

HB5531



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5531

by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

625 ILCS 5/15-301

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

Amends the Illinois Vehicle Code. Provides that upon declaration by the Governor that a disaster resulting from a storm exists, all vehicles are exempt from requiring a special permit for excess vehicle size and weight, provided that the weight does not exceed 20% above the permissible limit. All other restrictions to the special permits shall apply.

LRB099 19234 AXK 43626 b

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 cannot reasonably be

1 dismantled or disassembled, the reasonableness of which shall
2 be determined by the Secretary of the Department. For the
3 purpose of over length movements, more than one object may be
4 carried side by side as long as the height, width, and weight
5 laws are not exceeded and the cause for the over length is not
6 due to multiple objects. For the purpose of over height
7 movements, more than one object may be carried as long as the
8 cause for the over height is not due to multiple objects and
9 the length, width, and weight laws are not exceeded. For the
10 purpose of an over width movement, more than one object may be
11 carried as long as the cause for the over width is not due to
12 multiple objects and length, height, and weight laws are not
13 exceeded. No state or local agency shall authorize the issuance
14 of excess size or weight permits for vehicles and loads that
15 are divisible and that can be carried, when divided, within the
16 existing size or weight maximums specified in this Chapter. Any
17 excess size or weight permit issued in violation of the
18 provisions of this Section shall be void at issue and any
19 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 (b) The application for any such permit shall: (1) state

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

22 (c) The Department or local authority when not inconsistent
23 with traffic safety is authorized to issue or withhold such
24 permit at its discretion; or, if such permit is issued at its
25 discretion to prescribe the route or routes to be traveled, to
26 limit the number of trips, to establish seasonal or other time

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

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

24 (e) As an exception to paragraph (a) of this Section, the
25 Department and local authorities, with respect to highways
26 under their respective jurisdictions, in their discretion and

1 upon application in writing may issue a special permit for
2 limited continuous operation, authorizing the applicant to
3 move loads of agricultural commodities on a 2 axle single
4 vehicle registered by the Secretary of State with axle loads
5 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
6 Secretary of State with axle loads not to exceed 20%, and on a
7 5 axle vehicle registered by the Secretary of State not to
8 exceed 10% above those provided in Section 15-111. The total
9 gross weight of the vehicle, however, may not exceed the
10 maximum gross weight of the registration class of the vehicle
11 allowed under Section 3-815 or 3-818 of this Code.

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

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

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

18 (3) ensilage; and

19 (4) fruits and vegetables.

20 Permits may be issued for a period not to exceed 40 days
21 and moves may be made of a distance not to exceed 50 miles from
22 a field, an on-farm grain storage facility, a warehouse as
23 defined in the Illinois Grain Code, or a livestock management
24 facility as defined in the Livestock Management Facilities Act
25 over any highway except the National System of Interstate and
26 Defense Highways. The operator of the vehicle, however, must

1 abide by posted bridge and posted highway weight limits. All
2 implements of husbandry operating under this Section between
3 sunset and sunrise shall be equipped as prescribed in Section
4 12-205.1.

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

19 (e-5) Upon a declaration by the Governor under Section 7 of
20 the Illinois Emergency Management Agency Act that a disaster
21 resulting from a storm exists, a special permit issued by the
22 Department under this Section shall not be required for the
23 duration of the declared time period of the disaster, provided
24 that the weight does not exceed 20% above the limits under
25 Section 15-111. All other restrictions that apply to permits
26 issued under this Section shall apply during the declared time

1 period. With respect to highways under the jurisdiction of
2 local authorities, the local authorities may, at their
3 discretion, waive special permit requirements during emergency
4 storm situations. This permit exemption shall apply to all
5 vehicles eligible to obtain permits under this Section,
6 including commercial vehicles in use during the declared time
7 period.

8 (f) The form and content of the permit shall be determined
9 by the Department with respect to highways under its
10 jurisdiction and by local authorities with respect to highways
11 under their jurisdiction. Every permit shall be in written form
12 and carried in the vehicle or combination of vehicles to which
13 it refers and shall be open to inspection by any police officer
14 or authorized agent of any authority granting the permit and no
15 person shall violate any of the terms or conditions of such
16 special permit. Violation of the terms and conditions of the
17 permit shall not be deemed a revocation of the permit; however,
18 any vehicle and load found to be off the route prescribed in
19 the permit shall be held to be operating without a permit. Any
20 off route vehicle and load shall be required to obtain a new
21 permit or permits, as necessary, to authorize the movement back
22 onto the original permit routing. No rule or regulation, nor
23 anything herein shall be construed to authorize any police
24 officer, court, or authorized agent of any authority granting
25 the permit to remove the permit from the possession of the
26 permittee unless the permittee is charged with a fraudulent

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

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

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

16 (g) The Department is authorized to adopt, amend, and to
17 make available to interested persons a policy concerning
18 reasonable rules, limitations and conditions or provisions of
19 operation upon highways under its jurisdiction in addition to
20 those contained in this Section for the movement by special
21 permit of vehicles, combinations, or loads which cannot
22 reasonably be dismantled or disassembled, including
23 manufactured and modular home sections and portions thereof.
24 All rules, limitations and conditions or provisions adopted in
25 the policy shall have due regard for the safety of the
26 traveling public and the protection of the highway system and

1 shall have been promulgated in conformity with the provisions
2 of the Illinois Administrative Procedure Act. The requirements
3 of the policy for flagmen and escort vehicles shall be the same
4 for all moves of comparable size and weight. When escort
5 vehicles are required, they shall meet the following
6 requirements:

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

9 (2) Vehicles escorting oversized loads more than
10 12-feet wide must be equipped with a rotating or flashing
11 amber light mounted on top as specified under Section
12 12-215.

