



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4153

Introduced 2/27/2009, by Rep. Mike Bost

#### SYNOPSIS AS INTRODUCED:

605 ILCS 5/9-119.5 new

Amends the Illinois Highway Code. Provides that the Department of Transportation may issue a hay harvesting permit authorizing the mowing and harvesting of hay on a specified right-of-way in this State. Provides that an owner or owner's designee has priority until July 30 of each year to receive a permit for the portion of right-of-way that is adjacent to the owner's land, and after July 30 of each year, a permit may be issued to an applicant that is not the owner of the land adjacent to the right-of-way for a maximum distance of 5 miles each year. Provides that the non-refundable application fee for every permit is \$40, and all fees collected by the Department shall be deposited into the Road Fund. Provides for permit application requirements, including assumption of all liability for activities permitted by the Department and proof of liability insurance. Provides limitations on the use of the permit, cancellation procedures, and provides that the Department of Transportation may promulgate rules for the administration of the permit program. Effective immediately.

LRB096 10115 AJT 22428 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning highways.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Highway Code is amended by adding  
5 Section 9-119.5 as follows:

6 (605 ILCS 5/9-119.5 new)

7 Sec. 9-119.5. Hay harvesting permit.

8 (a) The Department may issue a hay harvesting permit  
9 authorizing the mowing and harvesting of hay on a specified  
10 right-of-way in this State. An owner or owner's designee has  
11 priority until July 30 of each year to receive a permit for the  
12 portion of right-of-way that is adjacent to the owner's land.  
13 After July 30 of each year, a permit may be issued to an  
14 applicant that is not the owner of the land adjacent to the  
15 right-of-way for a maximum distance of 5 miles each year. A  
16 permit issued under this subsection may be valid from July 15  
17 of each year until September 15 of each year, and the  
18 Department must include the timeframe that the permit is valid  
19 on every permit issued under this subsection. Commencement of  
20 harvesting activity notice instructions must be included on  
21 every permit under this subsection in accordance with paragraph  
22 (1) of subsection (c) of this Section. The non-refundable  
23 application fee for every permit under this subsection is \$40,

1 and all fees collected by the Department shall be deposited  
2 into the Road Fund.

3 (b) An applicant for a permit in subsection (a) must:

4 (1) sign a release acknowledging that the applicant (i)  
5 assumes all risk for the quality of the hay harvested under  
6 the permit, (ii) assumes all liability for accidents or  
7 injury that results from the activities permitted by the  
8 Department, (iii) is liable for any damage to the  
9 right-of-way described in paragraphs (5) and (6) of  
10 subsection (c), and (iv) understands that the State or any  
11 instrumentality thereof assumes no risk or liability for  
12 the activities permitted by the Department;

13 (2) demonstrate proof that a liability insurance  
14 policy in the amount of not less than \$1,000,000 is in  
15 force to cover any accident, damage, or loss that may occur  
16 to persons or property as a result of the activities  
17 permitted by the Department; and

18 (3) pay a non-refundable application fee of \$40.

19 (c) The usage of a permit in subsection (a) is subject to  
20 the following limitations:

21 (1) The permittee must give the Department 48 hours  
22 notice prior to commencing any activities permitted by the  
23 Department;

24 (2) The permittee must identify the location of noxious  
25 weeds pursuant to the Noxious Weed Law. Noxious weeds may  
26 be mowed but may not be windrowed or baled;

1           (3) The permittee may use the permit only during the  
2           timeframes specified on the permit;

3           (4) The permittee must carry a copy of the permit at  
4           all times while performing the activities permitted by the  
5           Department;

6           (5) The permittee may use the permit only when soil in  
7           the right-of-way is dry enough to prevent rutting or other  
8           similar type of damage to the right-of-way; and

9           (6) The permittee may not alter, damage, or remove any  
10          right-of-way markers, land monuments, fences, signs,  
11          trees, shrubbery or similar landscape vegetation, or other  
12          highway features or structures.

13          (d) The Department may immediately terminate a permit in  
14          subsection (a) issued to a permittee for failure to comply with  
15          the use limitations of subsection (c).

16          (e) The Department or the permittee may cancel the permit  
17          at any time upon 3 days written notice.

18          (f) The Department may promulgate rules for the  
19          administration of this Section.

20                Section 99. Effective date. This Act takes effect upon  
21                becoming law.