S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 10, 2010

Introduced by M. of A. KAVANAGH, ARROYO, BOYLAND, CASTRO, GOTTFRIED, JEFFRIES, MILLMAN, PERRY, POWELL, SPANO -- Multi-Sponsored by -- M. of A. CAHILL, COLTON, GLICK, LATIMER, MENG, J. MILLER, RAIA, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to prohibiting idling by heavy-duty vehicles

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The environmental conservation law is amended by adding a new section 19-0325 to read as follows:

S 19-0325. PROHIBITION ON IDLING BY HEAVY-DUTY VEHICLES.

1. NO PERSON SHALL ALLOW OR PERMIT THE IDLING OF A HEAVY-DUTY VEHICLE FOR MORE THAN THREE MINUTES EXCEPT AS OTHERWISE PROVIDED BY THE DEPARTMENT IN REGULATION.

2. THE DEPARTMENT MAY ADOPT AND UPDATE, FROM TIME TO TIME, REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION. THE REGULATIONS SHALL INCLUDE ANY EXEMPTIONS DEEMED BY THE DEPARTMENT TO BE NECESSARY OR APPROPRIATE.

3. AS USED IN THIS SECTION "HEAVY-DUTY VEHICLE" MEANS A VEHICLE THAT HAS A GROSS VEHICLE WEIGHT RATING EXCEEDING EIGHT THOUSAND FIVE HUNDRED POUNDS DESIGNED PRIMARILY FOR TRANSPORTING PERSONS OR PROPERTIES.

4. THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF MOTOR VEHICLES, SHALL CONDUCT OUTREACH AND PROVIDE EDUCATIONAL MATERIALS ON THE PROVISIONS OF THIS SECTION TO LAW ENFORCEMENT OFFICERS THROUGHOUT THE STATE.

5. NO LOCAL LAW OR ORDINANCE GOVERNING THE IDLING OF HEAVY-DUTY VEHICLES SHALL BE PREEMPTED BY THIS SECTION. THIS SECTION SHALL NOT APPLY TO AUTHORIZED EMERGENCY VEHICLES AS DEFINED IN SECTION ONE HUNDRED ONE OF THE VEHICLE AND TRAFFIC LAW THAT ARE EXEMPT FROM THE IDLING RESTRICTIONS SET FORTH IN SECTION 24-163 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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