

1 AMENDMENT TO HOUSE BILL 2603

2 AMENDMENT NO. _____. Amend House Bill 2603 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Section 15-109.1 as follows:

7 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

8 Sec. 15-109.1. Covers or tarpaulins required for certain
9 loads.

10 (a) No person shall operate or cause to be operated, on
11 a highway, any second division vehicle loaded with dirt,
12 aggregate, garbage, refuse, or other similar material, when
13 any portion of the load is falling, sifting, blowing,
14 dropping or in any way escaping from the vehicle.

15 (b) No person shall operate or cause to be operated, on
16 a highway, any second division vehicle having a gross vehicle
17 weight rating of 8,000 pounds or more loaded with dirt,
18 aggregate, garbage, refuse, or other similar material in or
19 on any part of the vehicle other than in the cargo area. In
20 addition, no person shall operate on any highway, such
21 vehicle unless the tailgate on the vehicle is in good repair

1 and operating condition and closes securely so as to prevent
2 any load, residue, or other material from escaping.

3 (b-1) No person may operate or cause to be operated, on
4 a highway, a commercial motor vehicle with a load of dirt,
5 aggregate, garbage, refuse, or other similar material, unless
6 the load is secured or enclosed with a tarpaulin or other
7 covering sufficient to prevent any portion of the materials
8 from falling, blowing, dropping, or otherwise escaping from
9 the vehicle. Vehicles owned and operated by units of local
10 government are exempt. As used in this subsection (b-1),
11 "commercial motor vehicle" has the meaning ascribed to that
12 term in Section 6-500 of this Code.

13 (c) This Section shall not apply to the operation of
14 highway maintenance vehicles engaged in removing snow and ice
15 from the roadway, nor to implements of husbandry or other
16 farm vehicles while transporting agricultural products to or
17 from the original place of production.

18 (d) For the purpose of this Section "aggregate" shall
19 include all ores, minerals, sand, gravel, shale, coal, clay,
20 limestone or any other ore or mineral which may be mined.

21 (e) Notwithstanding any other penalty, whenever a police
22 officer determines that the operator of a vehicle is in
23 violation of this Section, as evidenced by the issuance of a
24 citation for a violation of Section 15-109.1 of this Code, or
25 where a police officer determines that a dangerous condition
26 exists whereby any portion of the load may fall, sift, blow,
27 drop, or in any way escape or fall from the vehicle, the
28 police officer shall require the operator to stop the vehicle
29 in a suitable place and keep such vehicle stationary until
30 the load has either been reduced, secured, or covered with a
31 cover or tarpaulin of sufficient size to prevent any further
32 violation of this Section.

33 (f) Any violation of the provisions of this Section
34 shall be a petty offense punishable by a fine not to exceed

1 \$250.

2 (Source: P.A. 91-858, eff. 1-1-01.)".