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

8238--B

2009-2010 Regular Sessions

I N A S S E M B L Y

May 11, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic 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 vehicle and traffic law is amended by adding a new section 1205 to read as follows:

S 1205. PROHIBITIONS ON IDLING BY HEAVY-DUTY VEHICLES. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON WHO OWNS, OPERATES OR LEASES A HEAVY-DUTY VEHICLE INCLUDING A BUS OR TRUCK, THE MOTIVE POWER FOR WHICH IS PROVIDED BY A DIESEL OR NON-DIESEL FUELED ENGINE OR WHO OWNS, LEASES OR OCCUPIES LAND AND HAS THE ACTUAL OR APPARENT DOMINION OR CONTROL OVER THE OPERATION OF A HEAVY-DUTY VEHICLE INCLUDING A BUS OR TRUCK PRESENT ON SUCH LAND, THE MOTIVE POWER FOR WHICH SAID HEAVY-DUTY VEHICLE IS PROVIDED BY A DIESEL OR NON-DIESEL FUELED ENGINE, SHALL ALLOW OR PERMIT THE ENGINE OF SUCH HEAVY-DUTY VEHICLE TO IDLE FOR MORE THAN ONE CONSECUTIVE MINUTE WHEN THE HEAVY-DUTY VEHICLE IS NOT IN MOTION, EXCEPT AS OTHERWISE PERMITTED BY SUBDIVISION TWO OF THIS SECTION.

2. THE PROHIBITIONS OF THIS SECTION SHALL NOT APPLY WHEN:

(A) A DIESEL OR NON-DIESEL FUELED HEAVY-DUTY VEHICLE INCLUDING A BUS OR TRUCK IS FORCED TO REMAIN MOTIONLESS BECAUSE OF THE TRAFFIC CONDITIONS OVER WHICH THE OPERATOR THEREOF HAS NO CONTROL;

(B) REGULATIONS ADOPTED BY FEDERAL, STATE OR LOCAL AGENCIES HAVING JURISDICTION CONFLICT WITH THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, INCLUDING THOSE PERTAINING TO PASSENGER SAFETY, SECURITY AND ACCESSIBILITY; IN SUCH CASE, THE IDLING TIME SPECIFIED IN SUBDIVISION

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

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ONE OF THIS SECTION MAY BE INCREASED, BUT ONLY TO THE EXTENT NECESSARY TO COMPLY WITH SUCH REGULATIONS.

(C) A DIESEL OR NON-DIESEL FUELED ENGINE IS BEING USED TO PROVIDE POWER FOR AN AUXILIARY PURPOSE, SUCH AS LOADING, DISCHARGING, MIXING OR PROCESSING CARGO, CONTROLLING CARGO TEMPERATURE, CONSTRUCTION, LUMBERING, OIL OR GAS WELL SERVICING, FARMING, OR WHEN OPERATION OF THE ENGINE IS REQUIRED FOR THE PURPOSE OF MAINTENANCE;

(D) IDLING OF THE PRIMARY PROPULSION ENGINE IS NECESSARY TO POWER ESSENTIAL WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS OTHER THAN PROPULSION;

(E) FIRE, POLICE AND PUBLIC UTILITY TRUCKS OR OTHER VEHICLES ARE PERFORMING EMERGENCY SERVICES;

(F) TRUCKS OWNED OR OPERATED BY PERSONS ENGAGED IN MINING AND QUARRYING ARE USED WITHIN THE CONFINES OF SUCH PERSON'S PROPERTY;

(G) A DIESEL FUELED TRUCK IS TO REMAIN MOTIONLESS FOR A PERIOD EXCEEDING TWO HOURS, AND DURING WHICH PERIOD THE AMBIENT TEMPERATURE IS CONTINUOUSLY BELOW TWENTY-FIVE DEGREES FAHRENHEIT;

(H) A HEAVY-DUTY DIESEL VEHICLE THAT IS QUEUED FOR OR IS UNDERGOING A STATE AUTHORIZED PERIODIC OR ROADSIDE DIESEL EMISSIONS INSPECTION;

(I) A HYBRID ELECTRIC VEHICLE, IDLING FOR THE PURPOSE OF PROVIDING ENERGY FOR BATTERY OR OTHER FORM OF ENERGY STORAGE RECHARGING;

(J) HEAVY-DUTY VEHICLES USED FOR AGRICULTURAL PURPOSES ON A FARM;

(K) ELECTRIC POWERED VEHICLES; AND

(L) RECREATIONAL FACILITIES.

3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL ON-ROAD HEAVY-DUTY VEHICLES PROPELLED BY DIESEL FUELED AND NON-DIESEL FUELED ENGINES EXCLUDING MARINE VESSELS. AS USED IN THIS SECTION "HEAVY-DUTY VEHICLE" MEANS A VEHICLE THAT HAS A GVWR EXCEEDING EIGHT THOUSAND FIVE HUNDRED POUNDS AND IS DESIGNED PRIMARILY FOR TRANSPORTING PERSONS OR PROPERTIES.

S 2. This act shall take effect immediately.