

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 18b-101, 18b-102, 18b-104, 18b-109, 18c-1202,
6 18c-1204, and 18c-1703 as follows:

7 (625 ILCS 5/18b-101) (from Ch. 95 1/2, par. 18b-101)

8 Sec. 18b-101. Definitions. Unless the context otherwise
9 clearly requires, as used in this Chapter:

10 "Commercial motor vehicle" means any self propelled or
11 towed vehicle used on public highways in interstate and
12 intrastate commerce to transport passengers or property when
13 the vehicle has a gross vehicle weight, a gross vehicle
14 weight rating, a gross combination weight, or a gross
15 combination weight rating of 10,001 or more pounds; or the
16 vehicle is designed to transport more than 15 passengers,
17 including the driver; or the vehicle is used in the
18 transportation of hazardous materials in a quantity requiring
19 placarding under the Illinois Hazardous Materials
20 Transportation Act. This definition shall not include farm
21 machinery, fertilizer spreaders, and other special
22 agricultural movement equipment described in Section 3-809
23 nor implements of husbandry as defined in Section 1-130;

24 "Officer" means Illinois State Police Officer or Illinois
25 Commerce Commission police officer;

26 "Person" means any natural person or individual,
27 governmental body, firm, association, partnership,
28 copartnership, joint venture, company, corporation, joint
29 stock company, trust, estate or any other legal entity or
30 their legal representative, agent or assigns.

31 (Source: P.A. 90-89, eff. 1-1-98; 91-179, eff. 1-1-00.)

1 (625 ILCS 5/18b-102) (from Ch. 95 1/2, par. 18b-102)
2 Sec. 18b-102. Authority of Department. To the extent
3 necessary to administer this Chapter, the Department is
4 authorized to:

5 (a) Adopt by reference all or any portion of the Federal
6 Motor Carrier Safety Regulations of the United States
7 Department of Transportation, as they are now or hereafter
8 amended.

9 (b) Conduct investigations; make reports; issue
10 subpoenas; conduct hearings; require the production of
11 relevant documents, records and property; take depositions;
12 and, in conjunction with the Illinois State Police, conduct
13 directly or indirectly research, development, demonstrations
14 and training activities.

15 (c) Authorize any officer or Department employee to
16 enter upon, inspect and examine at reasonable times and in a
17 reasonable manner, the records and properties of persons to
18 the extent such records and properties relate to the
19 transportation by motor vehicle of persons or property.

20 (d) Conduct a continuing review of all aspects of the
21 transportation of persons and property by motor vehicle in
22 order to determine and recommend appropriate steps to assure
23 safe transportation by motor vehicle in Illinois.

24 (e) Administer and enforce the provisions of this
25 Chapter and any rules and regulations issued under this
26 Chapter. Only the Illinois State Police and Illinois
27 Commerce Commission police officers shall be authorized to
28 stop and inspect any Commercial motor vehicle or driver at
29 any time for the purpose of determining compliance with the
30 provisions of this Chapter or rules and regulations issued
31 under this Chapter.

32 (Source: P.A. 90-89, eff. 1-1-98.)

33 (625 ILCS 5/18b-104) (from Ch. 95 1/2, par. 18b-104)

1 Sec. 18b-104. Cooperation with State Agencies - Records
 2 and Data - Availability. The Department shall cooperate with
 3 other State agencies regulating transportation by motor
 4 vehicles and may enter into interagency agreements for the
 5 purpose of sharing data. The Department shall enter into an
 6 interagency agreement with the Illinois State Police and
 7 Illinois Commerce Commission for the purpose of enforcing any
 8 provisions of this Chapter and the rules and regulations
 9 issued under this Chapter.

10 (Source: P.A. 86-611.)

11 (625 ILCS 5/18b-109) (from Ch. 95 1/2, par. 18b-109)

12 Sec. 18b-109. Enforcement of Rules and Regulations.
 13 Only the Illinois State Police and Illinois Commerce
 14 Commission police officers shall enforce the rules and
 15 regulations issued under this Chapter against drivers. The
 16 Department, Illinois Commerce Commission police officers, and
 17 the Illinois State Police shall enforce the rules and
 18 regulations issued under this Chapter against persons other
 19 than drivers.

20 (Source: P.A. 86-611.)

21 (625 ILCS 5/18c-1202) (from Ch. 95 1/2, par. 18c-1202)

22 Sec. 18c-1202. Enumeration of Powers. The Commission
 23 shall have the power to:

- 24 (1) Administer and enforce provisions of this Chapter;
- 25 (2) Regulate the entry, exit, and services of carriers;
 26 as to public carriers, this power is limited to matters
 27 relating to insurance and safety standards;
- 28 (3) Regulate rates and practices of household goods
 29 carriers, rail carriers, passenger carriers, and common
 30 carriers by pipeline;
- 31 (4) Establish and maintain systems of accounting as well
 32 as reporting and record-keeping requirements for household

1 goods carriers, rail carriers, passenger carriers, and common
2 carriers by pipeline;

