

HB3721



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3721

Introduced 2/22/2021, 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.

LRB102 13823 RAM 19173 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 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
12 the 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
15 side of the highway. An unattended motor vehicle shall not
16 include an unattended locked motor vehicle with the engine
17 running after being started by a remote starter system if the
18 motor vehicle is located in a municipality with a population
19 of less 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
3 and maintaining adequate rest and safety of all drivers of
4 diesel 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
16 Rating 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
19 conviction 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
24 conviction within any 12 month period under this Section shall
25 be deposited into the State's General Revenue Fund; (ii) \$20
26 for the first conviction and \$262.50 for a second or

1 subsequent conviction within any 12 month period under this
2 Section shall be distributed to the law enforcement agency
3 that issued the citation; and (iii) \$20 for the first
4 conviction and \$87.50 for a second or subsequent conviction
5 within any 12 month period under this Section shall be
6 deposited into the Trucking 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
13 pollution and preventative measures specifically related to
14 idling. Any interest earned on deposits into the Fund shall
15 remain in the Fund and be used for the purposes set forth in
16 this subsection. Notwithstanding any other law to the
17 contrary, the Fund is not subject to administrative charges or
18 charge-backs that would in any way transfer moneys from the
19 Fund into any other fund of the State.

20 (j) Notwithstanding any other provision of this Section, a
21 person who operates a motor vehicle with a gross vehicle
22 weight rating of 8,000 pounds or more operating on diesel fuel
23 on property that (i) offers paid parking services to vehicle
24 owners, (ii) does not involve fuel dispensing, and (iii) is
25 located in an affected area within a county of over 3 million
26 residents but outside of a municipality of over 2 million

1 residents may not cause or allow the motor vehicle, when it is
2 not in motion, to idle for more than a total of 10 minutes
3 within any 60-minute period under any circumstances if the
4 vehicle is within 200 feet of a residential area. This Section
5 may be enforced by either the law enforcement agency having
6 jurisdiction over the residential area or the law enforcement
7 agency having jurisdiction over the property on which the
8 violation took place. This subsection does not apply to:

9 (1) school buses;

10 (2) waste hauling vehicles;

11 (3) facilities operated by the Department of
12 Transportation;

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

16 (5) ambulances.

17 (Source: P.A. 100-435, eff. 8-25-17; 101-319, eff. 1-1-20.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.