

HOUSE No. 3641

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Relative to Reducing Emissions from Idling..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16A of chapter 90 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby stricken in its entirety and replaced by the following new section:-

3 Section 16A. (a) No owner or operator of a vehicle shall cause or permit such vehicle
4 from idling for more than 5 minutes in any 60 minute period except as noted in section (b);
5 provided further that, no load/unload location owner shall cause vehicles to idle for a period
6 greater than 30 minutes while waiting to load or unload at a location under their control.

7 (b) The provisions of the preceding subsection shall not apply for periods of time where:-

8 a vehicle idles while forced to remain motionless because of on-highway traffic, an
9 official traffic control device or signal, or at the direction of a law enforcement official

10 a vehicle idles when operating defrosters, heaters, air conditioners, or installing
11 equipment solely to prevent a safety or health emergency, and not as part of a rest period;

12 a police, fire, ambulance, public safety, military, other emergency or law enforcement
13 vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or
14 training mode and not for the convenience of the vehicle operator;

15 the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic
16 purposes if idling is required for such activity;

17 a vehicle idles as part of a state or federal inspection to verify that all equipment is in
18 good working order, provided idling is required as part of the inspection;

19 idling of the primary propulsion engine is necessary to power work-related mechanical or
20 electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck
21 refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-
22 essential on-board equipment;

23 an armored vehicle idles when a person remains inside the vehicle to guard the contents,
24 or while the vehicle is being loaded or unloaded.

25 a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain
26 passenger comfort while non-driver passengers are onboard; provided further that, in the event
27 the a state financial assistance program for idle reduction technologies or strategies is created,
28 the exemption shall expire (5) years after the creation of such program;

29 an occupied vehicle with a sleeper berth compartment idles for purposes of air
30 conditioning or heating during rest or sleep period, provided further that, in the event the a state
31 financial assistance program for idle reduction technologies or strategies is created, the
32 exemption shall expire (5) years after the creation of such program.

33 an occupied vehicle idles for purposes of air conditioning or heating while waiting to load
34 or unload, provided further that, in the event the a state financial assistance program for idle
35 reduction technologies or strategies is created, the exemption shall expire (5) years after the
36 creation of such program.

37 a vehicle idles due to mechanical difficulties over which the driver has no control;
38 provided that the vehicle owner submits the repair paperwork or product receipt within 21 days
39 to the enforcement official or department verifying that the mechanical problem has been fixed.

40 (c) Operating an auxiliary power unit, generator set, or other mobile idle reduction
41 technology as a means to heat, air condition, or provide electrical power as an alternative to
42 idling the main engine is not an idling engine.

43 (d) Any owner and/or operator of a vehicle, and/or the owner of a load/unload
44 location who violates any provision of this section shall be punished by a fine of not more than
45 one hundred dollars for the first offense, nor more than five hundred dollars for each succeeding
46 offense