SB 1008-A3
(LC 3019)
5/9/17 (MAM/ps)

Requested by Senator DEMBROW

PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 1008

On page 1 of the printed A-engrossed bill, line 2, after "ORS" delete the rest of the line and insert "327.033, 468A.795, 468A.796, 468A.797, 468A.799, 468A.801, 468A.803, 825.610 and 825.615".

In line 3, delete "and 468A.803".

After line 3, insert:

"Whereas exposure to diesel particulate pollution causes myriad health effects, including the exacerbation of asthma symptoms and early death from heart disease and various cancers; and

"Whereas children are especially vulnerable to the negative health effects of diesel particulate pollution because their lungs are still in the developmental phase and they breath, on average, 50 percent more air per pound of body weight than adults; and

"Whereas environmental justice communities, including communities of color, bear a disproportionate burden of exposure to diesel pollution; and

"Whereas 23 Oregon counties have total concentrations of ambient levels of diesel particular matter that are considered harmful to health; and

"Whereas some parts of the state are particularly affected by pollution from older diesel engines because of geography, population density and a confluence of highways, port activity and construction activities; and

"Whereas diesel engines built after 2006 and older diesel engines retrofitted with particulate filters can reduce diesel particulate by up to 95

percent as compared with diesel particulate matter emissions from older, dirty diesel engines that are not retrofitted; and

"Whereas the problem of diesel particulate pollution in this state is exacerbated when older, dirty diesel engines are allowed to idle unnecessarily; and

"Whereas the attrition rate of older, dirty diesel engines that are not retrofitted is too slow to adequately curb emissions in a timely manner and protect public health; and

"Whereas a strategy to shorten the timeline for conversion to the use of new diesel engines and older diesel engines retrofitted with particulate filters and to reduce unnecessary idling by older diesel trucks is needed;' and

"Whereas the cost of newer diesel trucks, buses or nonroad equipment is particularly challenging for small businesses that do not regularly turn over their equipment; and

"Whereas many school districts are having difficulty meeting a statutory requirement to retrofit or replace school buses manufactured before 2007 by 2025; and

"Whereas Oregon finds itself the recipient of settlement dollars designed to help shorten the timeline for conversion to cleaner engines; now, therefore,".

Delete lines 5 through 10 and delete pages 2 and 3.

On page 4, delete lines 1 through 5 and insert:

"**OREGON CLEAN DIESEL PROGRAM**

"**(Definitions)**

"SECTION 1. ORS 468A.795 is amended to read:

"468A.795. As used in ORS 468A.795 to 468A.803 and sections 11 to 16, chapter 855, Oregon Laws 2007:

"[*(1) 'Combined weight' has the meaning given that term in ORS 825.005.*]

"**(1) 'Alternative fuel' means biofuels, biogas, natural gas, liquefied petroleum gas, hydrogen and electricity.**

"(2) 'Best available exhaust control technology' means the most effective exhaust controls to reduce diesel particulate that rely on passively regenerated diesel particulate control technology supported in a vehicle's normal duty cycle.

"[*(2)* **(3)** 'Cost-effectiveness threshold' means the cost, in dollars, per ton of diesel particulate matter reduced, as established by rule of the Environmental Quality Commission.

"**(4) 'Diesel engine' means a compression ignition engine.**

"(5) 'Environmental Mitigation Trust Agreement' means the Environmental Mitigation Trust Agreement required by the Volkswagen 'Clean Diesel' Marketing, Sales Practices and Products Liability Litigation partial consent decree dated October 25, 2016.

"(6) 'Equivalent equipment' means a piece of equipment that performs the same function and has the equivalent horsepower to a piece of equipment subject to a replacement.

"(7) 'Equivalent motor vehicle' means a motor vehicle that performs the same function and is in the same weight class as a motor vehicle subject to a replacement.

"(8) 'Fleet' means all pieces of equipment powered by nonroad diesel engines, medium-duty trucks and heavy-duty trucks that are owned by a person and operated in Oregon.

