

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 295 Session of
2007INTRODUCED BY BROWNE, BOSCOLA, FERLO, COSTA, RAFFERTY, ORIE,
ERICKSON AND VANCE, MARCH 9, 2007

SENATOR MADIGAN, TRANSPORTATION, AS AMENDED, JANUARY 29, 2008

AN ACT

1 ~~Amending Title 75 (Vehicles) of the Pennsylvania Consolidated~~ <—
2 ~~Statutes, providing for idling requirements and penalties.~~

3 ~~The General Assembly of the Commonwealth of Pennsylvania~~
4 ~~declares that the purpose of 75 Pa.C.S. Ch. 39 is to protect the~~
5 ~~public health and the environment by reducing emissions while~~
6 ~~conserving fuel and maintaining adequate rest and safety for all~~
7 ~~drivers of diesel vehicles.~~

8 PROVIDING FOR IDLING RESTRICTIONS ON DIESEL-POWERED COMMERCIAL <—
9 VEHICLES; AND IMPOSING A PENALTY.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Title 75 of the Pennsylvania Consolidated~~ <—
13 ~~Statutes is amended by adding a chapter to read:~~

14 CHAPTER 39

15 IDLING REQUIREMENTS

16 Sec.

17 3901. Definitions.

18 3902. Requirements.

1 ~~3903. Auxiliary power units.~~

2 ~~3904. Penalties.~~

3 ~~§ 3901. Definitions.~~

4 ~~The following words and phrases when used in this chapter~~
5 ~~shall have the meanings given to them in this section unless the~~
6 ~~context clearly indicates otherwise:~~

7 ~~"Commercial diesel vehicle." A commercial diesel vehicle~~
8 ~~which is designed to operate on a highway.~~

9 ~~"Highway." The term as it is defined under 49 CFR 390.5~~
10 ~~(relating to definitions).~~

11 ~~"Load and unload location." A location where commercial~~
12 ~~diesel vehicles load or unload.~~

13 ~~§ 3902. Requirements.~~

14 ~~(a) Load and unload locations. A load and unload location~~
15 ~~owner may not allow a commercial diesel vehicle to idle for a~~
16 ~~period greater than 30 minutes while waiting to load or unload~~
17 ~~at a location under the owner's control.~~

18 ~~(b) Commercial diesel vehicles. The following shall apply:~~

19 ~~(1) Except as provided in subsection (a) and paragraph~~
20 ~~(2), an owner or operator of a commercial diesel vehicle may~~
21 ~~not allow a commercial diesel vehicle to idle for more than~~
22 ~~five minutes in any 60 minute period.~~

23 ~~(2) Paragraph (1) shall not apply when any of the~~
24 ~~following occur:~~

25 ~~(i) A commercial diesel vehicle idles while forced~~
26 ~~to remain motionless because of on highway traffic, an~~
27 ~~official traffic control device or signal or at the~~
28 ~~direction of a law enforcement official.~~

29 ~~(ii) A commercial diesel vehicle idles when~~
30 ~~operating defrosters, heaters, air conditioners or if~~

~~equipment is being installed solely to prevent a safety or health emergency, and not as part of a rest period.~~

~~(iii) A police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle or any vehicle being used in an emergency capacity idles while in an emergency or training mode and not for the convenience of the vehicle operator.~~

~~(iv) The primary propulsion engine idles for maintenance, servicing, repairing or diagnostic purposes if idling is required for that activity.~~

~~(v) A commercial diesel vehicle idles as part of a Federal or State inspection to verify that all equipment is in good working order, if idling is required as part of the inspection.~~

~~(vi) Idling of a primary propulsion engine is necessary to power work related mechanical or electrical operations other than propulsion. This exemption shall not apply when idling is done for cabin comfort or to operate nonessential onboard equipment.~~

~~(vii) An armored vehicle idles when a person remains inside the vehicle to guard contents or while the vehicle is being loaded or unloaded.~~

