

**A-Engrossed**  
**House Bill 2081**

Ordered by the House April 7  
Including House Amendments dated April 7

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)

**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.

*[Requires Environmental Quality Commission to adopt rules establishing requirements for certain heavy-duty trucks and box-type trailers. Specifies timetable for compliance with rules. Requires commission to adopt rules establishing requirements for fleet compliance plans for certain heavy-duty trucks and box-type trailers.]*

*[Requires commission to adopt rules relating to prohibition on idling of commercial motor vehicles. Provides exceptions.]*

*[Declares emergency, effective on passage.]*

**Creates offense of unlawfully idling primary engine of commercial vehicle. Punishes by \$180 fine. Creates exemptions.**

**A BILL FOR AN ACT**

1  
2 Relating to greenhouse gas emissions from trucking.

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

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

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

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

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

14 (2) **“Cargo temperature control unit” means any device used for controlling the temper-**  
15 **ature of a cargo transport area.**

16 (3) **“Commercial vehicle” means a commercial vehicle with a gross vehicle weight rating**  
17 **that is greater than 10,000 pounds.**

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

21 (5) **“Idling” means operation of the primary engine of a commercial vehicle while the**  
22 **vehicle is stationary.**

23 (6) **“Primary engine” means an internal combustion engine attached to a commercial**

**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 vehicle that provides the power to propel the vehicle into motion and maintain motion.

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

4 (a) Stops the commercial vehicle; and

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

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

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

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

11 (3) A citation issued under this section may be issued to the person operating the com-  
12 mercial vehicle, the registered owner, or both.

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

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

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

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

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

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

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

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

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

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

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

36 (9) In a commercial vehicle with a gross vehicle weight rating of more than 26,000  
37 pounds, for purposes of air conditioning or heating during a rest or sleep period and the  
38 outside temperature is less than 50 degrees or greater than 75 degrees Fahrenheit at any  
39 time during the rest or sleep period. This subsection applies to a commercial vehicle with  
40 a sleeper berth compartment that is parked in any place that a commercial vehicle is legally  
41 permitted to park, including, but not limited to, a fleet trucking terminal, commercial vehicle  
42 stop or designated rest area. This exemption does not apply if the commercial vehicle is  
43 equipped with an auxiliary power unit or other suitable idle reduction technology, if the  
44 commercial vehicle is parked at a location equipped with suitable stationary idle reduction  
45 technology that is available for use or during a rest or sleep period when the commercial

1 vehicle is parked on or adjacent to a public or private educational institution offering edu-  
2 cation in all or part of kindergarten through grade 12.

3 (10) In a commercial vehicle with a gross vehicle weight rating of more than 26,000  
4 pounds, for purposes of air conditioning or heating while waiting to load or unload the com-  
5 mercial vehicle or while actually loading or unloading the commercial vehicle, and the out-  
6 side temperature is less than 50 degrees or greater than 75 degrees Fahrenheit at the time.  
7 This exemption does not apply if the commercial vehicle is equipped with an auxiliary power  
8 unit or other suitable idle reduction technology, or if the commercial vehicle is parked at a  
9 location equipped with suitable stationary idle reduction technology that is available for use.

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

13 **SECTION 6.** (1) The authority to regulate the idling of primary engines in commercial  
14 vehicles is vested solely in the Legislative Assembly. Sections 3 to 5 of this 2011 Act super-  
15 sede and preempt any charter provision, ordinance, resolution or other provision of any city,  
16 county or other local government relating to the idling of primary engines in commercial  
17 vehicles.

18 (2) A city, county or other local government may not enact or enforce any charter pro-  
19 vision, ordinance, resolution or other provision regulating the idling of primary engines in  
20 commercial vehicles.

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