
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 295 Session of
2007

INTRODUCED BY BROWNE, BOSCOLA, FERLO, COSTA, RAFFERTY, ORIE,
ERICKSON AND VANCE, MARCH 9, 2007

AS AMENDED ON THIRD CONSIDERATION, FEBRUARY 5, 2008

AN ACT

1 Providing for idling restrictions on diesel-powered commercial
2 vehicles; and imposing a penalty.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Diesel-
7 Powered Commercial Motor Vehicle Idling Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Auxiliary power system." A device installed on a commercial
13 motor vehicle to provide electrical, mechanical or thermal
14 energy to the primary diesel engine, the cab or the sleeper-
15 berth compartment as an alternative to idling the primary diesel
16 engine.

17 "Commercial motor vehicle." A self-propelled motor vehicle

1 used on a highway to transport passengers or property when the
2 vehicle meets any of the following conditions:

3 (1) the vehicle IS BEING USED COMMERCIALY AND has a ←
4 gross vehicle weight rating or gross combination weight
5 rating, or gross vehicle weight or gross combination weight
6 of 4,536 kg (10,001 pounds) or more, whichever is greater;

7 (2) the vehicle is designed or used to transport more
8 than eight passengers, including the driver, for
9 compensation;

10 (3) the vehicle is designed or used to transport more
11 than 15 passengers, including the driver, and is not used to
12 transport passengers for compensation; or

13 (4) the vehicle is used in transporting material found
14 by the Secretary of the United States Department of
15 Transportation to be hazardous under 49 U.S.C. § 5103
16 (relating to general regulatory authority) and transported in
17 a quantity requiring placarding under regulations prescribed
18 by the Secretary of the United States Department of
19 Transportation under 49 CFR Subtitle B, Ch. 1 Subch. C
20 (relating to hazardous materials regulations).

21 "Department." The Department of Environmental Protection of
22 the Commonwealth.

23 "Highway." The term as it is defined under 49 CFR 390.5
24 (relating to definitions).

25 "Idling." Operation of the main propulsion engine of a
26 commercial motor vehicle while the vehicle is stationary.
27 Section 3. Restrictions on idling.

28 (a) Restrictions.--No operator of a commercial motor vehicle
29 subject to this act shall cause or allow the engine of a diesel-
30 powered commercial motor vehicle to idle for more than five

1 minutes in any 60-minute period, except as provided in
2 subsection (b).

3 (b) Exemptions.--A diesel-powered commercial motor vehicle
4 may idle beyond the time allowed in subsection (a) for one or
5 more of the following reasons:

6 (1) When a vehicle idles while forced to remain
7 motionless because of on-highway traffic, an official traffic
8 control device or signal or at the direction of a law
9 enforcement official.

10 (2) When a vehicle must idle to operate defrosters,
11 heaters, air conditioners or cargo refrigeration equipment,
12 or to install equipment, in order to prevent a safety or
13 health emergency and not for the purpose of a rest period, or
14 as otherwise required by Federal or State motor carrier
15 safety regulations or local requirements.

16 (3) When a police, fire, ambulance, public safety,
17 military or other emergency or law enforcement vehicle or any
18 vehicle being used in an emergency capacity idles while in an
19 emergency or training mode and not for the convenience of the
20 vehicle operator.

21 (4) When the primary propulsion engine idles for
22 maintenance, servicing, repairing or diagnostic purposes, if
23 idling is required for that activity.

24 (5) When a vehicle idles as part of a Federal or State
25 inspection to verify that all equipment is in good working
26 order, if idling is required as part of the inspection.

27 (6) When idling of a primary propulsion engine is
28 necessary to power work-related mechanical, safety or
29 electrical operations other than propulsion. This exemption
30 shall not apply when idling is done for cabin comfort or to

1 operate nonessential onboard equipment.

2 (7) When an armored vehicle must idle when a person
3 remains inside the vehicle to guard contents or while the
4 vehicle is being loaded or unloaded.

5 (8) When a vehicle must idle due to mechanical
6 difficulties over which the driver has no control, if the
7 vehicle owner submits the repair paperwork or product repair
8 verifying that the mechanical problem has been fixed, by mail
9 to the department within 30 days of the repair.

