

D R A F T

SUMMARY

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
3 825.610 and 825.615.

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

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

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

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

11 [(2)] (b) Due to the need to operate defrosters, heaters or air conditioners
12 or installing equipment necessary to comply with manufacturers' operating
13 requirements, specifications and warranties or with federal, state or local
14 safety regulations.

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

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

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

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

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

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

10 [(9)] (i) In a commercial vehicle with a gross vehicle weight rating of
11 more than 26,000 pounds, for purposes of air conditioning or heating during
12 a rest or sleep period and the outside temperature is less than 50 degrees or
13 greater than 75 degrees Fahrenheit at any time during the rest or sleep pe-
14 riod. This subsection applies to a commercial vehicle with a sleeper berth
15 compartment that is parked in any place that a commercial vehicle is legally
16 permitted to park, including, but not limited to, a fleet trucking terminal,
17 commercial vehicle stop or designated rest area. This exemption does not
18 apply if the commercial vehicle is equipped with an auxiliary power unit or
19 other suitable idle reduction technology, if the commercial vehicle is parked
20 at a location equipped with suitable stationary idle reduction technology
21 that is available for use, or during a rest or sleep period when the commer-
22 cial vehicle is parked on or adjacent to a public or private educational in-
23 stitution offering education in all or part of kindergarten through grade 12,
24 unless the outside temperature is greater than 75 degrees Fahrenheit and the
25 auxiliary power unit provides heating only, in which case the person may
26 idle the primary engine to provide air conditioning.

27 [(10)] (j) In a commercial vehicle with a gross vehicle weight rating of
28 more than 26,000 pounds, for purposes of air conditioning or heating while
29 waiting to load or unload the commercial vehicle or while actually loading
30 or unloading the commercial vehicle, and the outside temperature is less
31 than 50 degrees or greater than 75 degrees Fahrenheit at the time. This ex-

1 exemption does not apply if the commercial vehicle is equipped with an auxil-
2 iary power unit or other suitable idle reduction technology, or if the
3 commercial vehicle is parked at a location equipped with suitable stationary
4 idle reduction technology that is available for use, unless the outside tem-
5 perature is greater than 75 degrees Fahrenheit and the auxiliary power unit
6 provides heating only, in which case the person may idle the primary engine
7 to provide air conditioning.

8 [(11)] (k) For a maximum of 30 minutes while waiting to load or unload
9 the commercial vehicle [*or while actually loading or unloading the commer-*
10 *cial vehicle*] during a single loading or unloading event.

11 **(2)(a) ORS 825.605 does not apply to a commercial vehicle when the**
12 **engine manufacturer has certified that a new 2008 or subsequent model**
13 **year commercial vehicle diesel engine which is primarily responsible**
14 **for propelling the commercial vehicle meets an optional nitrogen**
15 **oxides idling emission standard of 30 grams per hour while not affect-**
16 **ing the associated emissions of carbon monoxide, particulate matter**
17 **and nonmethane hydrocarbons.**

18 **(b) A manufacturer that certifies that its engine meets the standard**
19 **specified in paragraph (a) of this subsection shall provide a sticker to**
20 **be affixed to the commercial vehicle to demonstrate compliance with**
21 **the idling emission standard.**

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

23 825.615. (1) The authority to regulate the idling of primary engines in
24 commercial vehicles is vested solely in the Legislative Assembly. A city,
25 county or other local government may not enact any charter provision, or-
26 dinance, resolution or other provision regulating the idling of primary en-
27 gines in commercial vehicles.

28 (2) Notwithstanding subsection (1) of this section, a city, county or other
29 local government may enforce any charter provision, ordinance, resolution
30 or other provision regulating the idling of primary engines in commercial
31 vehicles in effect on January 1, 2011.

1 **(3)(a) Notwithstanding subsection (1) of this section, a city, county**
2 **or other local government may adopt by ordinance provisions re-**
3 **stricting the idling of diesel engines that are primarily responsible for**
4 **propelling a commercial vehicle within zones established by the ordi-**
5 **nance that are on or adjacent to one or more of the following types**
6 **of facilities:**

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

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

11 **(C) Hospitals as defined in ORS 442.015.**

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

13 **(b) An ordinance adopted pursuant to this subsection may not re-**
14 **strict the idling of diesel primary engines in commercial vehicles**
15 **where such idling is necessary to power work-related mechanical,**
16 **safety, electrical or construction equipment installed on the vehicle**
17 **that is not used for propulsion.**

18 **(c) An ordinance adopted pursuant to this subsection is effective**
19 **when appropriate signs giving notice of the idling restrictions are**
20 **posted in a conspicuous location near the restricted idling zone. The**
21 **expense of erecting any sign under this subsection shall be borne by**
22 **the city, county or other local government that adopted the ordinance.**
23 **All signs posted under this subsection must comply with ORS 810.200.**

24 **SECTION 3.** **The amendments to ORS 825.610 by section 1 of this**
25 **2018 Act apply to conduct occurring on and after the effective date of**
26 **this 2018 Act.**

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