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LRB095 03321 DRH 33389 a

1 AMENDMENT TO HOUSE BILL 31

2 AMENDMENT NO. _____. Amend House Bill 31, on page 1, line
3 5, after "15-111,", by inserting "15-112,"; and

4 on page 19, by replacing lines 15 through 17 with the
5 following:

6 "weight"; and

7 on page 19, by replacing lines 23 through 25 with the
8 following:

9 "weight"; and

10 on page 20, below line 9, by inserting the following:

11 "(7) Any vehicle utilizing an auxiliary power or idle
12 reduction technology unit in order to promote reduction of
13 fuel use and emissions because of engine idling shall be
14 allowed an additional 400 pounds total to the gross, axle,
15 tandem, or bridge formula weight limits defined in Section

1 15-111 of this Code, and to registered weights found in
2 Chapter 3 of this Code. To be eligible for this exception,
3 the operator of the vehicle must be able to prove, by
4 written certification, the weight of the auxiliary power
5 unit (APU) and to demonstrate or certify the idle reduction
6 technology is fully functional at all times.

7 Certification of the weight of the APU must be
8 available to law enforcement officers if the vehicle is
9 found in violation of applicable weight laws. The weight
10 allowed cannot exceed 400 pounds or the weight certified,
11 whichever is less. APU weights shall not be considered in
12 the calculation of any tolerances allowed by Section 15-112
13 of this Code."; and

14 on page 36, by deleting lines 9 through 20; and

15 on page 37, by replacing lines 21 through 24 with the
16 following:

17 "weight but not exceeding 80,000 pounds is allowed"; and

18 on page 38, below line 15, by inserting the following:

19 "(g-1) Any vehicle utilizing an auxiliary power or idle
20 reduction technology unit in order to promote reduction of
21 fuel use and emissions because of engine idling shall be
22 allowed an additional 400 pounds total to the gross, axle,
23 tandem, or bridge formula weight limits defined in this

1 Section, and to registered weights found in Chapter 3 of
2 this Code. To be eligible for this exception, the operator
3 of the vehicle must be able to prove, by written
4 certification, the weight of the auxiliary power unit (APU)
5 and to demonstrate or certify the idle reduction technology
6 is fully functional at all times.

7 Certification of the weight of the APU must be
8 available to law enforcement officers if the vehicle is
9 found in violation of applicable weight laws. The weight
10 allowed cannot exceed 400 pounds or the weight certified,
11 whichever is less. APU weights shall not be considered in
12 the calculation of any tolerances allowed by Section 15-112
13 of this Code."; and

14 on page 39, below line 10, by inserting the following:

15 "(625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

16 Sec. 15-112. Officers to weigh vehicles and require removal
17 of excess loads.

18 (a) Any police officer having reason to believe that the
19 weight of a vehicle and load is unlawful shall require the
20 driver to stop and submit to a weighing of the same either by
21 means of a portable or stationary scales that have been tested
22 and approved at a frequency prescribed by the Illinois
23 Department of Agriculture, or for those scales operated by the
24 State, when such tests are requested by the Department of State

1 Police, whichever is more frequent. If such scales are not
2 available at the place where such vehicle is stopped, the
3 police officer shall require that such vehicle be driven to the
4 nearest available scale that has been tested and approved
5 pursuant to this Section by the Illinois Department of
6 Agriculture. Notwithstanding any provisions of the Weights and
7 Measures Act or the United States Department of Commerce NIST
8 handbook 44, multi or single draft weighing is an acceptable
9 method of weighing by law enforcement for determining a
10 violation of Chapter 3 or 15 of this Code. Law enforcement is
11 exempt from the requirements of commercial weighing
12 established in NIST handbook 44.

13 Within 18 months after the effective date of this
14 amendatory Act of the 91st General Assembly, all municipal and
15 county officers, technicians, and employees who set up and
16 operate portable scales for wheel load or axle load or both and
17 issue citations based on the use of portable scales for wheel
18 load or axle load or both and who have not successfully
19 completed initial classroom and field training regarding the
20 set up and operation of portable scales, shall attend and
21 successfully complete initial classroom and field training
22 administered by the Illinois Law Enforcement Training
23 Standards Board.

24 (b) Whenever an officer, upon weighing a vehicle and the
25 load, determines that the weight is unlawful, such officer
26 shall require the driver to stop the vehicle in a suitable

1 place and remain standing until such portion of the load is
2 removed as may be necessary to reduce the weight of the vehicle
3 to the limit permitted under this Chapter, or to the limit
4 permitted under the terms of a permit issued pursuant to
5 Sections 15-301 through 15-318 and shall forthwith arrest the
6 driver or owner. All material so unloaded shall be cared for by
7 the owner or operator of the vehicle at the risk of such owner
8 or operator; however, whenever a 3 or 4 axle vehicle with a
9 tandem axle dimension greater than 72 inches, but less than 96
10 inches and registered as a Special Hauling Vehicle is
11 transporting asphalt or concrete in the plastic state that
12 exceeds axle weight or gross weight limits by less than 4,000
13 pounds, the owner or operator of the vehicle shall accept the
14 arrest ticket or tickets for the alleged violations under this
15 Section and proceed without shifting or reducing the load being
16 transported or may shift or reduce the load under the
17 provisions of subsection (d) or (e) of this Section, when
18 applicable. Any fine imposed following an overweight violation
19 by a vehicle registered as a Special Hauling Vehicle
20 transporting asphalt or concrete in the plastic state shall be
21 paid as provided in subsection 4 of paragraph (a) of Section
22 16-105 of this Code.

