SENATE DOCKET, NO. 1377 FILED ON: 1/21/2011

SENATE . . . . . No. 1780

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to reducing emissions from idling.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	

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SENATE . . . . . No. 1780

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 1780) of Anthony W. Petruccelli for legislation to reduce emissions from idling. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act 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:

SECTION 1. Section 16A of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby stricken in its entirety and replaced by the following new section:-

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

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

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

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

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

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

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

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

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

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

29 (9) 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.

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

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

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

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