"(9) 'Gross vehicle weight rating' means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle.

"[*(3)*] **(10)** 'Heavy-duty truck' means a motor vehicle or combination of vehicles operated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 26,000 pounds.

"[*(4)*] **(11)** 'Incremental cost' means the cost of a qualifying repower or

retrofit less a baseline cost that would otherwise be incurred in the normal course of business.

"[*(5)*] **(12)** 'Medium-duty truck' means a motor vehicle or combination of vehicles operated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 14,000 pounds but less than or equal to 26,000 pounds.

"[*(6)*] **(13)** 'Motor vehicle' has the meaning given that term in ORS 825.005.

"[*(7) 'Nonroad Oregon diesel engine' means any Oregon diesel engine that was not designed primarily to propel a motor vehicle on public highways of this state.*]

"[*(8) 'Oregon diesel engine' means an engine at least 50 percent of the use of which, as measured by miles driven or hours operated, will occur in Oregon for the three years following the repowering or retrofitting of the engine.*]

"**(14) 'Nonroad diesel engine' means a diesel engine of 25 horsepower or more that is not designed primarily to propel a motor vehicle on public highways.**

"[*(9)*] **(15)** 'Oregon diesel truck engine' means a diesel engine in a truck at least 50 percent of the use of which, as measured by miles driven or hours operated, has occurred in Oregon for the two years preceding the scrapping of the engine.

"[*(10)*] **(16)** 'Public highway' has the meaning given that term in ORS 825.005.

"**(17)(a) 'Replacement' means:**

"(A) To scrap a motor vehicle powered by a diesel engine and replace the motor vehicle with an equivalent motor vehicle; or

"(B) To scrap a piece of equipment powered by a nonroad diesel engine and replace the equipment with equivalent equipment.

"(b) 'Replacement' does not mean ordinary maintenance, repair or replacement of a diesel engine.

"[*(11)*] **(18)** 'Repower' means to scrap an old diesel engine and [*replace*] **substitute** it with a new engine, a used engine or a remanufactured engine, or with electric motors, drives or fuel cells, with a minimum useful life of seven years.

"[*(12)*] **(19)** 'Retrofit' means to equip a diesel engine with new emissions-reducing parts or technology after the manufacture of the original engine. A retrofit must use the greatest degree of emissions reduction available for the particular application of the equipment retrofitted that meets the cost-effectiveness threshold.

"[*(13)*] **(20)** 'Scrap' means to destroy**,** [*and*] render inoperable **and recycle**.

"[*(14)*] **(21)** 'Truck' means a motor vehicle or combination of vehicles operated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 14,000 pounds.

"SECTION 2. ORS 468A.795, as amended by section 6a, chapter 855, Oregon Laws 2007, is amended to read:

"468A.795. As used in ORS 468A.795 to 468A.803:

[*(1) 'Combined weight' has the meaning given that term in ORS 825.005.*]

"**(1) 'Alternative fuel' means biofuels, biogas, natural gas, liquefied petroleum gas, hydrogen and electricity.**

"(2) 'Best available exhaust control technology' means the most effective exhaust controls to reduce diesel particulate that rely on passively regenerated diesel particulate control technology supported in a vehicle's normal duty cycle.

"[*(2)* **(3)** 'Cost-effectiveness threshold' means the cost, in dollars, per ton of diesel particulate matter reduced, as established by rule of the Environmental Quality Commission.

"**(4) 'Diesel engine' means a compression ignition engine.**

"(5) 'Environmental Mitigation Trust Agreement' means the Environmental Mitigation Trust Agreement required by the Volkswagen

'Clean Diesel' Marketing, Sales Practices and Products Liability Litigation partial consent decree dated October 25, 2016.

"(6) 'Equivalent equipment' means a piece of equipment that performs the same function and has the equivalent horsepower to a piece of equipment subject to a replacement.

