

# HB5862



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB5862**

by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-112

from Ch. 95 1/2, par. 15-112

Amends the Illinois Vehicle Code. Provides that from September 15 through November 30 of each calendar year, State Police officers may not use portable scales to weigh vehicles transporting commodities or goods of production agriculture on non-interstate highways. Effective immediately.

LRB095 16441 WGH 42466 b

A BILL FOR

1 AN ACT concerning vehicles.

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 15-112 as follows:

6 (625 ILCS 5/15-112) (from Ch. 95 1/2, par. 15-112)

7 Sec. 15-112. Officers to weigh vehicles and require removal  
8 of excess loads.

9 (a) Any police officer having reason to believe that the  
10 weight of a vehicle and load is unlawful shall require the  
11 driver to stop and submit to a weighing of the same either by  
12 means of a portable or stationary scales that have been tested  
13 and approved at a frequency prescribed by the Illinois  
14 Department of Agriculture, or for those scales operated by the  
15 State, when such tests are requested by the Department of State  
16 Police, whichever is more frequent. If such scales are not  
17 available at the place where such vehicle is stopped, the  
18 police officer shall require that such vehicle be driven to the  
19 nearest available scale that has been tested and approved  
20 pursuant to this Section by the Illinois Department of  
21 Agriculture. Notwithstanding any provisions of the Weights and  
22 Measures Act or the United States Department of Commerce NIST  
23 handbook 44, multi or single draft weighing is an acceptable

1 method of weighing by law enforcement for determining a  
2 violation of Chapter 3 or 15 of this Code. Law enforcement is  
3 exempt from the requirements of commercial weighing  
4 established in NIST handbook 44.

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

16 (b) Whenever an officer, upon weighing a vehicle and the  
17 load, determines that the weight is unlawful, such officer  
18 shall require the driver to stop the vehicle in a suitable  
19 place and remain standing until such portion of the load is  
20 removed as may be necessary to reduce the weight of the vehicle  
21 to the limit permitted under this Chapter, or to the limit  
22 permitted under the terms of a permit issued pursuant to  
23 Sections 15-301 through 15-318 and shall forthwith arrest the  
24 driver or owner. All material so unloaded shall be cared for by  
25 the owner or operator of the vehicle at the risk of such owner  
26 or operator; however, whenever a 3 or 4 axle vehicle with a

1 tandem axle dimension greater than 72 inches, but less than 96  
2 inches and registered as a Special Hauling Vehicle is  
3 transporting asphalt or concrete in the plastic state that  
4 exceeds axle weight or gross weight limits by less than 4,000  
5 pounds, the owner or operator of the vehicle shall accept the  
6 arrest ticket or tickets for the alleged violations under this  
7 Section and proceed without shifting or reducing the load being  
8 transported or may shift or reduce the load under the  
9 provisions of subsection (d) or (e) of this Section, when  
10 applicable. Any fine imposed following an overweight violation  
11 by a vehicle registered as a Special Hauling Vehicle  
12 transporting asphalt or concrete in the plastic state shall be  
13 paid as provided in subsection 4 of paragraph (a) of Section  
14 16-105 of this Code.

15 (c) The Department of Transportation may, at the request of  
16 the Department of State Police, erect appropriate regulatory  
17 signs on any State highway directing second division vehicles  
18 to a scale. The Department of Transportation may also, at the  
19 direction of any State Police officer, erect portable  
20 regulating signs on any highway directing second division  
21 vehicles to a portable scale. Every such vehicle, pursuant to  
22 such sign, shall stop and be weighed.

23 (c-1) Beginning on September 15, and through November 30,  
24 of each calendar year, State Police officers may not use  
25 portable scales to weigh vehicles transporting commodities or  
26 goods of production agriculture as defined in Section 3-35 of

1 the Use Tax Act on non-interstate highways.

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

10 (e) Whenever the gross weight of a vehicle with a  
11 registered gross weight of 73,280 pounds or less exceeds the  
12 weight limits of paragraph (b) or (f) of Section 15-111 of this  
13 Chapter by 2000 pounds or less, the owner or operator of the  
14 vehicle must remove the excess. Whenever the gross weight of a  
15 vehicle with a registered gross weight of 73,281 pounds or more  
16 exceeds the weight limits of paragraph (b) or (f) of Section  
17 15-111 by 1,000 pounds or less or 2,000 pounds or less if  
18 weighed on wheel load weighers, the owner or operator of the  
19 vehicle must remove the excess. In either case no arrest ticket  
20 for any overweight violation of this Code shall be issued to  
21 the owner or operator of the vehicle by any officer if the  
22 excess weight is removed as required by this paragraph. A  
23 person who has been granted a special permit under Section  
24 15-301 of this Code shall not be granted a tolerance on wheel  
25 load weighers.

26 (f) Whenever an axle load of a vehicle exceeds axle weight

1 limits allowed by the provisions of a permit an arrest ticket  
2 shall be issued, but the owner or operator of the vehicle may  
3 shift the load so as to comply with the provisions of the  
4 permit. Where such shifting of a load to comply with the permit  
5 is accomplished, the owner or operator of the vehicle may then  
6 proceed.

7 (g) Any driver of a vehicle who refuses to stop and submit  
8 his vehicle and load to weighing after being directed to do so  
9 by an officer or removes or causes the removal of the load or  
10 part of it prior to weighing is guilty of a business offense  
11 and shall be fined not less than \$500 nor more than \$2,000.

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

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.