



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2548

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-171.01d new
625 ILCS 5/11-1401
625 ILCS 5/11-1429

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

Amends the Illinois Vehicle Code. Provides an exception for a law enforcement officer or an operator of an authorized emergency vehicle performing his or her official duties to a provision prohibiting a person from leaving a vehicle unattended without first stopping the engine and removing the key from the ignition. 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. Defines "remote starter system". Makes conforming changes. Effective immediately.

LRB100 08840 AXK 18981 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 and by adding Section 1-171.01d as
6 follows:

7 (625 ILCS 5/1-171.01d new)

8 Sec. 1-171.01d. Remote starter system. Any device
9 installed in a motor vehicle that allows the engine of the
10 vehicle to be started by remote or radio control.

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

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

1 (Source: P.A. 79-1069)

2 (625 ILCS 5/11-1429)

3 Sec. 11-1429. Excessive idling.

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

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

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

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

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

24 (3) the motor vehicle idles when operating defrosters,
25 heaters, air conditioners, or other equipment solely to

1 prevent a safety or health emergency;

2 (4) a police, fire, ambulance, public safety, other
3 emergency or law enforcement motor vehicle, or any motor
4 vehicle used in an emergency capacity, idles while in an
5 emergency or training mode and not for the convenience of
6 the vehicle operator;

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

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

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

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

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

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

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

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

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

18 (14) the motor vehicle is an implement of husbandry
19 exempt from registration under subdivision A(2) of Section
20 3-402 of this Code;

21 (15) the motor vehicle is owned by an electric utility
22 and is operated for electricity generation or hydraulic
23 pressure to power equipment necessary in the restoration,
24 repair, modification or installation of electric utility
25 service; ~~or~~

26 (16) the outdoor temperature is less than 32 degrees

1 Fahrenheit or greater than 80 degrees Fahrenheit; or ~~or~~
2 (17) the motor vehicle idles while being operated by a
3 remote starter system.

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

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

16 (f) This Section does not apply to the owner of a motor
17 vehicle rented or leased to another entity or person operating
18 the vehicle.

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

23 (h) Fines; distribution. All fines and all penalties
24 collected under this Section shall be deposited in the State
25 Treasury and shall be distributed as follows: (i) \$50 for the
26 first conviction and \$150 for a second or subsequent conviction

1 within any 12 month period under this Section shall be
2 deposited into the State's General Revenue Fund; (ii) \$20 for
3 the first conviction and \$262.50 for a second or subsequent
4 conviction within any 12 month period under this Section shall
5 be distributed to the law enforcement agency that issued the
6 citation; and (iii) \$20 for the first conviction and \$87.50 for
7 a second or subsequent conviction within any 12 month period
8 under this Section shall be deposited into the Trucking
9 Environmental and Education Fund.

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

23 (Source: P.A. 96-576, eff. 8-18-09.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.