

# HB3427



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3427

Introduced 2/17/2023, by Rep. Daniel Didech

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1429

Amends the Illinois Vehicle Code. Provides that a person that 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 3 (rather than 10) minutes within any 60 minute period.

LRB103 30447 MXP 56879 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  
5 changing 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  
10 and maintaining adequate rest and safety of all drivers of  
11 diesel 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 3 ~~10~~ minutes within any 60 minute period, except  
21 under the following circumstances:

22 (1) the motor vehicle has a Gross Vehicle Weight  
23 Rating 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  
2 conviction 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  
7 conviction within any 12 month period under this Section shall  
8 be deposited into the State's General Revenue Fund; (ii) \$20  
9 for the first conviction and \$262.50 for a second or  
10 subsequent conviction within any 12 month period under this  
11 Section shall be distributed to the law enforcement agency  
12 that issued the citation; and (iii) \$20 for the first  
13 conviction and \$87.50 for a second or subsequent conviction  
14 within any 12 month period under this Section shall be  
15 deposited into the Vehicle Inspection Fund.

16 (i) (Blank).

17 (j) Notwithstanding any other provision of this Section, a  
18 person who operates a motor vehicle with a gross vehicle  
19 weight rating of 8,000 pounds or more operating on diesel fuel  
20 on property that (i) offers paid parking services to vehicle  
21 owners, (ii) does not involve fuel dispensing, and (iii) is  
22 located in an affected area within a county of over 3 million  
23 residents but outside of a municipality of over 2 million  
24 residents may not cause or allow the motor vehicle, when it is  
25 not in motion, to idle for more than a total of 10 minutes  
26 within any 60-minute period under any circumstances if the

1 vehicle is within 200 feet of a residential area. This Section  
2 may be enforced by either the law enforcement agency having  
3 jurisdiction over the residential area or the law enforcement  
4 agency having jurisdiction over the property on which the  
5 violation took place. This subsection does not apply to:

6 (1) school buses;

7 (2) waste hauling vehicles;

8 (3) facilities operated by the Department of  
9 Transportation;

10 (4) vehicles owned by a public utility and operated to  
11 power equipment necessary in the restoration, repair,  
12 modification, or installation of a utility service; or

13 (5) ambulances.

14 (Source: P.A. 101-319, eff. 1-1-20; 102-1071, eff. 6-10-22.)