

SB1256



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1256

Introduced 2/6/2019, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1429

Amends the Illinois Vehicle Code. Provides that a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60-minute period under any circumstances if the vehicle is within 200 feet of a residential area. Provides that if a person violates the provisions concerning excessive idling within 200 feet of a residential area, the law enforcement agency having jurisdiction over the residential area or the law enforcement agency having jurisdiction over the property on which the violation took place may enforce the provisions.

LRB101 08358 TAE 53427 b

A BILL FOR

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

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

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

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

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

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

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

20 (7) when idling of the motor vehicle is required to
21 operate auxiliary equipment to accomplish the intended use
22 of the vehicle (such as loading, unloading, mixing, or
23 processing cargo; controlling cargo temperature;
24 construction operations; lumbering operations; oil or gas
25 well servicing; or farming operations), provided that this
26 exemption does not apply when the vehicle is idling solely

1 for cabin comfort or to operate non-essential equipment
2 such as air conditioning, heating, microwave ovens, or
3 televisions;

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

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

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

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

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

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

24 (14) the motor vehicle is an implement of husbandry
25 exempt from registration under subdivision A(2) of Section
26 3-402 of this Code;

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

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

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

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

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

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

25 (g) Any person convicted of any violation of this Section
26 is guilty of a petty offense and shall be fined \$90 for the

1 first conviction and \$500 for a second or subsequent conviction
2 within any 12 month period.

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

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

1 any way transfer moneys from the Fund into any other fund of
2 the State.

3 (j) Notwithstanding any other provision of this Section, a
4 person who operates a motor vehicle operating on diesel fuel in
5 an affected area may not cause or allow the motor vehicle, when
6 it is not in motion, to idle for more than a total of 10 minutes
7 within any 60-minute period under any circumstances if the
8 vehicle is within 200 feet of a residential area. This Section
9 may be enforced by either the law enforcement agency having
10 jurisdiction over the residential area or the law enforcement
11 agency having jurisdiction over the property on which the
12 violation took place.

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