

Enrolled House Bill 2081

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for Department of Environmental Quality)

CHAPTER

AN ACT

Relating to greenhouse gas emissions from trucking.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 3 to 6 of this 2011 Act are added to and made a part of the Oregon Vehicle Code.

SECTION 2. The purpose of sections 3 to 6 of this 2011 Act is to reduce greenhouse gas and other emissions from the use of commercial vehicles, as defined in section 3 of this 2011 Act.

SECTION 3. As used in sections 3 to 6 of this 2011 Act:

(1) "Auxiliary power unit" means any device that is installed on a commercial vehicle that provides electrical, mechanical or thermal energy to the vehicle cab, a sleeper berth, a bus passenger compartment or any other vehicle cab, as an alternative to idling the primary engine.

(2) "Cargo temperature control unit" means any device used for controlling the temperature of a cargo transport area.

(3) "Commercial vehicle" means a commercial vehicle with a gross vehicle weight rating that is greater than 10,000 pounds.

(4) "Idle reduction technology" means any device or system of devices that is installed on a commercial vehicle and that is designed to provide heat, air conditioning or electricity that would otherwise require the operation of the primary engine.

(5) "Idling" means operation of the primary engine of a commercial vehicle while the vehicle is stationary.

(6) "Primary engine" means an internal combustion engine attached to a commercial vehicle that provides the power to propel the vehicle into motion and maintain motion.

SECTION 4. (1) A person commits the offense of unlawfully idling the primary engine of a commercial vehicle if the person is operating a commercial vehicle and the person:

(a) Stops the commercial vehicle; and

(b) Allows the engine of the commercial vehicle to idle for more than five minutes in any continuous 60-minute period.

(2) For purposes of this section, a person is not idling a primary engine if the person:

(a) Operates an auxiliary power unit, generator set or other idle reduction technology as a means to heat, air condition or provide electrical power.

(b) Operates a cargo temperature control unit to maintain the cargo.

(3) A citation issued under this section may be issued to the person operating the commercial vehicle, the motor carrier as defined in ORS 825.005, or both.

(4) The offense described in this section, unlawfully idling the primary engine of a commercial vehicle, applies on any premises open to the public.

(5) The offense described in this section, unlawfully idling the primary engine of a commercial vehicle, is a Class C traffic violation.

SECTION 5. Section 4 of this 2011 Act does not apply to a commercial vehicle if it is necessary to idle the primary engine of the commercial vehicle:

(1) Due to traffic, a traffic control device or mechanical difficulties over which the operator has no control or at the direction of a law enforcement official or road authority.

(2) Due to the need to operate defrosters, heaters or air conditioners or installing equipment necessary to comply with manufacturers' operating requirements, specifications and warranties or with federal, state or local safety regulations.

(3) Because the commercial vehicle is a police, fire, ambulance, public safety, military, utility service or road authority vehicle, or any other vehicle being used to respond to an emergency or for other public safety purposes, or being actively used for training for emergencies or public safety.

(4) For maintenance, service, repair or diagnostic purposes or for particulate matter trap regeneration.

(5) For a state or federal inspection to verify that all equipment is in good working order.

(6) To power work-related mechanical, safety, electrical or construction equipment installed on the vehicle that is not used for propulsion.

(7) Because the commercial vehicle is an armored vehicle and a person must remain inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded.

(8) To maintain the comfort of commercial bus passengers while passengers are on board.

(9) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds, for purposes of air conditioning or heating during a rest or sleep period and the outside temperature is less than 50 degrees or greater than 75 degrees Fahrenheit at any time during the rest or sleep period. This subsection applies to a commercial vehicle with a sleeper berth compartment that is parked in any place that a commercial vehicle is legally permitted to park, including, but not limited to, a fleet trucking terminal, commercial vehicle stop or designated rest area. This exemption does not apply if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle reduction technology, if the commercial vehicle is parked at a location equipped with suitable stationary idle reduction technology that is available for use, or during a rest or sleep period when the commercial vehicle is parked on or adjacent to a public or private educational institution offering education in all or part of kindergarten through grade 12, unless the outside temperature is greater than 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person may idle the primary engine to provide air conditioning.

(10) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds, for purposes of air conditioning or heating while waiting to load or unload the commercial vehicle or while actually loading or unloading the commercial vehicle, and the outside temperature is less than 50 degrees or greater than 75 degrees Fahrenheit at the time. This exemption does not apply if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle reduction technology, or if the commercial vehicle is parked at a location equipped with suitable stationary idle reduction technology that is available for use, unless the outside temperature is greater than 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person may idle the primary engine to provide air conditioning.

(11) For a maximum of 30 minutes while waiting to load or unload the commercial vehicle or while actually loading or unloading the commercial vehicle during a single loading or unloading event.

SECTION 6. (1) The authority to regulate the idling of primary engines in commercial vehicles is vested solely in the Legislative Assembly. A city, county or other local government may not enact any charter provision, ordinance, resolution or other provision regulating the idling of primary engines in commercial vehicles.

(2) Notwithstanding subsection (1) of this section, a city, county or other local government may enforce any charter provision, ordinance, resolution or other provision regulating the idling of primary engines in commercial vehicles in effect on January 1, 2011.

Passed by House April 12, 2011

Received by Governor:

Repassed by House June 2, 2011

.....M.,....., 2011

Approved:

.....
Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

.....
Bruce Hanna, Speaker of House

.....
John Kitzhaber, Governor

.....
Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate May 31, 2011

.....M.,....., 2011

.....
Peter Courtney, President of Senate

.....
Kate Brown, Secretary of State