

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Sections 18b-101 and 18b-105 as follows:

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

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

"Agricultural commodities" means any agricultural commodity, non-processed food, feed, fiber, or livestock, including insects.

"Agricultural operations" means the operation of a motor vehicle or combination of vehicles transporting agricultural commodities or farm supplies for agricultural purposes.

"Air mile" means a nautical mile, which is equivalent to 6,076 feet or 1,852 meters. Accordingly, 100 air miles are equivalent to 115.08 statute miles or 185.2 kilometers.

"Commercial motor vehicle" means any self propelled or towed vehicle used on public highways in interstate and intrastate commerce to transport passengers or property when the vehicle has a gross vehicle weight, a gross vehicle weight rating, a gross combination weight, or a gross combination weight rating of 10,001 or more pounds; or the vehicle is used or designed to transport more than 15 passengers, including the driver; or the vehicle is designed to carry 15 or fewer passengers and is operated by a contract carrier transporting employees in the course of their employment on a highway of this State; or the vehicle is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation, if the vehicle is being operated beyond a radius of 75 air miles (86.3 statute miles or 138.9 kilometers) from the driver's normal work reporting location; or the vehicle is

used in the transportation of hazardous materials in a quantity requiring placarding under the Illinois Hazardous Materials Transportation Act. This definition shall not include farm machinery, fertilizer spreaders, and other special agricultural movement equipment described in Section 3-809 nor implements of husbandry as defined in Section 1-130;

"Direct compensation" means payment made to the motor carrier by the passengers or a person acting on behalf of the passengers for the transportation services provided, and not included in a total package charge or other assessment for highway transportation services;

"Farm supplies for agricultural purposes" means products directly related to the growing or harvesting of agricultural commodities and livestock feed at any time of the year;

"Livestock" means cattle, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary of the United States Department of Transportation (at his or her sole discretion) that are part of a foundation herd (including producing dairy cattle) or offspring;

"Officer" means Illinois State Police Officer;

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

(Source: P.A. 92-108, eff. 1-1-02; 93-860, eff. 8-4-04.)

(625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

Sec. 18b-105. Rules and Regulations.

(a) The Department is authorized to make and adopt reasonable rules and regulations and orders consistent with law necessary to carry out the provisions of this Chapter.

(b) The following parts of Title 49 of the Code of Federal Regulations, as now in effect, are hereby adopted by reference as though they were set out in full:

Part 40 - Procedures For Transportation Workplace Drug and Alcohol Testing Programs;

Part 380 - Special Training Requirements;

Part 382 - Controlled Substances and Alcohol Use and Testing;

Part 383 - Commercial Driver's License Standards, Requirements, and Penalties;

Part 385 - Safety Fitness Procedures;

Part 386 Appendix B - Penalty Schedule; Violations and Maximum Monetary Penalties;

Part 387 - Minimum Levels of Financial Responsibility for Motor Carriers;

Part 390 - Federal Motor Carrier Safety Regulations: General;

Part 391 - Qualifications of Drivers;

Part 392 - Driving of Motor Vehicles;

Part 393 - Parts and Accessories Necessary for Safe Operation;

Part 395 - Hours of Service of Drivers, except as provided in Section 18b-106.1;

Part 396 - Inspection, Repair and Maintenance; and

Part 397 - Transportation of hazardous materials; Driving and Parking Rules.

(b-5) Individuals who meet the requirements set forth in the definition of "medical examiner" in Section 390.5 of Part 390 of Title 49 of the Code of Federal Regulations may act as medical examiners in accordance with Part 391 of Title 49 of the Code of Federal Regulations.

(c) The following parts and Sections of the Federal Motor Carrier Safety Regulations shall not apply to those intrastate carriers, drivers or vehicles subject to subsection (b).

(1) Section 393.93 of Part 393 for those vehicles manufactured before June 30, 1972.

(2) Section 393.86 of Part 393 for those vehicles registered as farm trucks under subsection (c) of Section 3-815 of this Code.

(3) (Blank).

(4) (Blank).

(5) Paragraph (b) (1) of Section 391.11 of Part 391.

(6) All of Part 395 for all agricultural operations ~~movements~~ as defined in Section 18b-101 of this Chapter at any time of the year 1, between the period of February 1 through November 30 each year, and all farm to market agricultural transportation as defined in Chapter 1 and for grain hauling operations within a radius of 200 air miles of the normal work reporting location.

(7) Paragraphs (b) (3) (insulin dependent diabetic) and (b) (10) (minimum visual acuity) of Section 391.41 of part 391, but only for any driver who immediately prior to July 29, 1986 was eligible and licensed to operate a motor vehicle subject to this Section and was engaged in operating such vehicles, and who was disqualified on July 29, 1986 by the adoption of Part 391 by reason of the application of paragraphs (b) (3) and (b) (10) of Section 391.41 with respect to a physical condition existing at that time unless such driver has a record of accidents which would indicate a lack of ability to operate a motor vehicle in a safe manner.

(d) Intrastate carriers subject to the recording provisions of Section 395.8 of Part 395 of the Federal Motor Carrier Safety Regulations shall be exempt as established under paragraph (1) of Section 395.8; provided, however, for the purpose of this Code, drivers shall operate within a 150 air-mile radius of the normal work reporting location to qualify for exempt status.

(e) Regulations adopted by the Department subsequent to those adopted under subsection (b) hereof shall be identical in substance to the Federal Motor Carrier Safety Regulations of the United States Department of Transportation and adopted in accordance with the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act.

(Source: P.A. eff. 1-1-02; eff. 1-1-02; 94-519, eff. 8-10-05.)

(625 ILCS 5/1-101.6 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-101.6.

Section 99. Effective date. This Act takes effect upon becoming law.