~~(viii) A vehicle idles due to mechanical difficulties over which the driver has no control, if the vehicle owner submits the repair paperwork or product repair verifying that the mechanical problem has been fixed, by mail to the department within 30 days of the repair.~~

~~(ix) A passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort~~

~~while nondriver passengers are onboard. This paragraph shall expire three years after a State financial assistance program for idle reduction technologies or strategies is implemented.~~

~~(x) An occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period. This paragraph shall expire three years after a State financial assistance program for idle reduction technologies or strategies is implemented.~~

~~(xi) An occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload. This paragraph shall expire three years after a State financial assistance program for idle reduction technologies or strategies is implemented.~~

~~§ 3903. Auxiliary power units.~~

~~Operating an auxiliary power unit, generator set or other mobile idle reduction technology on a model year 2007 or older commercial diesel vehicle to heat, air condition or provide electrical power as an alternative to idling the main engine shall be not considered idling for the purposes of this chapter.~~

~~§ 3904. Penalties.~~

~~Any person that violates the provisions of this chapter shall be subject to the following penalties:~~

~~(1) For a first offense, to have a warning ticket issued.~~

~~(2) For a subsequent offense, to pay a fine of:~~

~~(i) \$150 if the person is the commercial diesel vehicle operator; or~~

~~(ii) \$500 if the person is the commercial diesel~~

1 ~~vehicle owner or the load and unload location owner.~~

2 ~~Section 2. This act shall take effect in 60 days.~~

3 SECTION 1. SHORT TITLE.

<—

4 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE DIESEL-
5 POWERED COMMERCIAL MOTOR VEHICLE IDLING ACT.

6 SECTION 2. DEFINITIONS.

7 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
8 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
9 CONTEXT CLEARLY INDICATES OTHERWISE:

10 "AUXILIARY POWER SYSTEM." A DEVICE INSTALLED ON A COMMERCIAL
11 MOTOR VEHICLE TO PROVIDE ELECTRICAL, MECHANICAL OR THERMAL
12 ENERGY TO THE PRIMARY DIESEL ENGINE, THE CAB OR THE SLEEPER-
13 BERTH COMPARTMENT AS AN ALTERNATIVE TO IDLING THE PRIMARY DIESEL
14 ENGINE.

15 "COMMERCIAL MOTOR VEHICLE." A SELF-PROPELLED MOTOR VEHICLE
16 USED ON A HIGHWAY TO TRANSPORT PASSENGERS OR PROPERTY WHEN THE
17 VEHICLE MEETS ANY OF THE FOLLOWING CONDITIONS:

18 (1) THE VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OR
19 GROSS COMBINATION WEIGHT RATING, OR GROSS VEHICLE WEIGHT OR
20 GROSS COMBINATION WEIGHT OF 4,536 KG (10,001 POUNDS) OR MORE,
21 WHICHEVER IS GREATER;

22 (2) THE VEHICLE IS DESIGNED OR USED TO TRANSPORT MORE
23 THAN EIGHT PASSENGERS, INCLUDING THE DRIVER, FOR
24 COMPENSATION;

25 (3) THE VEHICLE IS DESIGNED OR USED TO TRANSPORT MORE
26 THAN 15 PASSENGERS, INCLUDING THE DRIVER, AND IS NOT USED TO
27 TRANSPORT PASSENGERS FOR COMPENSATION; OR

28 (4) THE VEHICLE IS USED IN TRANSPORTING MATERIAL FOUND
29 BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF
30 TRANSPORTATION TO BE HAZARDOUS UNDER 49 U.S.C. § 5103

(RELATING TO GENERAL REGULATORY AUTHORITY) AND TRANSPORTED IN
A QUANTITY REQUIRING PLACARDING UNDER REGULATIONS PRESCRIBED
BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF
TRANSPORTATION UNDER 49 CFR SUBTITLE B, CH. 1 SUBCH. C
(RELATING TO HAZARDOUS MATERIALS REGULATIONS).

"DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF
THE COMMONWEALTH.

