

HOUSE AMENDMENTS TO HOUSE BILL 2081

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

April 7

1 On page 1 of the printed bill, line 2, after “trucking” insert a period and delete the rest of the
2 line and delete line 3.

3 Delete lines 5 through 28 and delete pages 2 through 9 and insert:

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**
26 **of a commercial vehicle if the person is operating a commercial vehicle and the person:**

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

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

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

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

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

34 **“(3) A citation issued under this section may be issued to the person operating the**
35 **commercial vehicle, the registered owner, or both.**

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

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

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

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

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

12 “(3) 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
14 emergency or for other public safety purposes, or being actively used for training for emer-
15 gencies or public safety.

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

18 “(5) For a state or federal inspection to verify that all equipment is in good working or-
19 der.

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

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

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

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

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

45 “(11) For a maximum of 30 minutes while waiting to load or unload the commercial ve-

1 hicle or while actually loading or unloading the commercial vehicle during a single loading
2 or unloading event.

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

8 **“(2) A city, county or other local government may not enact or enforce any charter**
9 **provision, ordinance, resolution or other provision regulating the idling of primary engines**
10 **in commercial vehicles.”.**

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