"(7) 'Equivalent motor vehicle' means a motor vehicle that performs the same function and is in the same weight class as a motor vehicle subject to a replacement.

"(8) 'Fleet' means all pieces of equipment powered by nonroad diesel engines, medium-duty trucks and heavy-duty trucks that are owned by a person and operated in Oregon.

"(9) 'Gross vehicle weight rating' means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle.

"[*(3)*] **(10)** 'Heavy-duty truck' means a motor vehicle or combination of vehicles operated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 26,000 pounds.

"[*(4)*] **(11)** 'Incremental cost' means the cost of a qualifying repower or retrofit less a baseline cost that would otherwise be incurred in the normal course of business.

"[*(5)*] **(12)** 'Medium-duty truck' means a motor vehicle or combination of vehicles operated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 14,000 pounds but less than or equal to 26,000 pounds.

"[*(6)*] **(13)** 'Motor vehicle' has the meaning given that term in ORS 825.005.

"[*(7) 'Nonroad Oregon diesel engine' means any Oregon diesel engine that was not designed primarily to propel a motor vehicle on public highways of this state.*]

"[*(8) 'Oregon diesel engine' means an engine at least 50 percent of the use*

of which, as measured by miles driven or hours operated, will occur in Oregon for the three years following the repowering or retrofitting of the engine.]

"**(14) 'Nonroad diesel engine' means a diesel engine of 25 horsepower or more that is not designed primarily to propel a motor vehicle on public highways.**

"[*(9)*] **(15)** 'Oregon diesel truck engine' means a diesel engine in a truck at least 50 percent of the use of which, as measured by miles driven or hours operated, has occurred in Oregon for the two years preceding the scrapping of the engine.

"[*(10)*] **(16)** 'Public highway' has the meaning given that term in ORS 825.005.

"**(17)(a) 'Replacement' means:**

"(A) To scrap a motor vehicle powered by a diesel engine and replace the motor vehicle with an equivalent motor vehicle; or

"(B) To scrap a piece of equipment powered by a nonroad diesel engine and replace the equipment with equivalent equipment.

"(b) 'Replacement' does not mean ordinary maintenance, repair or replacement of a diesel engine.

"[*(11)*] **(18)** 'Repower' means to scrap an old diesel engine and [*replace*] **substitute** it with a new engine, a used engine or a remanufactured engine, or with electric motors, drives or fuel cells, with a minimum useful life of seven years.

"[*(12)*] **(19)** 'Retrofit' means to equip a diesel engine with new emissions-reducing parts or technology after the manufacture of the original engine. A retrofit must use the greatest degree of emissions reduction available for the particular application of the equipment retrofitted that meets the cost-effectiveness threshold.

"[*(13)*] **(20)** 'Scrap' means to destroy**,** [*and*] render inoperable **and recycle**.

"[*(14)*] **(21)** 'Truck' means a motor vehicle or combination of vehicles op-

erated as a unit that has a [*combined weight*] **gross vehicle weight rating** that is greater than 14,000 pounds.

"(Diesel Engine Fleet Provisions)

"SECTION 3. Sections 4 and 5 of this 2017 Act are added to and made a part of ORS 468A.795 to 468A.803.

"SECTION 4. (1) The Environmental Quality Commission shall adopt by rule standards that, on and after January 1, 2018, prohibit a person from adding to a fleet, or replacing a medium-duty truck or heavy-duty truck in a fleet with, a medium-duty truck or heavy-duty truck powered by a 2006 model year or older diesel engine.

"(2) Rules adopted under this subsection must:

"(a) Allow for owners and operators of medium-duty trucks and heavy-duty trucks to be granted extensions to comply with the prohibition under subsection (1) of this section based on factors that must include, but need not be limited to:

"(A) Expected vehicle usage as measured by miles driven or hours operated; and

"(B) The area in this state in which medium-duty trucks and heavy-duty trucks are operated; and

"(b) Allow for alternative options for compliance with the prohibition under subsection (1) of this section, including but not limited to an option for compliance through retrofitting with exhaust controls that meet standards adopted by the commission for the qualifying retrofit of a diesel engine under ORS 468A.799.