"HIGHWAY." THE TERM AS IT IS DEFINED UNDER 49 CFR 390.5
(RELATING TO DEFINITIONS).

"IDLING." OPERATION OF THE MAIN PROPULSION ENGINE OF A
COMMERCIAL MOTOR VEHICLE WHILE THE VEHICLE IS STATIONARY.

SECTION 3. RESTRICTIONS ON IDLING.

(A) RESTRICTIONS.--NO OPERATOR OF A COMMERCIAL MOTOR VEHICLE
SUBJECT TO THIS ACT SHALL CAUSE OR ALLOW THE ENGINE OF A DIESEL-
POWERED COMMERCIAL MOTOR VEHICLE TO IDLE FOR MORE THAN FIVE
MINUTES IN ANY 60-MINUTE PERIOD, EXCEPT AS PROVIDED IN
SUBSECTION (B).

(B) EXEMPTIONS.--A DIESEL-POWERED COMMERCIAL MOTOR VEHICLE
MAY IDLE BEYOND THE TIME ALLOWED IN SUBSECTION (A) FOR ONE OR
MORE OF THE FOLLOWING REASONS:

(1) WHEN A VEHICLE IDLES WHILE FORCED TO REMAIN
MOTIONLESS BECAUSE OF ON-HIGHWAY TRAFFIC, AN OFFICIAL TRAFFIC
CONTROL DEVICE OR SIGNAL OR AT THE DIRECTION OF A LAW
ENFORCEMENT OFFICIAL.

(2) WHEN A VEHICLE MUST IDLE TO OPERATE DEFROSTERS,
HEATERS, AIR CONDITIONERS OR CARGO REFRIGERATION EQUIPMENT,
OR TO INSTALL EQUIPMENT, IN ORDER TO PREVENT A SAFETY OR
HEALTH EMERGENCY AND NOT FOR THE PURPOSE OF A REST PERIOD, OR
AS OTHERWISE REQUIRED BY FEDERAL OR STATE MOTOR CARRIER
SAFETY REGULATIONS OR LOCAL REQUIREMENTS.

1 (3) WHEN A POLICE, FIRE, AMBULANCE, PUBLIC SAFETY,
2 MILITARY OR OTHER EMERGENCY OR LAW ENFORCEMENT VEHICLE OR ANY
3 VEHICLE BEING USED IN AN EMERGENCY CAPACITY IDLES WHILE IN AN
4 EMERGENCY OR TRAINING MODE AND NOT FOR THE CONVENIENCE OF THE
5 VEHICLE OPERATOR.

6 (4) WHEN THE PRIMARY PROPULSION ENGINE IDLES FOR
7 MAINTENANCE, SERVICING, REPAIRING OR DIAGNOSTIC PURPOSES, IF
8 IDLING IS REQUIRED FOR THAT ACTIVITY.

9 (5) WHEN A VEHICLE IDLES AS PART OF A FEDERAL OR STATE
10 INSPECTION TO VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING
11 ORDER, IF IDLING IS REQUIRED AS PART OF THE INSPECTION.

12 (6) WHEN IDLING OF A PRIMARY PROPULSION ENGINE IS
13 NECESSARY TO POWER WORK-RELATED MECHANICAL, SAFETY OR
14 ELECTRICAL OPERATIONS OTHER THAN PROPULSION. THIS EXEMPTION
15 SHALL NOT APPLY WHEN IDLING IS DONE FOR CABIN COMFORT OR TO
16 OPERATE NONESSENTIAL ONBOARD EQUIPMENT.

17 (7) WHEN AN ARMORED VEHICLE MUST IDLE WHEN A PERSON
18 REMAINS INSIDE THE VEHICLE TO GUARD CONTENTS OR WHILE THE
19 VEHICLE IS BEING LOADED OR UNLOADED.

