



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

**HB5662**

by Rep. Elizabeth Hernandez

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1429  
625 ILCS 5/11-1429.5 new

Amends the Illinois Vehicle Code. Provides that, with exceptions, a school bus may not idle in excess of 3 minutes in a 60 minute period. Provides that a person convicted of a violation of the new provision is guilty of a petty offense and shall be fined \$100 for the first conviction and \$500 for a second or subsequent conviction within any 12 month period. Makes a corresponding change.

LRB100 20791 LNS 36281 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 Section 11-1429 and by adding Section 11-1429.5 as follows:

6 (625 ILCS 5/11-1429)

7 Sec. 11-1429. Excessive idling.

8 (a) The purpose of this law is to protect public health and  
9 the environment by reducing emissions while conserving fuel and  
10 maintaining adequate rest and safety of all drivers of diesel  
11 vehicles.

12 (b) As used in this Section, "affected areas" means the  
13 counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison,  
14 St. Clair, and Monroe and the townships of Aux Sable and Goose  
15 Lake in Grundy County and the township of Oswego in Kendall  
16 County.

17 (c) Except as otherwise provided in Subsection 11-1429.5, a  
18 ~~A~~ person that operates a motor vehicle operating on diesel fuel  
19 in an affected area may not cause or allow the motor vehicle,  
20 when it is not in motion, to idle for more than a total of 10  
21 minutes within any 60 minute period, except under the following  
22 circumstances:

23 (1) the motor vehicle has a Gross Vehicle Weight Rating

1 of less than 8,000 pounds;

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

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

9 (4) a police, fire, ambulance, public safety, other  
10 emergency or law enforcement motor vehicle, or any motor  
11 vehicle used in an emergency capacity, idles while in an  
12 emergency or training mode and not for the convenience of  
13 the vehicle operator;

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

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

21 (7) when idling of the motor vehicle is required to  
22 operate auxiliary equipment to accomplish the intended use  
23 of the vehicle (such as loading, unloading, mixing, or  
24 processing cargo; controlling cargo temperature;  
25 construction operations; lumbering operations; oil or gas  
26 well servicing; or farming operations), provided that this

1 exemption does not apply when the vehicle is idling solely  
2 for cabin comfort or to operate non-essential equipment  
3 such as air conditioning, heating, microwave ovens, or  
4 televisions;

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

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

11 (10) if the motor vehicle has a sleeping berth, when  
12 the operator is occupying the vehicle during a rest or  
13 sleep period and idling of the vehicle is required to  
14 operate air conditioning or heating;

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

17 (12) the motor vehicle is used as airport ground  
18 support equipment, including, but not limited to, motor  
19 vehicles operated on the air side of the airport terminal  
20 to service or supply aircraft;

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

25 (14) the motor vehicle is an implement of husbandry  
26 exempt from registration under subdivision A(2) of Section

1 3-402 of this Code;

2 (15) the motor vehicle is owned by an electric utility  
3 and is operated for electricity generation or hydraulic  
4 pressure to power equipment necessary in the restoration,  
5 repair, modification or installation of electric utility  
6 service;

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

9 (17) the motor vehicle idles while being operated by a  
10 remote starter system.

11 (d) When the outdoor temperature is 32 degrees Fahrenheit  
12 or higher and 80 degrees Fahrenheit or lower, a person who  
13 operates a motor vehicle operating on diesel fuel in an  
14 affected area may not cause or allow the motor vehicle to idle  
15 for a period greater than 30 minutes in any 60 minute period  
16 while waiting to weigh, load, or unload cargo or freight,  
17 unless the vehicle is in a line of vehicles that regularly and  
18 periodically moves forward.

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

23 (f) This Section does not apply to the owner of a motor  
24 vehicle rented or leased to another entity or person operating  
25 the vehicle.

26 (g) Any person convicted of any violation of this Section

1 is guilty of a petty offense and shall be fined \$90 for the  
2 first conviction and \$500 for a second or subsequent conviction  
3 within any 12 month period.

4 (h) Fines; distribution. All fines and all penalties  
5 collected under this Section shall be deposited in the State  
6 Treasury and shall be distributed as follows: (i) \$50 for the  
7 first conviction and \$150 for a second or subsequent conviction  
8 within any 12 month period under this Section shall be  
9 deposited into the State's General Revenue Fund; (ii) \$20 for  
10 the first conviction and \$262.50 for a second or subsequent  
11 conviction within any 12 month period under this Section shall  
12 be distributed to the law enforcement agency that issued the  
13 citation; and (iii) \$20 for the first conviction and \$87.50 for  
14 a second or subsequent conviction within any 12 month period  
15 under this Section shall be deposited into the Trucking  
16 Environmental and Education Fund.

17 (i) The Trucking Environmental and Education Fund is  
18 created as a special fund in the State Treasury. All money  
19 deposited into the Trucking Environmental and Education Fund  
20 shall be paid, subject to appropriation by the General  
21 Assembly, to the Illinois Environmental Protection Agency for  
22 the purpose of educating the trucking industry on air pollution  
23 and preventative measures specifically related to idling. Any  
24 interest earned on deposits into the Fund shall remain in the  
25 Fund and be used for the purposes set forth in this subsection.  
26 Notwithstanding any other law to the contrary, the Fund is not

1 subject to administrative charges or charge-backs that would in  
2 any way transfer moneys from the Fund into any other fund of  
3 the State.

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

5 (625 ILCS 5/11-1429.5 new)

6 Sec. 11-1429.5. School bus idling.

7 (a) The purpose of this Section is to reduce public  
8 exposure, especially school age children exposure, to diesel  
9 exhaust particulate matter and other toxic air contaminants by  
10 limiting unnecessary idling of specified vehicular sources.

11 (b) This Section applies to the operation of every school  
12 bus as defined in Section 1-182.

13 (c) This Section applies to school buses operating in every  
14 county in the State, independent of that county's status as an  
15 affected area as defined in subsection (b) of Section 11-1429.

16 (d) As used in this Section, "school" means the following  
17 entities:

18 (1) a public or private primary or secondary school;

19 (2) a primary or secondary school operated by a  
20 religious institution; or

21 (3) a public, private, or religious nursery school.

22 (e) As used in this Section, "school zone" means the area  
23 within 1,000 feet of a school as defined in subsection (d).

24 (f) Any person that operates a school bus operating on  
25 diesel fuel may not cause or allow that school bus, while it is

1 not in motion, to idle in a school zone for more than a total of  
2 3 minutes within any 60 minute period, except under the  
3 following circumstances:

4 (1) the outdoor temperature is less than 32 degrees  
5 Fahrenheit or greater than 80 degrees Fahrenheit; or

6 (2) when the school bus is forced to remain motionless  
7 because of traffic conditions or mechanical difficulties  
8 over which the operator has no control.

9 (g) Any person convicted of any violation of this Section  
10 is guilty of a petty offense and shall be fined \$100 for the  
11 first conviction and \$500 for a second or subsequent conviction  
12 within any 12 month period.