

**B-Engrossed**  
**House Bill 2081**

Ordered by the Senate May 25  
Including House Amendments dated April 7 and Senate Amendments  
dated May 25

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.

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

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

27 (a) **Stops the commercial vehicle; and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14       **SECTION 6.** (1) **The authority to regulate the idling of primary engines in commercial**  
15 **vehicles is vested solely in the Legislative Assembly. A city, county or other local govern-**  
16 **ment may not enact any charter provision, ordinance, resolution or other provision regulat-**  
17 **ing the idling of primary engines in commercial vehicles.**

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

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