



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

February 2, 2001

Jim Ryan
ATTORNEY GENERAL

FILE NO. 01-002

HIGHWAYS:
Weight Limits Set
by Local Authorities

The Honorable Vincent Moreth
State's Attorney, Macoupin County
Macoupin County Courthouse
P.O. Box 287
Carlinville, Illinois 62626

Dear Mr. Moreth:

I have your letter wherein you inquire whether, pursuant to subsection 15-316(c-1) of the Illinois Vehicle Code (625 ILCS 5/15-316(c-1) (West 1998)), a county may prohibit the use of a section of county road by vehicles in excess of specified weight limits even if the section is located within 5 miles of a State designated highway. For the reasons hereinafter stated, it is my opinion that counties may regulate the weight of vehicles on roads under their control for all purposes, the provisions of subsection 15-316(d-1) of the Code (625 ILCS 5/15-316(d-1) (West 1998)) notwithstanding.

The Honorable Vincent Moreth - 2.

Section 15-316 of the Illinois Vehicle Code (625 ILCS 5/15-316 (West 1998)) provides, in pertinent part:

" * * *

(c) Local authorities and road district highway commissioners with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as [to] the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) The weight provisions of subsections (a), (b), and (c) take precedence over the provisions of subsections (d-1) and (d-2).

* * *

(d-1) Motor vehicles and motor vehicles in combination with gross weights not exceeding 73,280 pounds and up to 65 feet in overall length and 102 inches in width operating on highways under the control of a county or township road district highway commissioner may have access for a distance of 5 miles from a State designated highway for the purpose of loading, unloading, services, and home base. No exemption shall be granted authorizing travel on local roads as a thoroughfare between State designated highways.

* * *

(Emphasis added).

Subsection 15-316(d-2) of the Code parallels subsection (d-1), but is applicable only to highways under the control of munici-

The Honorable Vincent Moreth - 3.

palities and is, therefore, not germane to the resolution of your question.

Subsections (d-1) and (d-2) were added to section 15-316 by Public Act 88-384, effective January 1, 1994; subsection (c-1), at that time referencing only subsections (a) and (b), was added by Public Act 89-117, effective July 7, 1995; and the reference to subsection (c) was added to subsection (c-1) by Public Act 89-687, effective June 1, 1997. The floor debates concerning these several enactments do not disclose a clear legislative intent with respect to the interpretation to be accorded to subsections 15-316(c-1) and (d-1). (See, e.g., remarks of Rep. Walt, March 26, 1996, House Debate on House Bill No. 378, at 5; November 19, 1996, House Debate on House Bill No. 378, at 61; remarks of Sen. Fawell, May 1, 1996, Senate Debate on House Bill No. 378, at 16.)

The primary rule of statutory construction is to ascertain and give effect to the intention of the General Assembly in enacting a statute, and that inquiry appropriately begins with the language thereof. (Metropolitan Line Ins. Co. v. Washburn (1986), 112 Ill. 2d 486, 492.) Statutory language should normally be given its plain and ordinary meaning. (Potts v. Industrial Commission (1980), 83 Ill. 2d 48, 51.) Where the language of a statute is clear and unambiguous, it will be given

The Honorable Vincent Moreth - 4.

effect without reading into it exceptions, limitations or conditions that the General Assembly did not express. People v. Woodard (1997), 175 Ill. 2d 435, 443.

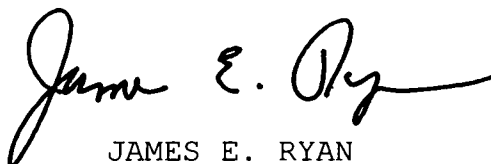
The plain language of subsection 15-316(c-1) of the Illinois Vehicle Code provides that "[t]he weight provisions of subsection[] * * * (c) take precedence over the provisions of subsection[] (d-1) * * *." Subsection 15-316(c) expressly authorizes local authorities (including counties) to prohibit the operation of trucks or other commercial vehicles upon highways under their jurisdiction, or to impose weight limits upon such vehicles when operating on designated highways. Subsection 15-316(d-1) provides that trucks may have access over local roads within 5 miles of a State designated highway for the purpose of loading, unloading, services and home base. Because weight limitations imposed pursuant to subsection 15-316(c) of the Code "take precedence" over the access provisions of subsection 15-316(d-1), however, it must be concluded that a county has the authority to prohibit all trucks weighing over the set limit from using the designated county highways, the provisions of subsection 15-316(d-1) notwithstanding. To conclude otherwise would render subsection 15-316(c-1) absolutely meaningless. A statute should be construed, if possible, so that all words, clauses and sentences are given effect. (People v. Lutz (1978), 73 Ill. 2d

The Honorable Vincent Moreth - 5.

204, 212.) Further, it will not be assumed that the General Assembly engaged in a meaningless act. Maiter v. Chicago Board of Education (1980), 82 Ill. 2d 373, cert. denied, 451 U.S. 921, 101 S. Ct. 2000, 68 L. Ed. 2d 312.

Construing the provisions of subsections 15-316(c-1) and (d-1) of the Illinois Vehicle Code in accordance with these principles, it is my opinion that a county can prohibit the use of designated roads by commercial vehicles in excess of the county-imposed weight limits, but cannot otherwise bar commercial vehicles and trucks from using county highways within five miles of designated State routes for purposes of loading, unloading, obtaining services or reaching a home base.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

JAMES E. RYAN
Attorney General