

1 AMENDMENT TO HOUSE BILL 2603

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2603, AS AMENDED,  
3 as follows:

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

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

8 (625 ILCS 5/15-109.1) (from Ch. 95 1/2, par. 15-109.1)  
9 Sec. 15-109.1. Covers or tarpaulins required for certain  
10 loads.

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

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

1 vehicle unless the tailgate on the vehicle is in good repair  
2 and operating condition and closes securely so as to prevent  
3 any load, residue, or other material from escaping.

4 (b-1) Any commercial vehicle designed and operated with  
5 an open load compartment and used to haul garbage, refuse, or  
6 other similar materials must have its load compartment  
7 enclosed or secured at all times with a tarpaulin or other  
8 cover sufficient to prevent any portion of the materials from  
9 falling, blowing, dropping, or otherwise escaping from the  
10 vehicle.

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

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

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

31 (f) Any violation of the provisions of this Section  
32 shall be a petty offense punishable by a fine not to exceed  
33 \$250.

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