

# HB1512



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1512

Introduced 2/22/2007, by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

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

Amends the Illinois Vehicle Code. Provides that local authorities may issue overweight permits for the hauling of divisible loads of agricultural products and livestock. Effective immediately.

LRB095 08886 DRH 29073 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Section 15-301 as follows:

6 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

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

8 (a) The Department with respect to highways under its  
9 jurisdiction and local authorities with respect to highways  
10 under their jurisdiction may, in their discretion, upon  
11 application and good cause being shown therefor, issue a  
12 special permit authorizing the applicant to operate or move a  
13 vehicle or combination of vehicles of a size or weight of  
14 vehicle or load exceeding the maximum specified in this Act or  
15 otherwise not in conformity with this Act upon any highway  
16 under the jurisdiction of the party granting such permit and  
17 for the maintenance of which the party is responsible.  
18 Applications and permits other than those in written or printed  
19 form may only be accepted from and issued to the company or  
20 individual making the movement. Except for an application to  
21 move directly across a highway, it shall be the duty of the  
22 applicant to establish in the application that the load to be  
23 moved by such vehicle or combination is composed of a single

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

26 (a-5) Local authorities, with respect to highways under

1 their jurisdiction, may issue excess weight permits for  
2 divisible loads of agricultural products or livestock.

3 (b) The application for any such permit shall: (1) state  
4 whether such permit is requested for a single trip or for  
5 limited continuous operation; (2) state if the applicant is an  
6 authorized carrier under the Illinois Motor Carrier of Property  
7 Law, if so, his certificate, registration or permit number  
8 issued by the Illinois Commerce Commission; (3) specifically  
9 describe and identify the vehicle or vehicles and load to be  
10 operated or moved except that for vehicles or vehicle  
11 combinations registered by the Department as provided in  
12 Section 15-319 of this Chapter, only the Illinois Department of  
13 Transportation's (IDT) registration number or classification  
14 need be given; (4) state the routing requested including the  
15 points of origin and destination, and may identify and include  
16 a request for routing to the nearest certified scale in  
17 accordance with the Department's rules and regulations,  
18 provided the applicant has approval to travel on local roads;  
19 and (5) state if the vehicles or loads are being transported  
20 for hire. No permits for the movement of a vehicle or load for  
21 hire shall be issued to any applicant who is required under the  
22 Illinois Motor Carrier of Property Law to have a certificate,  
23 registration or permit and does not have such certificate,  
24 registration or permit.

25 (c) The Department or local authority when not inconsistent  
26 with traffic safety is authorized to issue or withhold such

1 permit at its discretion; or, if such permit is issued at its  
2 discretion to prescribe the route or routes to be traveled, to  
3 limit the number of trips, to establish seasonal or other time  
4 limitations within which the vehicles described may be operated  
5 on the highways indicated, or otherwise to limit or prescribe  
6 conditions of operations of such vehicle or vehicles, when  
7 necessary to assure against undue damage to the road  
8 foundations, surfaces or structures, and may require such  
9 undertaking or other security as may be deemed necessary to  
10 compensate for any injury to any roadway or road structure. The  
11 Department shall maintain a daily record of each permit issued  
12 along with the fee and the stipulated dimensions, weights,  
13 conditions and restrictions authorized and this record shall be  
14 presumed correct in any case of questions or dispute. The  
15 Department shall install an automatic device for recording  
16 applications received and permits issued by telephone. In  
17 making application by telephone, the Department and applicant  
18 waive all objections to the recording of the conversation.

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

1 (e) As an exception to paragraph (a) of this Section, the  
2 Department and local authorities, with respect to highways  
3 under their respective jurisdictions, in their discretion and  
4 upon application in writing may issue a special permit for  
5 limited continuous operation, authorizing the applicant to  
6 move loads of agricultural commodities on a 2 axle single  
7 vehicle registered by the Secretary of State with axle loads  
8 not to exceed 35%, on a 3 or 4 axle vehicle registered by the  
9 Secretary of State with axle loads not to exceed 20%, and on a  
10 5 axle vehicle registered by the Secretary of State not to  
11 exceed 10% above those provided in Section 15-111. The total  
12 gross weight of the vehicle, however, may not exceed the  
13 maximum gross weight of the registration class of the vehicle  
14 allowed under Section 3-815 or 3-818 of this Code.

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

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

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

21 (3) ensilage; and

22 (4) fruits and vegetables.

23 Permits may be issued for a period not to exceed 40 days  
24 and moves may be made of a distance not to exceed 50 miles from  
25 a field, an on-farm grain storage facility, a warehouse as  
26 defined in the Illinois Grain Code, or a livestock management

1 facility as defined in the Livestock Management Facilities Act  
2 over any highway except the National System of Interstate and  
3 Defense Highways. The operator of the vehicle, however, must  
4 abide by posted bridge and posted highway weight limits. All  
5 implements of husbandry operating under this Section between  
6 sunset and sunrise shall be equipped as prescribed in Section  
7 12-205.1.

8 (e-1) Upon a declaration by the Governor that an emergency  
9 harvest situation exists, a special permit issued by the  
10 Department under this Section shall not be required from  
11 September 1 through December 31 during harvest season  
12 emergencies, provided that the weight does not exceed 20% above  
13 the limits provided in Section 15-111. All other restrictions  
14 that apply to permits issued under this Section shall apply  
15 during the declared time period. With respect to highways under  
16 the jurisdiction of local authorities, the local authorities  
17 may, at their discretion, waive special permit requirements  
18 during harvest season emergencies. This permit exemption shall  
19 apply to all vehicles eligible to obtain permits under this  
20 Section, including commercial vehicles in use during the  
21 declared time period.