3 (5) Establish and maintain systems for the
4 classification of carriers, commodities and services;

5 (6) Regulate practices, terms and conditions relating to
6 the leasing of equipment and to the interchange of equipment
7 among carriers; as to public carriers, this power is limited
8 to matters relating to insurance and safety standards;

9 (7) Protect the public safety through insurance and
10 safety standards;

11 (8) Regulate brokers in accordance with provisions of
12 this Chapter;

13 (9) Adopt appropriate regulations setting forth the
14 standards and procedures by which it will administer and
15 enforce this Chapter, with such regulations being uniform for
16 all modes of transportation or different for the different
17 modes as will, in the opinion of the Commission, best
18 effectuate the purposes of this Chapter;

19 (10) Conduct hearings and investigations, on its own
20 motion or the motion of a person;

21 (11) Adjudicate disputes, hear complaints or other
22 petitions for relief, and settle such matters by stipulation
23 or agreement;

24 (12) Create special procedures for the receipt and
25 handling of consumer complaints;

26 (13) Issue certificates describing the extent to which a
27 person is exempt under the provisions of this Chapter;

28 (14) Construe this Chapter, Commission regulations and
29 orders, except that the rule of ejusdem generis shall not be
30 applicable in the construction or interpretation of any
31 license, certificate or permit originally issued under the
32 Illinois Motor Carrier of Property Law and now governed by
33 subchapter 4 of this Chapter or issued under subchapter 4 of
34 this Chapter prior to July 1, 1989;

1 (15) Employ such persons as are needed to administer and
2 enforce this Chapter, in such capacities as they are needed,
3 whether as hearings examiners, special examiners, enforcement
4 officers, investigators, or otherwise;

5 (16) Create advisory committees made up of
6 representatives of the various transportation modes,
7 shippers, receivers, or other members of the public;

8 (17) Initiate and participate in proceedings in the
9 federal or State courts, and in proceedings before federal or
10 other State agencies, to the extent necessary to effectuate
11 the purposes of this Chapter, provided that participation in
12 specific proceedings is directed, in writing, by the
13 Commission;

14 (18) Direct any telecommunications carrier to disconnect
15 the telephone number published in any commercial listing of
16 any household goods carrier that does not have a valid
17 license issued by the Commission; -

18 (19) Conduct motor carrier safety inspections.

19 (Source: P.A. 89-444, eff. 1-25-96.)

20 (625 ILCS 5/18c-1204) (from Ch. 95 1/2, par. 18c-1204)
21 Sec. 18c-1204. Transportation Division.

22 (1) Establishment. There shall be established within the
23 staff of the Commission a Transportation Division in which
24 primary staff responsibility for the administration and
25 enforcement of this Chapter and Chapter 18a shall be vested.
26 The Transportation Division shall be headed by a division
27 manager responsible to the executive director.

28 (2) Structure. The Transportation Division shall consist
29 of 4 programs and 2 offices. The 4 programs shall be
30 Compliance, Review and Examination, Docketing and Processing,
31 and Rail Safety. Each program shall be headed by a program
32 director and responsible to the division manager, except that
33 in the Compliance Program the 3 staff supervisors shall each

1 be responsible to the division manager. The 2 offices shall
2 be the Office of Transportation Counsel and the Office of the
3 Division Manager. The Office of Transportation Counsel shall
4 be headed by a Chief Counsel responsible to the Division
5 Manager. The Division Manager shall coordinate the
6 activities and responsibilities of the Office of
7 Transportation Counsel with the executive director and the
8 personal assistant serving as staff counsel to the executive
9 director in the office of the executive director, and with
10 the Commission.

11 (a) The Compliance Program.

12 (i) The Compliance Program shall consist of a
13 police staff, a rate auditing staff, and a civil
14 penalties staff. These staffs shall be headed by a
15 Chief of Police, a Supervisor of Tariffs and Audits,
16 and a Supervisor of Civil Penalties, respectively.

17 (ii) The police staff shall be divided into
18 districts with a field office in each district. Each
19 district shall be headed by a working supervisor
20 responsible to the Chief of Police. All staff
21 responsibility for enforcement of this Chapter,
22 except with regard to rail safety, shall be vested
23 in the Compliance Program.

24 (iii) The police staff shall undergo the same
25 motor carrier safety training required for Illinois
26 State Police Officers under the Rules of the
27 Department of State Police.

28 (b) The Review and Examination Program.

29 (i) Staff responsibility for review of all
30 nonhearing matters under this Chapter and Chapter
31 18a and examination of all matters assigned for
32 hearing under this Chapter and Chapter 18a shall be
33 vested in the Review and Examination Program, except
34 as otherwise provided in Section 18c-1204b.

1 (ii) Hearing examiners in the program shall
2 have responsibility for developing a full, complete
3 and impartial record on all issues to be decided in
4 a proceeding; recommending disposition of the issues
5 or making an initial decision on them, as provided
6 in this Chapter; and setting forth in writing the
7 basis for their recommendations or initial
8 decisions. The program director shall be the chief
9 hearing examiner for matters under this Chapter and
10 Chapter 18a with responsibility to insure
11 consistency of recommendations and initial
12 decisions.

