

1 AN ACT in relation to 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
5 changing Section 15-109.1 as follows:

6 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)

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

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

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

23 (b-1) No person shall operate or cause to be operated,
24 on a highway, any second division vehicle having a gross
25 vehicle weight rating of 8,000 pounds or more loaded with
26 garbage, refuse, or other similar material in or on any part
27 of the vehicle other than in the cargo area while going to a
28 landfill or transfer station. The cargo area must be
29 enclosed or secured at all times with a roll-over tarpaulin
30 sufficient to prevent any portion of the materials from
31 falling, blowing, dropping, or otherwise escaping from the

1 vehicle. Vehicles owned and operated by units of local
2 government are exempt.

3 (c) This Section shall not apply to the operation of
4 highway maintenance vehicles engaged in removing snow and ice
5 from the roadway, nor to implements of husbandry or other
6 farm vehicles while transporting agricultural products to or
7 from the original place of production.

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

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

23 (f) Any violation of the provisions of this Section
24 shall be a petty offense punishable by a fine not to exceed
25 \$250.

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