

B-Engrossed
Senate Bill 1509

Ordered by the House February 27
Including Senate Amendments dated February 15 and House Amendments
dated February 27

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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.

Provides additional exception to prohibition on commercial vehicle idling.
Modifies existing commercial vehicle idling exemptions.
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; amending ORS 825.610; and repealing ORS
3 825.615.

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 necessary to idle the
7 primary engine of the commercial vehicle:

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

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

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

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

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

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

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

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

25 [(9)] (i) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds,
26 for purposes of air conditioning or heating during a rest or sleep period and the outside temperature

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 is less than 50 degrees or greater than 75 degrees Fahrenheit at any time during the rest or sleep
2 period. This subsection applies to a commercial vehicle with a sleeper berth compartment that is
3 parked in any place that a commercial vehicle is legally permitted to park, including, but not limited
4 to, a fleet trucking terminal, commercial vehicle stop or designated rest area. This exemption does
5 not apply if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle
6 reduction technology, if the commercial vehicle is parked at a location equipped with suitable sta-
7 tionary idle reduction technology that is available for use, or during a rest or sleep period when the
8 commercial vehicle is parked on or adjacent to a public or private educational institution offering
9 education in all or part of kindergarten through grade 12, unless the outside temperature is greater
10 than 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the
11 person may idle the primary engine to provide air conditioning.

12 [(10)] (j) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds,
13 for purposes of air conditioning or heating while waiting to load or unload the commercial vehicle
14 or while actually loading or unloading the commercial vehicle, and the outside temperature is less
15 than 50 degrees or greater than 75 degrees Fahrenheit at the time. This exemption does not apply
16 if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle reduction
17 technology, or if the commercial vehicle is parked at a location equipped with suitable stationary
18 idle reduction technology that is available for use, unless the outside temperature is greater than
19 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person
20 may idle the primary engine to provide air conditioning.

21 [(11)] (k) For a maximum of 30 minutes while waiting to load or unload the commercial vehicle
22 [or while actually loading or unloading the commercial vehicle] during a single loading or unloading
23 event. **This paragraph applies only to a commercial vehicle that has a gross vehicle weight**
24 **rating of more than 26,000 pounds.**

25 (2)(a) **ORS 825.605 does not apply to a commercial vehicle when the engine manufacturer**
26 **has certified that a new 2008 or subsequent model year commercial vehicle diesel engine**
27 **which is primarily responsible for propelling the commercial vehicle meets an optional ni-**
28 **trogen oxides idling emission standard of 30 grams per hour while not affecting the associ-**
29 **ated emissions of carbon monoxide, particulate matter and nonmethane hydrocarbons.**

30 (b) **A manufacturer that certifies that its engine meets the standard specified in para-**
31 **graph (a) of this subsection shall provide a sticker to be affixed to the commercial vehicle**
32 **to demonstrate compliance with the idling emission standard.**

33 **SECTION 2.** ORS 825.610, as amended by section 1 of this 2018 Act, is amended to read:

34 825.610. (1) ORS 825.605 does not apply to a commercial vehicle if it is necessary to idle the
35 primary engine of the commercial vehicle:

36 (a) Due to traffic, a traffic control device or mechanical difficulties over which the operator has
37 no control or at the direction of a law enforcement official or road authority.

38 (b) Due to the need to operate defrosters, heaters or air conditioners or installing equipment
39 necessary to comply with manufacturers' operating requirements, specifications and warranties or
40 with federal, state or local safety regulations.

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

44 (d) For maintenance, service, repair or diagnostic purposes or for particulate matter trap re-
45 generation.

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

2 (f) To power work-related mechanical, safety, electrical or construction equipment installed on
3 the vehicle that is not used for propulsion.

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

6 (h) To maintain the comfort of commercial bus passengers while passengers are on board.

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

20 *[(j) (i) In a commercial vehicle with a gross vehicle weight rating of more than 26,000 pounds,
21 for purposes of air conditioning or heating while waiting to load or unload the commercial vehicle
22 or while actually loading or unloading the commercial vehicle, and the outside temperature is less
23 than 50 degrees or greater than 75 degrees Fahrenheit at the time. This exemption does not apply
24 if the commercial vehicle is equipped with an auxiliary power unit or other suitable idle reduction
25 technology, or if the commercial vehicle is parked at a location equipped with suitable stationary
26 idle reduction technology that is available for use, unless the outside temperature is greater than
27 75 degrees Fahrenheit and the auxiliary power unit provides heating only, in which case the person
28 may idle the primary engine to provide air conditioning.]*

29 *[(k) (j) For a maximum of 30 minutes while waiting to load or unload the commercial vehicle
30 during a single loading or unloading event. This paragraph applies only to a commercial vehicle that
31 has a gross vehicle weight rating of more than 26,000 pounds.]*

32 (2)(a) ORS 825.605 does not apply to a commercial vehicle when the engine manufacturer has
33 certified that a new 2008 or subsequent model year commercial vehicle diesel engine which is pri-
34 marily responsible for propelling the commercial vehicle meets an optional nitrogen oxides idling
35 emission standard of 30 grams per hour while not affecting the associated emissions of carbon
36 monoxide, particulate matter and nonmethane hydrocarbons.

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

40 **SECTION 3. The amendments to ORS 825.610 by section 2 of this 2018 Act become oper-**
41 **ative on January 1, 2020.**

42 **SECTION 4. ORS 825.615 is repealed.**

43 **SECTION 5. (1) The amendments to ORS 825.610 by section 1 of this 2018 Act apply to**
44 **conduct occurring on and after the effective date of this 2018 Act.**

45 **(2) The amendments to ORS 825.610 by section 2 of this 2018 Act apply to conduct oc-**

1 **curing on and after January 1, 2020.**

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