

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 295 Session of
2007

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

REFERRED TO TRANSPORTATION, MARCH 9, 2007

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

10 Section 1. Title 75 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 39

13 IDLING REQUIREMENTS

14 Sec.

15 3901. Definitions.

16 3902. Requirements.

17 3903. Auxiliary power units.

1 3904. Penalties.

2 § 3901. Definitions.

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

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

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

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

12 § 3902. Requirements.

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

17 (b) Commercial diesel vehicles.--The following shall apply:

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

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

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

28 (ii) A commercial diesel vehicle idles when
29 operating defrosters, heaters, air conditioners or if
30 equipment is being installed solely to prevent a safety

1 or health emergency, and not as part of a rest period.

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

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

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

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

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

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

28 (ix) A passenger bus idles a maximum of 15 minutes
29 in any 60-minute period to maintain passenger comfort
30 while nondriver passengers are onboard. This paragraph

1 shall expire three years after a State financial
2 assistance program for idle reduction technologies or
3 strategies is implemented.

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

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

15 § 3903. Auxiliary power units.

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

21 § 3904. Penalties.

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

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

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

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

29 (ii) \$500 if the person is the commercial diesel
30 vehicle owner or the load and unload location owner.

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