13 (c) The Processing and Docketing Program. All
14 staff responsibility for docketing and processing
15 filings, accounting of receipts and expenditures,
16 issuing, file maintenance and other processing functions
17 under this Chapter and Chapter 18a shall be vested in the
18 Processing Program.

19 (d) The Rail Safety Program. Staff responsibility
20 for administration and enforcement of the rail safety
21 provisions of this Chapter shall be vested in the Rail
22 Safety Program.

23 (e) The Office of Transportation Counsel.

24 (i) All Commission staff responsibility for
25 provision of legal services in connection with any
26 matter under this Chapter, excepting any matter
27 under subchapters 7 and 8 of this Chapter, or in
28 connection with any matter under Chapter 18a shall,
29 except with regard to functions vested in the review
30 and examination program under paragraph (b) of this
31 subsection, be vested exclusively in the Office of
32 Transportation Counsel.

33 (ii) The Office of Transportation Counsel
34 shall, when directed through the division manager to

1 do so, represent the Commission or Commission staff
2 in administrative or judicial proceedings and render
3 staff advisory opinions to the executive director
4 and the Commission.

5 (f) Levels of Administration. No additional levels
6 of administration, supervision or authority shall be
7 superimposed, or remain superimposed, between levels
8 prescribed under this Section, and no organizational
9 units may be created within the Transportation Division
10 except as prescribed under this Section.

11 (3) Additional Functions. Staff functions relating to
12 rulemaking, policy recommendations and advisory committees
13 under this Chapter and Chapter 18a shall be vested in the
14 Transportation Division.

15 The staff shall prepare and distribute to the General
16 Assembly, in April of each year, a report on railway
17 accidents in Illinois which involve hazardous materials. The
18 report shall include the location, substance involved,
19 amounts involved, and the suspected reason for each accident.
20 The report shall also reveal the rail line and point of
21 origin of the hazardous material involved in each accident.

22 (Source: P.A. 88-415.)

23 (625 ILCS 5/18c-1703) (from Ch. 95 1/2, par. 18c-1703)

24 Sec. 18c-1703. Investigations and Arrests. (1)
25 Enforcement Officers and Investigators. Enforcement officers
26 and investigators appointed by the Commission shall have, and
27 may exercise throughout the state, all the powers of police
28 officers ~~when enforcing provisions of this Chapter~~, subject
29 to the regulations and orders of the Commission.

30 (2) Investigations.

31 (a) General Provisions. The Commission, through its
32 employees, shall conduct such investigations as are necessary
33 for the enforcement of this Chapter.

1 (b) Examination, Audit and Production of Records.
2 Authorized employees of the Commission shall have the power
3 at any and all times to examine, audit, or demand production
4 of all accounts, books, records, memoranda, and other papers
5 in the possession or control of a license or registration
6 holder, its employees or agents. In addition, every person
7 other than a license or registration holder and every
8 officer, employee or agent of such person shall permit every
9 authorized employee of the Commission, upon administrative
10 subpoena issued by the Chairman or his designee or the
11 Attorney General, to inspect and copy any accounts, books,
12 records, memoranda, letters, checks, vouchers, telegrams,
13 documents, or other papers in its possession or control which
14 the Commission deems necessary to the proper conduct of an
15 investigation to determine whether provisions of this
16 Chapter, Commission regulations or orders, have been
17 violated.

18 (c) Inspection of Equipment and Facilities. Authorized
19 employees of the Commission shall have the power at all times
20 to inspect the equipment, facilities, and other property of
21 the licensee in the possession or control of a carrier or
22 broker, its employees or agents, including the power to
23 conduct safety inspections.

24 (d) Special Investigations. The Commission may also
25 conduct special investigations as necessary for the
26 enforcement of this Chapter. Where such person is found by
27 the Commission to have violated this Chapter, and where the
28 Commission imposes a sanction for such violation under
29 Section 18c-1704 of this Chapter, the Commission may impose
30 on such person an assessment of reasonable expenses incurred
31 by the Commission in the investigation and subsequent
32 proceeding. Such assessment shall not exceed a fee of \$100
33 per work day or \$50 per half work day, per employee, for the
34 payroll costs of the Commission staff, plus actual

1 transportation (in accordance with applicable state employee
2 travel expense reimbursement regulations) and all other
3 actual expenses incurred in the special investigation and
4 subsequent proceeding.

5 (3) Arrests and Citations. The Commission shall make
6 arrests and issue notices of civil violations where necessary
7 for the enforcement of this Chapter. No rail carrier employee
8 shall be arrested for violation of this Chapter. No person
9 operating a motor vehicle in violation of the licensing or
10 safety provisions of this Chapter shall be permitted to
11 transport property or passengers beyond the point of arrest
12 unless, in the opinion of the officer making the arrest, it
13 is necessary to transport the property or passengers to
14 another location to insure their safety or to preserve or
15 tend cargo carried in the vehicle.

16 (Source: P.A. 85-553.)