STATE OF NEW YORK

5330

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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. Article 19 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

HEAVY DUTY VEHICLE IDLING

Section 19-1301. Applicability.
19-1303. Definitions.
19-1305. Prohibitions.
19-1307. Exceptions.

§ 19-1301. Applicability.

This title shall apply to all on-road heavy duty vehicles propelled by diesel fueled and non-diesel fueled engines excluding marine vessels. Heavy duty vehicle means a vehicle that has a gross vehicle weight rating exceeding eighty-five hundred pounds and is designed primarily for transporting persons or properties.

§ 19-1303. Definitions.

As used in this title, "hybrid electric vehicle" means a vehicle as defined in 40 CFR section 86.1702-99.

§ 19-1305. Prohibitions.

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

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

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duty vehicle to idle for more than five consecutive minutes when the heavy duty vehicle is not in motion, except as otherwise permitted by section 19-1307 of this title.

§ 19-1307. Exceptions.

The prohibitions of section 19-1305 of this title shall not apply in the following circumstances:

1. when a diesel or non-diesel fueled heavy duty vehicle, including, but not limited to a bus or truck, is forced to remain motionless because of the traffic conditions over which the operator thereof has no control;

2. if contrary regulations are adopted by federal, state or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort; in such case, the idling time specified in section 19-1305 of this title may be increased, but only to the extent necessary to comply with such regulations;

3. when 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;

4. if idling is due to fire, police and public utility trucks or other vehicles performing emergency services;

5. to trucks owned or operated by persons engaged in mining and quarrying that are used within the confines of such person's property;

6. if 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;

7. to a heavy-duty diesel vehicle that is queued for or is undergoing a state authorized periodic or roadside diesel emissions inspection;

8. to a hybrid electric vehicle idling for the purpose of providing energy for battery or other form of energy storage recharging;

9. to heavy duty vehicles used for agricultural purposes on a farm; and

10. to electric powered vehicles.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.