"(3) Notwithstanding ORS 468.140(5), the Department of Environmental Quality may impose civil penalties as authorized by ORS 468.140(1)(c) for violation of standards adopted by rule under this section.

"(4) The following classes of vehicles are exempt from this section:

"(a) Motor vehicles registered as farm vehicles under the provisions of ORS 805.300.

"(b) Farm tractors, as defined in ORS 801.265.

"(c) Implements of husbandry, as defined in ORS 801.310.

"(d) Motor vehicles used exclusively as training vehicles, as determined by the commission by rule.

"(e) Any other medium-duty trucks or heavy-duty trucks exempted from the prohibition under subsection (1) of this section by the commission by rule.

"SECTION 5. (1) The Environmental Quality Commission shall adopt by rule nonroad diesel engine emission standards that prohibit a person from adding to a fleet, or replacing a nonroad piece of equipment in a fleet with, a nonroad piece of equipment that is powered by a nonroad diesel engine that does not meet or exceed certain tier standards for nonroad diesel exhaust emissions as adopted by the United States Environmental Protection Agency.

"(2) The commission may adopt rules for exemptions, extensions and alternative options for compliance as necessary to facilitate compliance with the standards adopted by rule under this section.

"(3) The standards adopted under this section, and implementation and enforcement of the standards, must be consistent with the requirements of section 209(e) of the federal Clean Air Act (P.L. 88-206 as amended).

"(4) Before adopting rules under this section, the commission shall consider regulations adopted by the State of California for reducing nonroad diesel engine emissions.".

In line 6, delete "3" and insert "6".

In line 13, delete "replacement,".

In line 18, delete "4" and insert "7".

In line 24, delete "replacement,".

In line 29, delete "5" and insert "8".

On page 5, delete lines 2 through 8 and insert:

"(B) The equivalent equipment is powered by:

"(i) A nonroad diesel engine, whether or not capable of being powered by alternative fuel, that meets or exceeds United States Environmental Protection Agency Tier 4 exhaust emission standards for nonroad compression ignition engines;

"(ii) A nonroad engine capable of being powered by alternative fuel that meets or exceeds United State Environmental Protection Agency Tier 2 exhaust emission standards for nonroad spark ignition engines; or

"(iii) A nonroad engine powered by electricity.

"(c) For the qualifying repower of a nonroad diesel engine, that the repower will be accomplished using:

"(A) A nonroad diesel engine, whether or not capable of being powered by alternative fuel, that is at least one tier higher than the engine to be scrapped, based on the United States Environmental Protection Agency tier standards for nonroad compression ignition engines;

"(B) A nonroad engine capable of being powered by alternative fuel that meets or exceeds United State Environmental Protection Agency Tier 2 exhaust emission standards for nonroad spark ignition engines; or

"(C) A nonroad engine powered by electricity.".

After line 14, insert:

"(3) The commission by rule shall establish standards for the methods of recycling used for scrapping a motor vehicle, a piece of equipment powered by a nonroad diesel engine or a nonroad diesel engine after a qualifying replacement or repower.".

In line 15, delete "(3)" and insert "(4)".

In line 21, delete "6" and insert "9".

Delete lines 38 through 44 and insert:

"(B) The equivalent equipment is powered by:

"(i) A nonroad diesel engine, whether or not capable of being powered by alternative fuel, that meets or exceeds United States Environmental Protection Agency Tier 4 exhaust emission standards for nonroad compression ignition engines;

"(ii) A nonroad engine capable of being powered by alternative fuel that meets or exceeds United State Environmental Protection Agency Tier 2 exhaust emission standards for nonroad spark ignition engines; or

"(iii) A nonroad engine powered by electricity.