20 (8) WHEN A VEHICLE MUST IDLE DUE TO MECHANICAL
21 DIFFICULTIES OVER WHICH THE DRIVER HAS NO CONTROL, IF THE
22 VEHICLE OWNER SUBMITS THE REPAIR PAPERWORK OR PRODUCT REPAIR
23 VERIFYING THAT THE MECHANICAL PROBLEM HAS BEEN FIXED, BY MAIL
24 TO THE DEPARTMENT WITHIN 30 DAYS OF THE REPAIR.

25 (9) WHEN A PASSENGER BUS MUST IDLE TO PROVIDE HEATING OR
26 AIR CONDITIONING WHEN NON-DRIVER PASSENGERS ARE ONBOARD. FOR
27 THE PURPOSES OF THIS EXEMPTION, THE BUS MAY IDLE FOR NO MORE
28 THAN 15 MINUTES IN A 60-MINUTE PERIOD.

29 (10) AN OCCUPIED VEHICLE WITH A SLEEPER-BERTH
30 COMPARTMENT THAT IDLES FOR PURPOSES OF AIR CONDITIONING OR

1 HEATING DURING A REST OR SLEEP PERIOD AND THE OUTSIDE
2 TEMPERATURE AT THE LOCATION OF THE VEHICLE IS LESS THAN 40
3 DEGREES OR GREATER THAN 75 DEGREES FAHRENHEIT. THIS APPLIES
4 TO A COMMERCIAL MOTOR VEHICLE PARKED IN ANY PLACE THAT THE
5 COMMERCIAL MOTOR VEHICLE IS LEGALLY PERMITTED TO PARK,
6 INCLUDING BUT NOT LIMITED TO, A FLEET TRUCKING TERMINAL,
7 COMMERCIAL TRUCK STOP OR DESIGNATED REST AREA. THIS EXEMPTION
8 EXPIRES MAY 1, 2010. THIS EXEMPTION DOES NOT APPLY IF THE
9 VEHICLE IS PARKED AT A LOCATION EQUIPPED WITH STATIONARY IDLE
10 REDUCTION TECHNOLOGY THAT IS AVAILABLE FOR USE.

11 (11) WHEN IDLING IS NECESSARY FOR ACTIVE LOADING OR
12 ACTIVE UNLOADING OF PROPERTY OR PASSENGERS.

13 (C) EXCEPTION.--THE RESTRICTION ON IDLING SET FORTH IN
14 SUBSECTION (A) DOES NOT APPLY TO A DIESEL-POWERED COMMERCIAL
15 MOTOR VEHICLE THAT HAS A MODEL YEAR OF 2007 OR NEWER ENGINE AND
16 EXHIBITS A LABEL ISSUED BY THE CALIFORNIA AIR RESOURCES BOARD
17 UNDER 13 CCR § 1956.8(A)(6)(C) (RELATING TO EXHAUST EMISSIONS
18 STANDARDS AND TEST PROCEDURES - 1985 AND SUBSEQUENT MODEL HEAVY-
19 DUTY ENGINES AND VEHICLES) SHOWING THAT THE VEHICLE'S ENGINE
20 MEETS THE OPTIONAL NOX IDLING EMISSION STANDARD.

21 SECTION 4. AUXILIARY POWER SYSTEM.

22 FOR A DIESEL-POWERED COMMERCIAL MOTOR VEHICLE WITH A MODEL
23 YEAR OF 2007 OR NEWER ENGINE, AN AUXILIARY POWER SYSTEM POWERED
24 BY A DIESEL-POWERED INTERNAL COMBUSTION ENGINE MAY ONLY BE USED
25 IN THIS COMMONWEALTH IF ITS EXHAUST IS ROUTED THROUGH THE
26 EXHAUST SYSTEM OF THE MAIN PROPULSION ENGINE. THIS REQUIREMENT
27 DOES NOT APPLY IF THE VEHICLE OR AUXILIARY POWER SYSTEM EXHIBITS
28 A LABEL ISSUED BY THE CALIFORNIA AIR RESOURCES BOARD UNDER 13
29 CCR § 2485(C)(3)(A)(1) (RELATING TO AIRBORNE TOXIC CONTROL
30 MEASURE TO LIMIT DIESEL-FUELED COMMERCIAL MOTOR VEHICLE IDLING)

1 FOR THE AUXILIARY POWER SYSTEM.

2 SECTION 5. PENALTIES.

3 (A) FINES.--AN OPERATOR OF A DIESEL-POWERED COMMERCIAL MOTOR
4 VEHICLE THAT VIOLATES THE PROVISIONS OF THIS ACT COMMITS A
5 SUMMARY OFFENSE AND SHALL, UPON CONVICTION:

6 (1) FOR THE FIRST OFFENSE, BE SENTENCED TO PAY A FINE OF
7 \$50.