22 (f) The form and content of the permit shall be determined  
23 by the Department with respect to highways under its  
24 jurisdiction and by local authorities with respect to highways  
25 under their jurisdiction. Every permit shall be in written form  
26 and carried in the vehicle or combination of vehicles to which

1 it refers and shall be open to inspection by any police officer  
2 or authorized agent of any authority granting the permit and no  
3 person shall violate any of the terms or conditions of such  
4 special permit. Violation of the terms and conditions of the  
5 permit shall not be deemed a revocation of the permit; however,  
6 any vehicle and load found to be off the route prescribed in  
7 the permit shall be held to be operating without a permit. Any  
8 off route vehicle and load shall be required to obtain a new  
9 permit or permits, as necessary, to authorize the movement back  
10 onto the original permit routing. No rule or regulation, nor  
11 anything herein shall be construed to authorize any police  
12 officer, court, or authorized agent of any authority granting  
13 the permit to remove the permit from the possession of the  
14 permittee unless the permittee is charged with a fraudulent  
15 permit violation as provided in paragraph (i). However, upon  
16 arrest for an offense of violation of permit, operating without  
17 a permit when the vehicle is off route, or any size or weight  
18 offense under this Chapter when the permittee plans to raise  
19 the issuance of the permit as a defense, the permittee, or his  
20 agent, must produce the permit at any court hearing concerning  
21 the alleged offense.

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



1	Single axle	2000 pounds
2	Tandem axle	3000 pounds
3	Gross	5000 pounds

4 (g) The Department is authorized to adopt, amend, and to  
5 make available to interested persons a policy concerning  
6 reasonable rules, limitations and conditions or provisions of  
7 operation upon highways under its jurisdiction in addition to  
8 those contained in this Section for the movement by special  
9 permit of vehicles, combinations, or loads which cannot  
10 reasonably be dismantled or disassembled, including  
11 manufactured and modular home sections and portions thereof.  
12 All rules, limitations and conditions or provisions adopted in  
13 the policy shall have due regard for the safety of the  
14 traveling public and the protection of the highway system and  
15 shall have been promulgated in conformity with the provisions  
16 of the Illinois Administrative Procedure Act. The requirements  
17 of the policy for flagmen and escort vehicles shall be the same  
18 for all moves of comparable size and weight. When escort  
19 vehicles are required, they shall meet the following  
20 requirements:

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

23 (2) Vehicles escorting oversized loads more than  
24 12-feet wide must be equipped with a rotating or flashing  
25 amber light mounted on top as specified under Section  
26 12-215.

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

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

23           (i) Whenever any vehicle is operated or movement made under  
24 a fraudulent permit the permit shall be void, and the person,  
25 firm, or corporation to whom such permit was granted, the  
26 driver of such vehicle in addition to the person who issued

1 such permit and any accessory, shall be guilty of fraud and  
2 either one or all persons may be prosecuted for such violation.  
3 Any person, firm, or corporation committing such violation  
4 shall be guilty of a Class 4 felony and the Department shall  
5 not issue permits to the person, firm or corporation convicted  
6 of such violation for a period of one year after the date of  
7 conviction. Penalties for violations of this Section shall be  
8 in addition to any penalties imposed for violation of other  
9 Sections of this Act.

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

26 (k) Whenever any vehicle is operated on local roads under

1 permits for excess width or length issued by local authorities,  
2 such vehicle may be moved upon a State highway for a distance  
3 not to exceed one-half mile without a permit for the purpose of  
4 crossing the State highway.

5 (l) Notwithstanding any other provision of this Section,  
6 the Department, with respect to highways under its  
7 jurisdiction, and local authorities, with respect to highways  
8 under their jurisdiction, may at their discretion authorize the  
9 movement of a vehicle in violation of any size or weight  
10 requirement, or both, that would not ordinarily be eligible for  
11 a permit, when there is a showing of extreme necessity that the  
12 vehicle and load should be moved without unnecessary delay.

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

17 (m) Penalties for violations of this Section shall be in  
18 addition to any penalties imposed for violating any other  
19 Section of this Code.

20 (n) The Department with respect to highways under its  
21 jurisdiction and local authorities with respect to highways  
22 under their jurisdiction, in their discretion and upon  
23 application in writing, may issue a special permit for  
24 continuous limited operation, authorizing the applicant to  
25 operate a tow-truck that exceeds the weight limits provided for  
26 in subsection (d) of Section 15-111, provided:

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

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

5           (2.1) no triple rear axle on a manufactured recovery  
6 unit exceeds 56,000 pounds;

7           (3) neither the disabled vehicle nor the disabled  
8 combination of vehicles exceed the weight restrictions  
9 imposed by this Chapter 15, or the weight limits imposed  
10 under a permit issued by the Department prior to hookup;

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

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

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

18           (7) the tow-truck is specifically designed and  
19 licensed as a tow-truck;

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

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

23           (10) the tow-truck is capable of utilizing the lighting  
24 and braking systems of the disabled vehicle or combination  
25 of vehicles;

26           (11) the tow commences at the initial point of wreck or

1           disablement and terminates at a point where the repairs are  
2           actually to occur;

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

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

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

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

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

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

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

22          (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;  
23          93-1023, eff. 8-25-04; revised 10-14-04.)

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