"(c) For the qualifying repower of a nonroad diesel engine, that the repower will be accomplished using:

"(A) A nonroad diesel engine, whether or not capable of being powered by alternative fuel, that is at least one tier higher than the engine to be scrapped, based on the United States Environmental Protection Agency tier standards for nonroad compression ignition engines;

"(B) A nonroad engine capable of being powered by alternative fuel that meets or exceeds United State Environmental Protection Agency Tier 2 exhaust emission standards for nonroad spark ignition engines; or

"(C) A nonroad engine powered by electricity.".

On page 6, after line 5, insert:

"(3) The commission by rule shall establish standards for the methods of recycling used for scrapping a motor vehicle, a piece of equipment powered by a nonroad diesel engine or a nonroad diesel engine after a qualifying replacement or repower.".

In line 6, delete "(3)" and insert "(4)".

In line 11, delete "7" and insert "10".

In line 28, delete "8" and insert "11".

On page 7, line 42, delete "among" and insert "as follows".

Delete lines 43 through 45 and insert:

"(a)(A) The department shall first award grants to owners and operators

of school buses to reduce emissions from at least 450 diesel powered school buses operating in this state.

"(B) In awarding grants under this paragraph, the department shall begin by awarding grants to owners and operators of school buses that are of the median model year of diesel school buses operating in this state, and shall proceed to award grants for replacing buses through the adjoining model years until the requirements of subparagraph (A) of this paragraph are met. A grant may be awarded under this paragraph for any school bus within the control of an owner or operator that meets the following conditions:

"(i) The school bus has at least three years of remaining useful life;

"(ii) Use of the school bus has occurred in Oregon during the year preceding the date of the grant; and

"(iii) For the three years following receipt of a grant award, the school bus use for which the owner or operator received the grant will occur in Oregon.

"(C) The grant amount per school bus awarded under this paragraph shall be for:

"(i) Up to 30 percent of the cost to purchase a school bus that meets minimum standards adopted by the State Board of Education under ORS 820.100 for the applicable class or type of school bus; or

"(ii) Up to 100 percent of the cost to retrofit a school bus with emissions-reducing parts or technology that result in a reduction of diesel particulate matter emissions by at least 85 percent when compared with the baseline emissions for the relevant engine year and application.

"(b) Moneys described in this subsection remaining after the requirements of paragraph (a) of this subsection are met shall be allocated by the department, subject to the preferences for grant awards established under section 13 (1)(b) of this 2017 Act, among:

"(A) Owners and operators of:

"(i) Drayage trucks;

"(ii) Delivery trucks;

"(iii) Waste hauling trucks;

"(iv) Transit buses; and

"(v) Airport ground support equipment;

"(B) Motor vehicles owned and operated by local governments; and

"(C) Actions for which moneys under the agreement may be expended pursuant to the Diesel Emission Reduction Act Option, as provided for in Appendix D-2 to the Volkswagen 'Clean Diesel' Marketing, Sales Practices and Products Liability Litigation partial consent decree dated October 25, 2016.

"(9) The department may not award a grant under subsection (8)(b) of this section to the owner or operator of a motor vehicle powered by a diesel engine or a piece of equipment powered by a nonroad diesel engine unless the following criteria are met:

"(a)(A) If a motor vehicle, the motor vehicle is powered by a 2006 model year or older diesel engine; or

"(B) If a piece of equipment, the piece of equipment is powered by a nonroad diesel engine that does not meet United States Environmental Protection Agency Tier 4 or higher exhaust emission standards for nonroad compression ignition engines.

"(b) Use of the motor vehicle or piece of equipment has occurred in Oregon during the year preceding the date of the grant.

"(c) The motor vehicle or piece of equipment is authorized for use in this state.

"(d) For the three years following the receipt of a grant award, at least 50 percent of the motor vehicle or equipment use for which the owner or operator received the grant will occur in Oregon, as measured by miles driven or hours operated.

