



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4528

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1401
625 ILCS 5/11-1429

from Ch. 95 1/2, par. 11-1401

Amends the Illinois Vehicle Code. Provides that an unattended vehicle shall not include an unattended locked motor vehicle with the engine running after being started by a remote starter system if the motor vehicle is located in a municipality with a population of less than 250,000. Provides that language allowing a motor vehicle operating on diesel fuel and started by a remote starter system to idle for more than 10 minutes at a time applies only if the motor vehicle is located in a municipality with a population of less than 250,000. Effective immediately.

LRB100 16983 LNS 32130 b

1 AN ACT concerning transportation.

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 changing
5 Sections 11-1401 and 11-1429 as follows:

6 (625 ILCS 5/11-1401) (from Ch. 95 1/2, par. 11-1401)

7 Sec. 11-1401. Unattended motor vehicles. Except for a law
8 enforcement officer or an operator of an authorized emergency
9 vehicle performing his or her official duties, no person
10 driving or in charge of a motor vehicle shall permit it to
11 stand unattended without first stopping the engine, locking the
12 ignition, removing the key from the ignition, effectively
13 setting the brake thereon and, when standing upon any
14 perceptible grade, turning the front wheels to the curb or side
15 of the highway. An unattended motor vehicle shall not include
16 an unattended locked motor vehicle with the engine running
17 after being started by a remote starter system if the motor
18 vehicle is located in a municipality with a population of less
19 than 250,000.

20 (Source: P.A. 100-435, eff. 8-25-17.)

21 (625 ILCS 5/11-1429)

22 Sec. 11-1429. Excessive idling.

1 (a) The purpose of this law is to protect public health and
2 the environment by reducing emissions while conserving fuel and
3 maintaining adequate rest and safety of all drivers of diesel
4 vehicles.

5 (b) As used in this Section, "affected areas" means the
6 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,
7 St. Clair, and Monroe and the townships of Aux Sable and Goose
8 Lake in Grundy County and the township of Oswego in Kendall
9 County.

10 (c) A person that operates a motor vehicle operating on
11 diesel fuel in an affected area may not cause or allow the
12 motor vehicle, when it is not in motion, to idle for more than
13 a total of 10 minutes within any 60 minute period, except under
14 the following circumstances:

15 (1) the motor vehicle has a Gross Vehicle Weight Rating
16 of less than 8,000 pounds;

17 (2) the motor vehicle idles while forced to remain
18 motionless because of on-highway traffic, an official
19 traffic control device or signal, or at the direction of a
20 law enforcement official;

21 (3) the motor vehicle idles when operating defrosters,
22 heaters, air conditioners, or other equipment solely to
23 prevent a safety or health emergency;

24 (4) a police, fire, ambulance, public safety, other
25 emergency or law enforcement motor vehicle, or any motor
26 vehicle used in an emergency capacity, idles while in an

1 emergency or training mode and not for the convenience of
2 the vehicle operator;

3 (5) the primary propulsion engine idles for
4 maintenance, servicing, repairing, or diagnostic purposes
5 if idling is necessary for such activity;

6 (6) a motor vehicle idles as part of a government
7 inspection to verify that all equipment is in good working
8 order, provided idling is required as part of the
9 inspection;

10 (7) when idling of the motor vehicle is required to
11 operate auxiliary equipment to accomplish the intended use
12 of the vehicle (such as loading, unloading, mixing, or
13 processing cargo; controlling cargo temperature;
14 construction operations; lumbering operations; oil or gas
15 well servicing; or farming operations), provided that this
16 exemption does not apply when the vehicle is idling solely
17 for cabin comfort or to operate non-essential equipment
18 such as air conditioning, heating, microwave ovens, or
19 televisions;

20 (8) an armored motor vehicle idles when a person
21 remains inside the vehicle to guard the contents, or while
22 the vehicle is being loaded or unloaded;

23 (9) a bus idles a maximum of 15 minutes in any 60
24 minute period to maintain passenger comfort while
25 non-driver passengers are on board;

26 (10) if the motor vehicle has a sleeping berth, when

1 the operator is occupying the vehicle during a rest or
2 sleep period and idling of the vehicle is required to
3 operate air conditioning or heating;

4 (11) when the motor vehicle idles due to mechanical
5 difficulties over which the operator has no control;

6 (12) the motor vehicle is used as airport ground
7 support equipment, including, but not limited to, motor
8 vehicles operated on the air side of the airport terminal
9 to service or supply aircraft;

10 (13) the motor vehicle is (i) a bus owned by a public
11 transit authority and (ii) being operated on a designated
12 bus route or on a street or highway between designated bus
13 routes for the provision of public transportation;

14 (14) the motor vehicle is an implement of husbandry
15 exempt from registration under subdivision A(2) of Section
16 3-402 of this Code;

17 (15) the motor vehicle is owned by an electric utility
18 and is operated for electricity generation or hydraulic
19 pressure to power equipment necessary in the restoration,
20 repair, modification or installation of electric utility
21 service;

22 (16) the outdoor temperature is less than 32 degrees
23 Fahrenheit or greater than 80 degrees Fahrenheit; or

24 (17) the motor vehicle idles while being operated by a
25 remote starter system if the motor vehicle is located in a
26 municipality with a population of less than 250,000.

1 (d) When the outdoor temperature is 32 degrees Fahrenheit
2 or higher and 80 degrees Fahrenheit or lower, a person who
3 operates a motor vehicle operating on diesel fuel in an
4 affected area may not cause or allow the motor vehicle to idle
5 for a period greater than 30 minutes in any 60 minute period
6 while waiting to weigh, load, or unload cargo or freight,
7 unless the vehicle is in a line of vehicles that regularly and
8 periodically moves forward.

9 (e) This Section does not prohibit the operation of an
10 auxiliary power unit or generator set as an alternative to
11 idling the main engine of a motor vehicle operating on diesel
12 fuel.

13 (f) This Section does not apply to the owner of a motor
14 vehicle rented or leased to another entity or person operating
15 the vehicle.

16 (g) Any person convicted of any violation of this Section
17 is guilty of a petty offense and shall be fined \$90 for the
18 first conviction and \$500 for a second or subsequent conviction
19 within any 12 month period.

20 (h) Fines; distribution. All fines and all penalties
21 collected under this Section shall be deposited in the State
22 Treasury and shall be distributed as follows: (i) \$50 for the
23 first conviction and \$150 for a second or subsequent conviction
24 within any 12 month period under this Section shall be
25 deposited into the State's General Revenue Fund; (ii) \$20 for
26 the first conviction and \$262.50 for a second or subsequent

1 conviction within any 12 month period under this Section shall
2 be distributed to the law enforcement agency that issued the
3 citation; and (iii) \$20 for the first conviction and \$87.50 for
4 a second or subsequent conviction within any 12 month period
5 under this Section shall be deposited into the Trucking
6 Environmental and Education Fund.

7 (i) The Trucking Environmental and Education Fund is
8 created as a special fund in the State Treasury. All money
9 deposited into the Trucking Environmental and Education Fund
10 shall be paid, subject to appropriation by the General
11 Assembly, to the Illinois Environmental Protection Agency for
12 the purpose of educating the trucking industry on air pollution
13 and preventative measures specifically related to idling. Any
14 interest earned on deposits into the Fund shall remain in the
15 Fund and be used for the purposes set forth in this subsection.
16 Notwithstanding any other law to the contrary, the Fund is not
17 subject to administrative charges or charge-backs that would in
18 any way transfer moneys from the Fund into any other fund of
19 the State.

20 (Source: P.A. 100-435, eff. 8-25-17.)

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