

# Senate Bill 767

Sponsored by COMMITTEE ON GENERAL GOVERNMENT, CONSUMER AND SMALL BUSINESS PROTECTION

## 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 **as introduced**.

Creates offense of unlawfully idling motor vehicle engine. Provides certain exemptions. Punishes by maximum fine of \$50 for first offense, \$100 for second offense and \$200 for third or subsequent offense.

Takes effect July 1, 2013.

## A BILL FOR AN ACT

1  
2 Relating to idling motor vehicle engines; and prescribing an effective date.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 811.**

5 **SECTION 2. (1) A person commits the offense of unlawfully idling a motor vehicle engine**  
6 **if the person is operating a motor vehicle on or adjacent to school property and the person:**

7 (a) **Stops the motor vehicle; and**

8 (b) **Allows the engine of the stopped motor vehicle to idle for more than one minute.**

9 (2) **This section does not apply if:**

10 (a) **The motor vehicle is stopped in traffic;**

11 (b) **The person is acting in compliance with the directions of a police officer or traffic**  
12 **control device;**

13 (c) **The motor vehicle is stopped at a railroad crossing;**

14 (d) **The person is stopped by a flagger as defined in ORS 811.230;**

15 (e) **The motor vehicle has a combined weight that exceeds 26,000 pounds and is stopped**  
16 **at a truck stop or roadside rest area that is not within 1,000 feet of a residence district or**  
17 **school;**

18 (f) **Idling is necessary for the purpose of diagnosing, testing, servicing or repairing the**  
19 **motor vehicle;**

20 (g) **Idling is necessary to cool down the motor vehicle before turning the engine off;**

21 (h) **Idling is necessary to accomplish work for which the motor vehicle was designed**  
22 **other than transporting goods and people, including but not limited to operating a pump,**  
23 **crane, drill, hoist or mixer;**

24 (i) **Idling is necessary to operate a lift or other piece of equipment designed to ensure the**  
25 **safe loading and unloading of goods or people;**

26 (j) **Idling is necessary to recharge a battery or other energy storage unit of a hybrid**  
27 **electric vehicle;**

28 (k) **Idling is necessary to operate equipment that runs intermittently;**

29 (L) **Except as provided in paragraph (m) of this subsection, idling is necessary to operate**  
30 **the motor vehicle's defroster, heater or air conditioner and the outside temperature is 40**

**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 **degrees Fahrenheit or below or 85 degrees Fahrenheit or above; or**

2 **(m) Idling is necessary to operate the motor vehicle's defroster, heater or air conditioner**  
3 **and an occupant of the motor vehicle has a disability or health condition that would be sig-**  
4 **nificantly aggravated if the motor vehicle was not maintained at an adequate temperature**  
5 **for the occupant.**

6 **(3) The offense described in this section, unlawfully idling a motor vehicle engine, is**  
7 **punishable by a maximum fine of:**

8 **(a) Fifty dollars for a first offense.**

9 **(b) One hundred dollars for a second offense.**

10 **(c) Two hundred dollars for a third or subsequent offense.**

11 **(4) As used in this section, "school" means:**

12 **(a) A facility operating an Oregon prekindergarten or a federal Head Start program;**

13 **(b) A public or private educational institution offering education in all or part of**  
14 **kindergarten through grade 12;**

15 **(c) An education service district as defined in ORS 334.003;**

16 **(d) A community college as defined in ORS 341.005;**

17 **(e) The Oregon School for the Deaf; and**

18 **(f) A regional residential academy operated by the Oregon Youth Authority.**

19 **SECTION 3. This 2011 Act takes effect on July 1, 2013.**

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