

HOUSE No. 3641

The Commonwealth of Massachusetts

PRESENTED BY:

Paul Kujawski

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Relative to Reducing Emissions from Idling.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO RELATIVE TO REDUCING EMISSIONS FROM IDLING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 16A of chapter 90 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby stricken in its entirety and replaced by the following new section:-

3 Section 16A. (a) No owner or operator of a vehicle shall cause or permit such vehicle from idling
4 for more than 5 minutes in any 60 minute period except as noted in section (b); provided further
5 that, no load/unload location owner shall cause vehicles to idle for a period greater than 30
6 minutes while waiting to load or unload at a location under their control.

7 (b) The provisions of the preceding subsection shall not apply for periods of time where:-

- 8 (1) a vehicle idles while forced to remain motionless because of on-highway
9 traffic, an official traffic control device or signal, or at the direction of a
10 law enforcement official
- 11 (2) a vehicle idles when operating defrosters, heaters, air conditioners, or
12 installing equipment solely to prevent a safety or health emergency, and
13 not as part of a rest period;
- 14 (3) a police, fire, ambulance, public safety, military, other emergency or law
15 enforcement vehicle, or any vehicle being used in an emergency capacity,
16 idles while in an emergency or training mode and not for the convenience
17 of the vehicle operator;
- 18 (4) the primary propulsion engine idles for maintenance, servicing, repairing,
19 or diagnostic purposes if idling is required for such activity;
- 20 (5) a vehicle idles as part of a state or federal inspection to verify that all
21 equipment is in good working order, provided idling is required as part of
22 the inspection;
- 23 (6) idling of the primary propulsion engine is necessary to power work-related
24 mechanical or electrical operations other than propulsion (e.g., mixing or
25 processing cargo or straight truck refrigeration). This exemption does not
26 apply when idling for cabin comfort or to operate non-essential on-board
27 equipment;
- 28 (7) an armored vehicle idles when a person remains inside the vehicle to
29 guard the contents, or while the vehicle is being loaded or unloaded.

- 30 (8) a passenger bus idles a maximum of 15 minutes in any 60 minute period to
31 maintain passenger comfort while non-driver passengers are onboard;
32 provided further that, in the event the a state financial assistance program
33 for idle reduction technologies or strategies is created, the exemption shall
34 expire (5) years after the creation of such program;
- 35 (9) an occupied vehicle with a sleeper berth compartment idles for purposes
36 of air conditioning or heating during rest or sleep period, provided further
37 that, in the event the a state financial assistance program for idle reduction
38 technologies or strategies is created, the exemption shall expire (5) years
39 after the creation of such program.
- 40 (10) an occupied vehicle idles for purposes of air conditioning or heating while
41 waiting to load or unload, provided further that, in the event the a state
42 financial assistance program for idle reduction technologies or strategies is
43 created, the exemption shall expire (5) years after the creation of such
44 program.
- 45 (11) a vehicle idles due to mechanical difficulties over which the driver has no
46 control; provided that the vehicle owner submits the repair paperwork or
47 product receipt within 21 days to the enforcement official or department
48 verifying that the mechanical problem has been fixed.
- 49 (c) Operating an auxiliary power unit, generator set, or other mobile idle reduction technology
50 as a means to heat, air condition, or provide electrical power as an alternative to idling the
51 main engine is not an idling engine.
- 52 (d) Any owner and/or operator of a vehicle, and/or the owner of a load/unload location who violates any
53 provision of this section shall be punished by a fine of not more than one hundred dollars for the first
54 offense, nor more than five hundred dollars for each succeeding offense