23 (c) The Department of Transportation may, at the request of
24 the Department of State Police, erect appropriate regulatory
25 signs on any State highway directing second division vehicles
26 to a scale. The Department of Transportation may also, at the

1 direction of any State Police officer, erect portable
2 regulating signs on any highway directing second division
3 vehicles to a portable scale. Every such vehicle, pursuant to
4 such sign, shall stop and be weighed.

5 (d) Whenever any axle load of a vehicle exceeds the axle or
6 tandem axle weight limits permitted by paragraph (a) or (f) of
7 Section 15-111 by 2000 pounds or less, the owner or operator of
8 the vehicle must shift or remove the excess so as to comply
9 with paragraph (a) or (f) of Section 15-111. No overweight
10 arrest ticket shall be issued to the owner or operator of the
11 vehicle by any officer if the excess weight is shifted or
12 removed as required by this paragraph.

13 (e) Whenever the gross weight of a vehicle with a
14 registered gross weight of 73,280 pounds or less exceeds the
15 weight limits of paragraph (b) or (f) of Section 15-111 of this
16 Chapter by 2000 pounds or less, the owner or operator of the
17 vehicle must remove the excess. Whenever the gross weight of a
18 vehicle with a registered gross weight of 73,281 pounds or more
19 exceeds the weight limits of paragraph (b) or (f) of Section
20 15-111 by 1,000 pounds or less or 2,000 pounds or less if
21 weighed on wheel load weighers, the owner or operator of the
22 vehicle must remove the excess. In either case no arrest ticket
23 for any overweight violation of this Code shall be issued to
24 the owner or operator of the vehicle by any officer if the
25 excess weight is removed as required by this paragraph. A
26 person who has been granted a special permit under Section

1 15-301 of this Code shall not be granted a tolerance on wheel
2 load weighers.

3 (f) Whenever an axle load of a vehicle exceeds axle weight
4 limits allowed by the provisions of a permit an arrest ticket
5 shall be issued, but the owner or operator of the vehicle may
6 shift the load so as to comply with the provisions of the
7 permit. Where such shifting of a load to comply with the permit
8 is accomplished, the owner or operator of the vehicle may then
9 proceed.

10 (f-1) Any vehicle utilizing an auxiliary power or idle
11 reduction technology unit in order to promote reduction of fuel
12 use and emissions because of engine idling shall be allowed an
13 additional 400 pounds total to the gross, axle, tandem, or
14 bridge formula weight limits defined in this Section, and to
15 registered weights found in Chapter 3 of this Code. To be
16 eligible for this exception, the operator of the vehicle must
17 be able to prove, by written certification, the weight of the
18 auxiliary power unit (APU); and demonstrate or certify the idle
19 reduction technology is fully functional at all times.

20 Certification of the weight of the APU must be available to
21 law enforcement officers if the vehicle is found in violation
22 of applicable weight laws. The weight allowed cannot exceed 400
23 pounds or the weight certified, whichever is less. APU weights
24 shall not be considered in the calculation of any tolerances
25 allowed by this Section.

26 (g) Any driver of a vehicle who refuses to stop and submit

1 his vehicle and load to weighing after being directed to do so
2 by an officer or removes or causes the removal of the load or
3 part of it prior to weighing is guilty of a business offense
4 and shall be fined not less than \$500 nor more than \$2,000.

5 (Source: P.A. 91-129, eff. 7-16-99; 92-417, eff. 1-1-02.)"; and

6 on page 51, by replacing lines 16 through 19 with the
7 following:

8 "(2) no gross weight exceeds 80,000 pounds;"; and

9 on page 51, below line 23, by inserting the following:

10 "(p) Any vehicle utilizing an auxiliary power or idle
11 reduction technology unit in order to promote reduction of fuel
12 use and emissions because of engine idling shall be allowed an
13 additional 400 pounds total to the gross, axle, tandem, or
14 bridge formula weight limits defined in Section 15-111 of this
15 Code, and to registered weights found in Chapter 3 of this
16 Code. To be eligible for this exception, the operator of the
17 vehicle must be able to prove, by written certification, the
18 weight of the auxiliary power unit (APU) and to demonstrate or
19 certify the idle reduction technology is fully functional at
20 all times.

21 Certification of the weight of the APU must be available to
22 law enforcement officers if the vehicle is found in violation
23 of applicable weight laws. The weight allowed cannot exceed 400
24 pounds or the weight certified, whichever is less. APU weights

1 shall not be considered in the calculation of any tolerances
2 allowed by 15-112 of this Code.".