



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0186

Introduced 1/19/2007, by Rep. Dave Winters

SYNOPSIS AS INTRODUCED:

New Act

Creates the Antifreeze Bittering Act. Provides that any engine coolant or antifreeze that is manufactured or sold in this State, after July 1, 2008, and that contains more than 10% ethylene glycol, shall include denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as a bittering agent within the product so as to render it unpalatable. Requires the manufacturer or packager of engine coolant or antifreeze to maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used in the engine coolant or antifreeze. Limits the liability of a manufacturer, processor, distributor, recycler, or seller of engine coolant or antifreeze that is required to contain a bittering agent from liability to any person for any personal injury, death, property damage, damage to the environment or natural resources, or economic loss that results from the inclusion of denatonium benzoate in any engine coolant or antifreeze, provided that the inclusion of denatonium benzoate is present in concentrations mandated by the Act. Exempts from the requirements of the Act the sale of a motor vehicle that contains engine coolant or antifreeze or the sale of wholesale containers of engine coolant or antifreeze containing 55 gallons or more of engine coolant or antifreeze. Preempts home rule.

LRB095 03860 LCT 23891 b

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning antifreeze.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Antifreeze Bittering Act.

6 Section 5. Engine coolant and antifreeze; denatonium
7 benzoate. Any engine coolant or antifreeze that is manufactured
8 or sold in this State after July 1, 2008, and that contains
9 more than 10% ethylene glycol, shall include denatonium
10 benzoate at a minimum of 30 parts per million and a maximum of
11 50 parts per million as a bittering agent within the product so
12 as to render it unpalatable.

13 Section 10. Record keeping. A manufacturer or packager of
14 engine coolant or antifreeze subject to provisions of this Act
15 shall maintain a record of the trade name, scientific name, and
16 active ingredients of any bittering agent used pursuant to this
17 Act. Such information shall be available to the public upon
18 request.

19 Section 15. Liability.

20 (a) A manufacturer, processor, distributor, recycler, or
21 seller of an engine coolant or antifreeze that is required to

1 contain a bittering agent pursuant to Section 5 of this Act
2 shall not be liable to any person for any personal injury,
3 death, property damage, damage to the environment or natural
4 resources, or economic loss that results from the inclusion of
5 denatonium benzoate in any engine coolant or antifreeze,
6 provided that the inclusion of denatonium benzoate is present
7 in concentrations mandated by Section 5 of this Act.

8 (b) The limitation on liability provided in this Section
9 does not apply to a particular liability to the extent that the
10 cause of such liability is unrelated to the inclusion of
11 denatonium benzoate in any engine coolant or antifreeze.

12 (c) The limitation on liability provided by this Section
13 does not apply if the personal injury, death, property damage,
14 damage to the environment or natural resources, or economic
15 loss results from the willful or wanton misconduct by the
16 manufacturer, distributor, recycler, or seller of the engine
17 coolant or antifreeze.

18 (d) Nothing in this Section shall be construed to exempt
19 any manufacturer or distributor of denatonium benzoate from any
20 liability related to denatonium benzoate.

21 Section 20. Exemptions. The requirements of this Act shall
22 not apply to:

23 (1) the sale of a motor vehicle that contains engine
24 coolant or antifreeze; or

25 (2) wholesale containers of engine coolant or

1 antifreeze containing 55 gallons or more of engine coolant
2 or antifreeze.

3 Section 25. Home rule preemption. The regulation of engine
4 coolant and antifreeze is an exclusive power and function of
5 the State. A home rule unit may not regulate engine coolant or
6 anti-freeze. This Section is a denial and limitation of home
7 rule powers and functions under subsection (h) of Section 6 of
8 Article VII of the Illinois Constitution.