"(e) The grant will not exceed the cost-effectiveness threshold where, notwithstanding ORS 468A.795, the 'cost-effectiveness threshold' for purposes

of this paragraph means the cost in dollars per ton of diesel particulate matter and nitrogen oxides emissions from diesel engines reduced, as established by rule of the commission.

"(f) Any other criteria the department deems necessary to ensure that a grant award will result in reducing emissions from diesel engines in this state.".

On page 8, delete lines 1 through 22.

In line 38, delete "9" and insert "12" and delete "10" and insert "13".

Delete lines 40 through 42 and insert:

"**SECTION 13.** (1) The Environmental Quality Commission shall adopt rules necessary to implement ORS 468A.795 to 468A.803. Rules adopted under this section must include, but need not be limited to, rules that establish preferences for awarding:".

On page 9, delete lines 3 through 6 and insert:

"(b) Grants under ORS 468A.803 (8)(b) based on whether a project supported by a grant will:

"(A) Benefit areas identified by demographic and health factors as a priority for reducing the impacts of emissions from diesel engines on disproportionately impacted populations including but not limited to the elderly, children and low income or minority populations.

"(B) Be carried out by an applicant that is a minority-owned business, woman-owned business or business that a service-disabled veteran owns as those terms are defined in ORS 200.005.

"(C) Operate in counties with elevated levels of diesel particulate matter and nitrogen oxides emissions from diesel engines.

"(D) Reflect engagement with and the support of a local community in the design and performance of a project.

"(E) Involve the replacement of motor vehicles or pieces of equipment that have at least three years of remaining useful life.

"(F) Utilize low carbon fuels.

"(G) Involve small fleets.

"(H) Be part of a broad-based air quality program documented to identify and address air quality concerns, including an ability to promote and continue efforts beyond the end of the project.

"(I) Be part of a program that is designed to reduce diesel particulate matter and nitrogen oxides emissions from diesel engines through a clean diesel public improvement program organized by a local or regional government.

"(J) Any other criteria the department deems necessary to ensure that a grant award will result in a reduction in emissions from diesel engines in this state.".

After line 15, insert:

"**(School Buses)**

"SECTION 14. ORS 468A.796 is amended to read:

"468A.796. **(1)** All school buses with diesel engines operated in Oregon must**, by January 1, 2025,** be:

"[*(1) Retrofitted with 2007 equivalent engines and 2007 fine particulate matter capture technology by January 1, 2017; or*]

"**(a) Repowered with an engine meeting 2007 fine particulate matter federal exhaust emission standards for diesel heavy-duty engines as set forth in 40 C.F.R. 86.007-11;**

"(b) Retrofitted:

"(A) If retrofitted prior to the effective date of this 2017 Act, with best available exhaust control technology; or

"(B) If retrofitted on or after the effective date of this 2017 Act, with exhaust controls meeting 2007 fine particulate matter federal exhaust emission standards for diesel heavy-duty engines as set forth in 40 C.F.R. 86.007-11; or

"[*(2)*] **(c)** Replaced with school buses manufactured on or after January 1, 2007[*, by January 1, 2025*].

"**(2)** A school bus replaced under [*this subsection*] **subsection (1)(c) of this section** may not be used for transportation of any type.

"SECTION 15. ORS 327.033 is amended to read:

"327.033. **(1) As used in this section, 'retrofit' and 'Environmental Mitigation Trust Agreement' have the meanings given those terms in ORS 468A.795.**

"[*(1)*] **(2)** Approved transportation costs shall be estimated for the year of distribution.