10 (9) When a passenger bus must idle to provide heating or
11 air conditioning when non-driver passengers are onboard. For
12 the purposes of this exemption, the bus may idle for no more
13 than 15 minutes in a 60-minute period.

14 (10) An occupied vehicle with a sleeper-berth
15 compartment that idles for purposes of air conditioning or
16 heating during a rest or sleep period and the outside
17 temperature at the location of the vehicle is less than 40
18 degrees or greater than 75 degrees Fahrenheit. This applies
19 to a commercial motor vehicle parked in any place that the
20 commercial motor vehicle is legally permitted to park,
21 including but not limited to, a fleet trucking terminal,
22 commercial truck stop or designated rest area. This exemption
23 expires May 1, 2010. This exemption does not apply if the
24 vehicle is parked at a location equipped with stationary idle
25 reduction technology that is available for use.

26 (11) When idling is necessary for active loading or
27 active unloading of property or passengers.

28 (c) Exception.--The restriction on idling set forth in
29 subsection (a) does not apply to a diesel-powered commercial
30 motor vehicle that has a model year of 2007 or newer engine and

1 exhibits a label issued by the California Air Resources Board
2 under 13 CCR § 1956.8(a)(6)(C) (relating to exhaust emissions
3 standards and test procedures - 1985 and subsequent model heavy-
4 duty engines and vehicles) showing that the vehicle's engine
5 meets the optional NOx idling emission standard.

6 Section 4. Auxiliary power system.

7 For a diesel-powered commercial motor vehicle with a model
8 year of 2007 or newer engine, an auxiliary power system powered
9 by a diesel-powered internal combustion engine may only be used
10 in this Commonwealth if its exhaust is routed through the
11 exhaust system of the main propulsion engine. This requirement
12 does not apply if the vehicle or auxiliary power system exhibits
13 a label issued by the California Air Resources Board under 13
14 CCR § 2485(c)(3)(A)(1) (relating to airborne toxic control
15 measure to limit diesel-fueled commercial motor vehicle idling)
16 for the auxiliary power system.

17 Section 5. Penalties.

18 (a) Fines.--An operator of a diesel-powered commercial motor
19 vehicle that violates the provisions of this act commits a
20 summary offense and shall, upon conviction:

21 (1) For the first offense, be sentenced to pay a fine of
22 \$50.

23 (2) For second or subsequent offenses, be sentenced to
24 pay a fine of not less than \$50 and not more than \$150.

25 (b) Notification.--If the operator of a diesel-powered motor
26 vehicle convicted of a summary offense under this act is not the
27 owner of the vehicle, the department shall, under procedures
28 established in cooperation with the Department of
29 Transportation, notify the vehicle owner that the operator has
30 been convicted.

1 Section 6. Disposition of fines.

2 (a) General rule.--Except as provided in subsection (b), all
3 fines for prosecutions of an offense under this act shall be
4 payable to the Commonwealth for credit to the Clean Air Fund.

5 (b) Exception for local police action.--When prosecution of
6 an offense under this act is the result of local police action,
7 the fines shall be payable as follows:

8 (1) One-half to the municipal corporation under which
9 the local police are organized.

10 (2) One-half to the Commonwealth for credit to the Clean
11 Air Fund.

12 Section 7. Enforcement.

13 The Secretary of Environmental Protection may designate
14 employees of the department to enforce the provisions of this
15 act. The employees shall exhibit proof of and be within the
16 scope of the designation when instituting proceedings as
17 provided by the Pennsylvania Rules of Criminal Procedure.

18 Section 8. Preemption.

19 (a) General rule.--Except as provided in subsection (b),
20 this act shall preempt and supersede a local ordinance or rule
21 concerning the subject matter of this act.

22 (b) Exception.--A local ordinance or rule concerning the
23 subject matter of this act that has been adopted by a county of
24 the first or second class shall remain in full force and effect
25 to the extent that the local ordinance or rule is more
26 restrictive than the requirements of this act if the local
27 ordinance or rule was in effect prior to January 1, 2007, and it
28 has not been amended, suspended or rendered invalid, in whole or
29 in part, by a court decision.

30 Section 9. Effective date.

1 This act shall take effect in 60 days.