois Administrative Procedure Act. The requirements
30 of the policy for flagmen and escort vehicles shall be the same
31 for all moves of comparable size and weight. When escort
32 vehicles are required, they shall meet the following
33 requirements:

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

36 (2) Vehicles escorting oversized loads more than

1 12-foot wide must be equipped with a rotating or flashing
2 amber light mounted on top as specified under Section
3 12-215.

4 The Department shall establish reasonable rules and
5 regulations regarding liability insurance or self insurance
6 for vehicles with oversized loads promulgated under The
7 Illinois Administrative Procedure Act. Police vehicles may be
8 required for escort under circumstances as required by rules
9 and regulations of the Department.

10 (h) Violation of any rule, limitation or condition or
11 provision of any permit issued in accordance with the
12 provisions of this Section shall not render the entire permit
13 null and void but the violator shall be deemed guilty of
14 violation of permit and guilty of exceeding any size, weight or
15 load limitations in excess of those authorized by the permit.
16 The prescribed route or routes on the permit are not mere
17 rules, limitations, conditions, or provisions of the permit,
18 but are also the sole extent of the authorization granted by
19 the permit. If a vehicle and load are found to be off the route
20 or routes prescribed by any permit authorizing movement, the
21 vehicle and load are operating without a permit. Any off route
22 movement shall be subject to the size and weight maximums,
23 under the applicable provisions of this Chapter, as determined
24 by the type or class highway upon which the vehicle and load
25 are being operated.

26 (i) Whenever any vehicle is operated or movement made under
27 a fraudulent permit the permit shall be void, and the person,
28 firm, or corporation to whom such permit was granted, the
29 driver of such vehicle in addition to the person who issued
30 such permit and any accessory, shall be guilty of fraud and
31 either one or all persons may be prosecuted for such violation.
32 Any person, firm, or corporation committing such violation
33 shall be guilty of a Class 4 felony and the Department shall
34 not issue permits to the person, firm or corporation convicted
35 of such violation for a period of one year after the date of
36 conviction. Penalties for violations of this Section shall be

1 in addition to any penalties imposed for violation of other
2 Sections of this Act.

3 (j) Whenever any vehicle is operated or movement made in
4 violation of a permit issued in accordance with this Section,
5 the person to whom such permit was granted, or the driver of
6 such vehicle, is guilty of such violation and either, but not
7 both, persons may be prosecuted for such violation as stated in
8 this subsection (j). Any person, firm or corporation convicted
9 of such violation shall be guilty of a petty offense and shall
10 be fined for the first offense, not less than \$50 nor more than
11 \$200 and, for the second offense by the same person, firm or
12 corporation within a period of one year, not less than \$200 nor
13 more than \$300 and, for the third offense by the same person,
14 firm or corporation within a period of one year after the date
15 of the first offense, not less than \$300 nor more than \$500 and
16 the Department shall not issue permits to the person, firm or
17 corporation convicted of a third offense during a period of one
18 year after the date of conviction for such third offense.

19 (k) Whenever any vehicle is operated on local roads under
20 permits for excess width or length issued by local authorities,
21 such vehicle may be moved upon a State highway for a distance
22 not to exceed one-half mile without a permit for the purpose of
23 crossing the State highway.

24 (l) Notwithstanding any other provision of this Section,
25 the Department, with respect to highways under its
26 jurisdiction, and local authorities, with respect to highways
27 under their jurisdiction, may at their discretion authorize the
28 movement of a vehicle in violation of any size or weight
29 requirement, or both, that would not ordinarily be eligible for
30 a permit, when there is a showing of extreme necessity that the
31 vehicle and load should be moved without unnecessary delay.

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

36 (m) Penalties for violations of this Section shall be in

1 addition to any penalties imposed for violating any other
2 Section of this Code.

3 (n) The Department with respect to highways under its
4 jurisdiction and local authorities with respect to highways
5 under their jurisdiction, in their discretion and upon
6 application in writing, may issue a special permit for
7 continuous limited operation, authorizing the applicant to
8 operate a tow-truck that exceeds the weight limits provided for
9 in subsection (d) of Section 15-111, provided:

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

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

14 (2.1) no triple rear axle on a manufactured recovery
15 unit exceeds 56,000 pounds;

16 (3) neither the disabled vehicle nor the disabled
17 combination of vehicles exceed the weight restrictions
18 imposed by this Chapter 15, or the weight limits imposed
19 under a permit issued by the Department prior to hookup;

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

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

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

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

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

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

32 (10) the tow-truck is capable of utilizing the lighting
33 and braking systems of the disabled vehicle or combination
34 of vehicles;

35 (11) the tow commences at the initial point of wreck or
36 disablement and terminates at a point where the repairs are

1 actually to occur;

2 (12) the permit issued to the tow-truck is carried in
3 the tow-truck and exhibited on demand by a police officer;
4 and

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

7 (o) The Department, with respect to highways under its
8 jurisdiction, and local authorities, with respect to highways
9 under their jurisdiction, in their discretion and upon
10 application in writing, may issue a special permit for
11 continuous limited operation, authorizing the applicant to
12 transport raw milk that exceeds the weight limits provided for
13 in subsections (b) and (f) of Section 15-111 of this Code,
14 provided:

15 (1) no single axle exceeds 20,000 pounds;

16 (2) no gross weight exceeds 80,000 pounds;

17 (3) permits issued by the State are good only for
18 federal and State highways and are not applicable to
19 interstate highways; and

20 (4) all road and bridge postings must be obeyed.

21 (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;
22 93-1023, eff. 8-25-04; revised 10-14-04.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.