

A-Engrossed
Senate Bill 1509

Ordered by the Senate February 15
Including Senate Amendments dated February 15

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Provides additional exception to prohibition on commercial vehicle idling.
Permits local governments to regulate idling diesel primary engines in certain circumstances.

A BILL FOR AN ACT

1
2 Relating to vehicle idling; creating new provisions; and amending ORS 825.610 and 825.615.

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

4 **SECTION 1.** ORS 825.610 is amended to read:

5 825.610. (1) ORS 825.605 does not apply to a commercial vehicle if it is necessary to idle the
6 primary engine of the commercial vehicle:

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

9 [(2)] (b) Due to the need to operate defrosters, heaters or air conditioners or installing equip-
10 ment necessary to comply with manufacturers' operating requirements, specifications and warranties
11 or with federal, state or local safety regulations.

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

16 [(4)] (d) For maintenance, service, repair or diagnostic purposes or for particulate matter trap
17 regeneration.

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

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

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

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

24 [(9)] (i) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds,
25 for purposes of air conditioning or heating during a rest or sleep period and the outside temperature
26 is less than 50 degrees or greater than 75 degrees Fahrenheit at any time during the rest or sleep
27 period. This subsection applies to a commercial vehicle with a sleeper berth compartment that is

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 parked in any place that a commercial vehicle is legally permitted to park, including, but not limited
2 to, a fleet trucking terminal, commercial vehicle stop or designated rest area. This exemption does
3 not apply if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle
4 reduction technology, if the commercial vehicle is parked at a location equipped with suitable sta-
5 tionary idle reduction technology that is available for use, or during a rest or sleep period when the
6 commercial vehicle is parked on or adjacent to a public or private educational institution offering
7 education in all or part of kindergarten through grade 12, unless the outside temperature is greater
8 than 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the
9 person may idle the primary engine to provide air conditioning.

10 [(10)] (j) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds,
11 for purposes of air conditioning or heating while waiting to load or unload the commercial vehicle
12 or while actually loading or unloading the commercial vehicle, and the outside temperature is less
13 than 50 degrees or greater than 75 degrees Fahrenheit at the time. This exemption does not apply
14 if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle reduction
15 technology, or if the commercial vehicle is parked at a location equipped with suitable stationary
16 idle reduction technology that is available for use, unless the outside temperature is greater than
17 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person
18 may idle the primary engine to provide air conditioning.

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

22 (2)(a) **ORS 825.605 does not apply to a commercial vehicle when the engine manufacturer**
23 **has certified that a new 2008 or subsequent model year commercial vehicle diesel engine**
24 **which is primarily responsible for propelling the commercial vehicle meets an optional ni-**
25 **trogen oxides idling emission standard of 30 grams per hour while not affecting the associ-**
26 **ated emissions of carbon monoxide, particulate matter and nonmethane hydrocarbons.**

27 (b) **A manufacturer that certifies that its engine meets the standard specified in para-**
28 **graph (a) of this subsection shall provide a sticker to be affixed to the commercial vehicle**
29 **to demonstrate compliance with the idling emission standard.**

30 **SECTION 2.** ORS 825.615 is amended to read:

31 825.615. (1) The authority to regulate the idling of primary engines in commercial vehicles is
32 vested solely in the Legislative Assembly. A city, county or other local government may not enact
33 any charter provision, ordinance, resolution or other provision regulating the idling of primary en-
34 gines in commercial vehicles.

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

38 (3)(a) **Notwithstanding subsection (1) of this section, a city, county or other local gov-**
39 **ernment may adopt by ordinance provisions restricting the idling of diesel engines that are**
40 **primarily responsible for propelling a commercial vehicle within zones established by the**
41 **ordinance that are on or adjacent to one or more of the following types of facilities:**

42 (A) **Public or private educational institutions offering education in all or part of**
43 **kindergarten through grade 12.**

44 (B) **Child care facilities as defined in ORS 329A.250 and child care facilities operated by**
45 **public bodies as defined in ORS 174.109.**

1 (C) Hospitals as defined in ORS 442.015.

2 (D) Residential care facilities as defined in ORS 443.400.

3 (b) An ordinance adopted pursuant to this subsection may not restrict the idling of diesel
4 primary engines in commercial vehicles where such idling is necessary to power work-related
5 mechanical, safety, electrical or construction equipment installed on the vehicle that is not
6 used for propulsion.

7 (c) An ordinance adopted pursuant to this subsection must not be less stringent than the
8 idling restrictions imposed under ORS 825.605.

9 (d) An ordinance adopted pursuant to this subsection is effective when appropriate signs
10 giving notice of the idling restrictions are posted in a conspicuous location near the re-
11 stricted idling zone. The expense of erecting any sign under this subsection shall be borne
12 by the city, county or other local government that adopted the ordinance. All signs posted
13 under this subsection must comply with ORS 810.200.

14 SECTION 3. The amendments to ORS 825.610 by section 1 of this 2018 Act apply to con-
15 duct occurring on and after the effective date of this 2018 Act.

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