8 (2) FOR SECOND OR SUBSEQUENT OFFENSES, BE SENTENCED TO
9 PAY A FINE OF NOT LESS THAN \$50 AND NOT MORE THAN \$150.

10 (B) NOTIFICATION.--IF THE OPERATOR OF A DIESEL-POWERED MOTOR
11 VEHICLE CONVICTED OF A SUMMARY OFFENSE UNDER THIS ACT IS NOT THE
12 OWNER OF THE VEHICLE, THE DEPARTMENT SHALL, UNDER PROCEDURES
13 ESTABLISHED IN COOPERATION WITH THE DEPARTMENT OF
14 TRANSPORTATION, NOTIFY THE VEHICLE OWNER THAT THE OPERATOR HAS
15 BEEN CONVICTED.

16 SECTION 6. DISPOSITION OF FINES.

17 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B), ALL
18 FINES FOR PROSECUTIONS OF AN OFFENSE UNDER THIS ACT SHALL BE
19 PAYABLE TO THE COMMONWEALTH FOR CREDIT TO THE CLEAN AIR FUND.

20 (B) EXCEPTION FOR LOCAL POLICE ACTION.--WHEN PROSECUTION OF
21 AN OFFENSE UNDER THIS ACT IS THE RESULT OF LOCAL POLICE ACTION,
22 THE FINES SHALL BE PAYABLE AS FOLLOWS:

23 (1) ONE-HALF TO THE MUNICIPAL CORPORATION UNDER WHICH
24 THE LOCAL POLICE ARE ORGANIZED.

25 (2) ONE-HALF TO THE COMMONWEALTH FOR CREDIT TO THE CLEAN
26 AIR FUND.

27 SECTION 7. ENFORCEMENT.

28 THE SECRETARY OF ENVIRONMENTAL PROTECTION MAY DESIGNATE
29 EMPLOYEES OF THE DEPARTMENT TO ENFORCE THE PROVISIONS OF THIS
30 ACT. THE EMPLOYEES SHALL EXHIBIT PROOF OF AND BE WITHIN THE

1 SCOPE OF THE DESIGNATION WHEN INSTITUTING PROCEEDINGS AS
2 PROVIDED BY THE PENNSYLVANIA RULES OF CRIMINAL PROCEDURE.
3 SECTION 8. PREEMPTION.

4 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B),
5 THIS ACT SHALL PREEMPT AND SUPERSEDE A LOCAL ORDINANCE OR RULE
6 CONCERNING THE SUBJECT MATTER OF THIS ACT.

7 (B) EXCEPTION.--A LOCAL ORDINANCE OR RULE CONCERNING THE
8 SUBJECT MATTER OF THIS ACT THAT HAS BEEN ADOPTED BY A COUNTY OF
9 THE FIRST OR SECOND CLASS SHALL REMAIN IN FULL FORCE AND EFFECT
10 TO THE EXTENT THAT THE LOCAL ORDINANCE OR RULE IS MORE
11 RESTRICTIVE THAN THE REQUIREMENTS OF THIS ACT IF THE LOCAL
12 ORDINANCE OR RULE WAS IN EFFECT PRIOR TO JANUARY 1, 2007, AND IT
13 HAS NOT BEEN AMENDED, SUSPENDED OR RENDERED INVALID, IN WHOLE OR
14 IN PART, BY A COURT DECISION.

15 SECTION 9. EFFECTIVE DATE.

16 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.