"[*(2)*] **(3)** In determining approved transportation costs, the State Board of Education:

"(a) Shall include depreciation of original cost to the school district of district-owned buses, not in excess of 10 percent per year; [*and*]

"(b) Shall include the costs to retrofit[*, as defined in ORS 468A.795,*] or to replace school buses for the purpose of reducing or eliminating diesel engine emissions, except that the board may not include the costs paid with moneys received from the state by a school district from the Clean Diesel Engine Fund under ORS 468A.801 (2)(a) to retrofit or to replace school buses for the purpose of reducing or eliminating diesel engine emissions[.]**; and**

"**(c) Shall include costs to replace diesel school buses as allowed in the Environmental Mitigation Trust Agreement, except that the board may not include costs paid from the Environmental Mitigation Trust Agreement in the calculation of the transportation grant computed as provided in ORS 327.013.**

"[*(3)*] **(4)** School districts shall account separately for those funds received from the State School Fund attributable to the costs included under subsection [*(2)*] **(3)** of this section, and expenditure of those funds shall be limited as follows:

"(a) The expenditure of funds attributable to costs under subsection

[*(2)(a)*] **(3)(a)** of this section shall be limited to the acquisition of new buses.

"(b) The expenditure of funds attributable to costs under subsection [*(2)(b)*] **(3)(b) and (c)** of this section shall be limited to the costs to retrofit[*, as defined in ORS 468A.795,*] or to replace school buses for the purpose of reducing or eliminating diesel engine emissions.

"**(5) The transportation grant computed as provided in ORS 327.013 when combined with costs paid from the Environmental Mitigation Trust Agreement to replace diesel school buses may not exceed the purchase price of the buses for which the funds described in this subsection were received.**".

In line 21, delete "11' and insert "16".

On page 10, line 17, delete "12" and insert "17" and delete "11" and insert "16".

In line 18, delete "13" and insert "18".

On page 11, line 1, delete "14" and insert "19" and delete "13" and insert "18".

In line 5, delete "15" and insert "20".

In line 8, delete "11" and insert "16".

After line 9, insert:

"**IDLING BY PRIMARY ENGINES IN COMMERCIAL VEHICLES**

"SECTION 21. ORS 825.610 is amended to read:

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

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

"[*(2)*] **(b)** Due to the need to operate defrosters, heaters or air conditioners or installing equipment necessary to comply with manufacturers' operating

requirements, specifications and warranties or with federal, state or local safety regulations.

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

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

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

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

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

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

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

stitution offering education in all or part of kindergarten through grade 12, unless the outside temperature is greater than 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person may idle the primary engine to provide air conditioning.

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

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

"**(2)(a) ORS 825.605 does not apply to a commercial vehicle when the engine manufacturer has certified that a new 2008 and subsequent model year commercial vehicle diesel engine meets an optional nitrogen oxides idling emission standard of 30 grams per hour while not affecting the associate emissions of carbon monoxide, particulate matter and nonmethane hydrocarbons.**

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

"SECTION 22. ORS 825.615 is amended to read:

"825.615. (1) The authority to regulate the idling of primary engines in commercial vehicles is vested solely in the Legislative Assembly. A city, county or other local government may not enact any charter provision, ordinance, resolution or other provision regulating the idling of primary engines in commercial vehicles.

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

"**(3)(a) Notwithstanding subsection (1) of this section, a city, county or other local government may adopt by ordinance provisions restricting the idling of diesel primary engines in commercial vehicles within zones established by the ordinance that are on or adjacent to one or more of the following types of facilities:**

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

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

"(C) Hospitals as defined in ORS 442.015.

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

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

"(c) An ordinance adopted pursuant to this subsection is effective when appropriate signs giving notice of the idling restrictions are posted in a conspicuous location near the restricted idling zone. The expense of erecting any sign under this subsection shall be borne by the city, county or other local government that adopted the ordinance.

All signs posted under this subsection must comply with ORS 810.200.".

In line 14, delete "16" and insert "23".

On page 12, after line 30, insert:

"OPERATION OF NONROAD DIESEL ENGINE EMISSION STANDARDS

"SECTION 24. The Environmental Quality Commission shall adopt rules as required by section 5 of this 2017 Act no later than January 1, 2018. Rules adopted under section 5 of this 2017 Act may not become operative until at least two years after the date that the rules are filed with the Secretary of State under ORS 183.355.".

In line 34, delete "17" and insert "25".

In line 40, delete "18" and insert "26".
