

# STATE OF NEW YORK

4282--B

2019-2020 Regular Sessions

## IN SENATE

March 6, 2019

Introduced by Sens. HARCKHAM, HOYLMAN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the idling time of motor vehicles

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a  
2 new section 19-0329 to read as follows:

3 § 19-0329. Emissions from passenger vehicles; limitations.

4 1. For the purposes of this section, the following terms shall have  
5 the following meanings:

6 (a) "Motor vehicle" shall mean a passenger vehicle or a commercial  
7 motor vehicle.

8 (b) "Passenger vehicle" shall mean any motor vehicle, light-duty truck  
9 with a gross vehicle weight of eighty-five hundred pounds or less, or  
10 any other vehicle whose primary use is noncommercial personal transpor-  
11 tation. Such definition shall also include "motorcycle", "taxicab" and  
12 "livery" as such terms are defined in article one of the vehicle and  
13 traffic law.

14 (c) "Commercial motor vehicle" shall have the same meaning as set  
15 forth in subdivision four of section five hundred one-a or subdivision  
16 one of section five hundred nine-p of the vehicle and traffic law.

17 (d) "Hybrid-electric vehicle" shall mean any passenger vehicle which  
18 draws propulsion from both an internal combustion engine (or heat engine  
19 that uses combustible fuel), an energy storage device and employs a

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

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1 regenerative vehicle braking system that recovers waste energy to charge  
2 such energy storage device.

3 (e) "Electric vehicle" shall mean a vehicle powered by electricity,  
4 usually provided by batteries.

5 2. No person shall allow or permit the engine of a passenger vehicle  
6 to idle for more than three consecutive minutes when the passenger vehi-  
7 cle is not in motion, except that this provision shall not apply when:

8 (a) the vehicle is forced to remain motionless because of traffic  
9 conditions over which the operator thereof has no control;

10 (b) regulations adopted by a federal, state or local agency having  
11 jurisdiction require the maintenance of a specific temperature for  
12 passenger comfort, in which case the idling time may be increased to the  
13 extent necessary to comply with such regulations;

14 (c) an engine is being used to provide power for an essential auxilia-  
15 ry purpose, such as loading, discharging, mixing or processing cargo;  
16 controlling cargo temperature; construction; lumbering; oil or gas well  
17 servicing; farming operations; or when operation of the engine is  
18 required for the purpose of maintenance;

19 (d) trucks and heavy-duty construction equipment propelled by diesel  
20 engines, owned and operated by persons engaged in mining and quarrying,  
21 are used within the confines of such person's property;

22 (e) a hybrid-electric vehicle is idling for the purpose of providing  
23 energy for the battery or other form of energy storage recharging;

24 (f) the motor vehicle is an electric vehicle;

25 (g) the ambient air temperature is 32 degrees Fahrenheit (0 degrees  
26 Celsius) or less; or

27 (h) the vehicle is idling for the purpose of ensuring the safe load-  
28 ing, unloading, or transport of persons with one or more disabilities.

29 3. This section shall not apply to the operation of authorized emer-  
30 gency vehicles, as defined by section one hundred one of the vehicle and  
31 traffic law and other emergency vehicles and equipment while performing  
32 in the scope of their duties.

33 4. Nothing in this section shall be deemed to preempt any provision of  
34 local law, including, but not limited to section 24-163 of the adminis-  
35 trative code of the city of New York, provided that the provisions of  
36 such local law are at least as stringent as the provisions of this  
37 section.

38 5. Any person who knowingly or intentionally violates any provision of  
39 this section shall, upon the first finding of such a violation, be  
40 provided with a warning that future violations may result in the imposi-  
41 tion of a civil penalty. Any person convicted of a subsequent violation  
42 may be liable for a civil penalty not to exceed one hundred fifty  
43 dollars.

44 § 2. Severability clause. If any clause, sentence, paragraph, section  
45 or part of this act shall be adjudged by any court of competent juris-  
46 diction to be invalid, such judgment shall not affect, impair or invali-  
47 date the remainder thereof, but shall be confined in its operation to  
48 the clause, sentence, paragraph, section or part thereof directly  
49 involved in the controversy in which such judgment shall have been  
50 rendered.

51 § 3. This act shall take effect on the one hundred eightieth day after  
52 it shall have become a law.