

House Calendar

Tuesday, February 02, 2010

29th DAY OF ADJOURNED SESSION

House Convenes at 10:00 a.m.

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ACTION CALENDAR

Favorable with amendment

H. 97

An act relating to the idling of motor vehicles

Rep. Cheney of Norwich, for the Committee on **Natural Resources and Energy**, recommends the bill be amended as follows:

By striking out Sec. 2 in its entirety and inserting a new Sec. 2 to read:

Sec. 2. 23 V.S.A. § 1111a is added to read:

§ 1111a. UNNECESSARY IDLING OF MOTOR VEHICLES

(a) A person shall not cause, allow, or permit the unnecessary operation of the primary propulsion engine of a registered diesel motor vehicle with a gross vehicle weight rating of more than 10,000 pounds while the motor vehicle is stopped for a period in excess of five consecutive minutes in any 60-minute period unless otherwise exempted under rules adopted by the department of motor vehicles under subsection (b) of this section. This subsection shall not apply:

(1) to an ambulance; military vehicle; police, fire, rescue, or other public safety or emergency motor vehicle; or an armored vehicle when a person remains inside the vehicle to guard the contents;

(2) when idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or delivering fuel or energy products) and not solely for cabin comfort or to operate nonessential on-board equipment;

(3) to vehicles which need to idle to protect or preserve cargo or commodities being transported;

(4) to vehicles intended to transport a sick or disabled passenger or operator, where the health or safety of such passenger or operator requires idling;

(5) when a vehicle is 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;

(6) to vehicles with an occupied sleeper berth compartment for purposes of air conditioning or heating during a rest or sleep period;

(7) to vehicles on mine or quarry property being used in mining or quarrying activities or to vehicles in the process of doing work in a "work zone," which is an area identified by warning signs, signals, or indicators and where construction, maintenance, or utility work activities are under way;

(8) to school buses idling on school grounds in compliance with the provisions of 23 V.S.A. § 1282(f);

(9) to vehicles owned or operated by utilities the operators of which are performing outdoor work during cold or inclement weather conditions;

(10) to vehicles idling as necessary for maintenance, service, repair, or diagnostic purposes; or

(11) to the extent idling to avoid problems starting the vehicle when the ambient air temperature is zero degrees Fahrenheit or below.

(b) The department of motor vehicles, in collaboration with the agency of natural resources, may adopt rules governing the idling of a registered diesel motor vehicle with a gross vehicle weight rating of more than 10,000 pounds. The rules may set forth times or circumstances that reasonably require the idling of an engine, including times when it is necessary to operate defrosting, heating, or cooling equipment to ensure the health or safety of the driver or passengers or to operate auxiliary equipment, and times when the engine is undergoing maintenance or inspection. If adopting such rules, the commissioner of motor vehicles shall review standards in effect in other states and shall endeavor to maintain consistency with those standards.

(c) A person who violates a provision of this section commits a civil violation and, on or after January 1, 2011, shall be subject to a penalty of \$10.00 for the first violation, \$50.00 for a second violation within any 12-month period, and \$100.00 for a third or subsequent violation within any 12-month period.

and that after passage, the title of the bill be amended to read: “An act relating to the unnecessary idling of motor vehicles”.

(Committee Vote: 11-0-0)

Amendment to be offered by Rep. Rodgers of Glover to the recommendation of amendment of the Committee on Natural Resources and Energy to H. 97

In Sec. 2(a), by striking out subdivision (10) and inserting a new subdivision (10) to read:

(10) to vehicles idling as necessary for maintenance, service, repair, or diagnostic purposes or as necessary to operate any safety equipment such as windshield defrosters where operation of such equipment is necessary to address specific safety concerns; or