



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2048

Introduced 2/7/2023, by Rep. Laura Faver Dias

SYNOPSIS AS INTRODUCED:

505 ILCS 100/21.5 new
605 ILCS 5/4-415 new

Amends the Illinois Highway Code. Provides that vegetation within the first 8 feet adjacent to the surface of a highway or road, or to the shoulder if there is one, may be mowed at any time, but not to a height of less than 4 inches. Provides that other vegetation within a right-of-way may be mowed up to 2 times between October 15 and April 1 and up to 2 times between July 1 and July 20, but not to a height of less than 12 inches. Provides that mowing at other times or at lower heights is not allowed unless authorized for necessary safety reasons: (i) by rule of the Department of Transportation; or (ii) after consultation with the Department and if not less restrictive than or in conflict with Department rules, by ordinance of the county, township, or road district having jurisdiction. Provides that the Department may also adopt rules: (i) for noxious weed control that causes minimal disruption of habitat; and (ii) that set conditions to allow for mowing, burning, or tilling to prepare the land for the establishment of a habitat consisting of native, low-maintenance, and permanent vegetative cover or for prairie vegetation management. Provides that weed control under the Code and under the Illinois Noxious Weed Law must be accomplished in compliance with the new provisions. Provides that a violation is a petty offense for the first offense and a Class B misdemeanor for a second or subsequent offense. Provides that, if an offense is not prosecuted by the State's Attorney, the Attorney General, or a special prosecutor appointed by the Attorney General, may bring the prosecution. Makes a corresponding change in the Illinois Noxious Weed Law. Effective immediately.

LRB103 05796 HEP 50816 b

1 AN ACT concerning conservation.

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

4 Section 5. The Illinois Noxious Weed Law is amended by
5 adding Section 21.5 as follows:

6 (505 ILCS 100/21.5 new)

7 Sec. 21.5. Habitat maintenance. For the purposes of
8 habitat maintenance in rights-of-way, this Act is subject to
9 the restrictions imposed by Section 4-415 of the Illinois
10 Highway Code.

11 Section 10. The Illinois Highway Code is amended by adding
12 Section 4-415 as follows:

13 (605 ILCS 5/4-415 new)

14 Sec. 4-415. Habitat maintenance in rights-of-way.

15 (a) The purpose of this Section is to provide enhanced
16 roadside habitat for nesting birds, other small wildlife, and
17 pollinators, including, without limitation, the Monarch
18 Butterfly, which is the official State insect under the State
19 Designations Act.

20 (b) This Section applies to all rights-of-way within the
21 State highway system, the county highway system, and the

1 township and district road system, but it does not apply to
2 rights-of-way within the municipal street system, as each of
3 those systems are defined in this Code.

4 (c) (1) Vegetation within the first 8 feet adjacent to the
5 surface of a highway or road, or to the shoulder if there is
6 one, may be mowed at any time, but not to a height of less than
7 4 inches.

8 (2) Other vegetation within a right-of-way may be mowed up
9 to 2 times between October 15 and April 1 and up to 2 times
10 between July 1 and July 20, but not to a height of less than 12
11 inches.

12 (3) Mowing at other times or at lower heights is not
13 allowed unless authorized for necessary safety reasons: (i) by
14 rule of the Department; or (ii) after consultation with the
15 Department and if not less restrictive than or in conflict
16 with Department rules, by ordinance of the county, township,
17 or road district having jurisdiction.

18 (4) The Department may also adopt rules: (i) for noxious
19 weed control that causes minimal disruption of habitat; and
20 (ii) that set conditions to allow for mowing, burning, or
21 tilling to prepare the land for the establishment of a habitat
22 consisting of native, low-maintenance, and permanent
23 vegetative cover or for prairie vegetation management.

24 (5) Weed control under Section 9-111 of this Code and
25 under the Illinois Noxious Weed Law must be accomplished in
26 compliance with this Section.

1 (d) Any person who violates this Section, or who
2 authorizes or directs another person to violate this Section,
3 is guilty of a petty offense for the first offense and is
4 guilty of a Class B misdemeanor for a second or subsequent
5 offense. If an offense is not prosecuted by the State's
6 Attorney, the Attorney General, or a special prosecutor
7 appointed by the Attorney General, may bring the prosecution.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.