13 The Department shall establish reasonable rules and
14 regulations regarding liability insurance or self insurance
15 for vehicles with oversized loads promulgated under The
16 Illinois Administrative Procedure Act. Police vehicles may be
17 required for escort under circumstances as required by rules
18 and regulations of the Department.

19 (h) Violation of any rule, limitation or condition or
20 provision of any permit issued in accordance with the
21 provisions of this Section shall not render the entire permit
22 null and void but the violator shall be deemed guilty of
23 violation of permit and guilty of exceeding any size, weight or
24 load limitations in excess of those authorized by the permit.
25 The prescribed route or routes on the permit are not mere
26 rules, limitations, conditions, or provisions of the permit,

1 but are also the sole extent of the authorization granted by
2 the permit. If a vehicle and load are found to be off the route
3 or routes prescribed by any permit authorizing movement, the
4 vehicle and load are operating without a permit. Any off route
5 movement shall be subject to the size and weight maximums,
6 under the applicable provisions of this Chapter, as determined
7 by the type or class highway upon which the vehicle and load
8 are being operated.

9 (i) Whenever any vehicle is operated or movement made under
10 a fraudulent permit the permit shall be void, and the person,
11 firm, or corporation to whom such permit was granted, the
12 driver of such vehicle in addition to the person who issued
13 such permit and any accessory, shall be guilty of fraud and
14 either one or all persons may be prosecuted for such violation.
15 Any person, firm, or corporation committing such violation
16 shall be guilty of a Class 4 felony and the Department shall
17 not issue permits to the person, firm or corporation convicted
18 of such violation for a period of one year after the date of
19 conviction. Penalties for violations of this Section shall be
20 in addition to any penalties imposed for violation of other
21 Sections of this Act.

22 (j) Whenever any vehicle is operated or movement made in
23 violation of a permit issued in accordance with this Section,
24 the person to whom such permit was granted, or the driver of
25 such vehicle, is guilty of such violation and either, but not
26 both, persons may be prosecuted for such violation as stated in

1 this subsection (j). Any person, firm or corporation convicted
2 of such violation shall be guilty of a petty offense and shall
3 be fined for the first offense, not less than \$50 nor more than
4 \$200 and, for the second offense by the same person, firm or
5 corporation within a period of one year, not less than \$200 nor
6 more than \$300 and, for the third offense by the same person,
7 firm or corporation within a period of one year after the date
8 of the first offense, not less than \$300 nor more than \$500 and
9 the Department shall not issue permits to the person, firm or
10 corporation convicted of a third offense during a period of one
11 year after the date of conviction for such third offense.

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

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

25 For the purpose of this subsection, showing of extreme
26 necessity shall be limited to the following: shipments of

1 livestock, hazardous materials, liquid concrete being hauled
2 in a mobile cement mixer, or hot asphalt.

3 (m) Penalties for violations of this Section shall be in
4 addition to any penalties imposed for violating any other
5 Section of this Code.

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

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

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

17 (2.1) no triple rear axle on a manufactured recovery
18 unit exceeds 60,000 pounds;

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

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

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

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

4 (7) the tow-truck is specifically designed and
5 licensed as a tow-truck;

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

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

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

12 (11) the tow commences at the initial point of wreck or
13 disablement and terminates at a point where the repairs are
14 actually to occur;

15 (12) the permit issued to the tow-truck is carried in
16 the tow-truck and exhibited on demand by a police officer;
17 and

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

20 (o) 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 transport raw milk that exceeds the weight limits provided for
26 in subsection (a) of Section 15-111 of this Code, provided:

- 1 (1) no single axle exceeds 20,000 pounds;
 - 2 (2) no gross weight exceeds 80,000 pounds;
 - 3 (3) permits issued by the State are good only for
4 federal and State highways and are not applicable to
5 interstate highways; and
 - 6 (4) all road and bridge postings must be obeyed.
- 7 (p) In determining whether a load may be reasonably
8 dismantled or disassembled for the purpose of paragraph (a),
9 the Department shall consider whether there is a significant
10 negative impact on the condition of the pavement and structures
11 along the proposed route, whether the load or vehicle as
12 proposed causes a safety hazard to the traveling public,
13 whether dismantling or disassembling the load promotes or
14 stifles economic development and whether the proposed route
15 travels less than 5 miles. A load is not required to be
16 dismantled or disassembled for the purposes of paragraph (a) if
17 the Secretary of the Department determines there will be no
18 significant negative impact to pavement or structures along the
19 proposed route, the proposed load or vehicle causes no safety
20 hazard to the traveling public, dismantling or disassembling
21 the load does not promote economic development and the proposed
22 route travels less than 5 miles. The Department may promulgate
23 rules for the purpose of establishing the divisibility of a
24 load pursuant to paragraph (a). Any load determined by the
25 Secretary to be nondivisible shall otherwise comply with the
26 existing size or weight maximums specified in this Chapter.

1 (Source: P.A. 97-201, eff. 1-1-12; 97-479, eff. 8-22-11;
2 97-813, eff. 7-13-12.)