

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out all of section 1 and inserting the following:

‘**Sec. 1. 38 MRSA §585-K** is enacted to read:

§ 585-K. Idling requirements for motor vehicles

1. Applicability. This section applies to:

- A. Commercial motor vehicles, as defined in 49 Code of Federal Regulations, Section 390.5 (2007);
- B. Locations where commercial motor vehicles load or unload; and
- C. Gasoline-powered motor vehicles except private passenger vehicles.

2. General requirement for loading and unloading locations. To the maximum extent practicable, a person who owns a location where a commercial motor vehicle that is not subject to an exemption under subsection 4 loads or unloads shall minimize delays in loading and unloading operations in order to reduce idling times.

3. General requirement for vehicles. An owner or operator of a commercial motor vehicle may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4. An owner or operator of a gasoline-powered motor vehicle, except a private passenger vehicle, may not cause or permit such a vehicle to idle for more than 5 minutes in any 60-minute period except as provided in subsection 4.

4. Exemptions. Subsection 3 does not apply for the period or periods when:

- A. A motor vehicle idles while forced to remain motionless because of traffic or an official traffic control device or signal or at the direction of a law enforcement official;
- B. A motor vehicle idles when operating a defroster, heater, air conditioner or installing equipment solely to prevent a safety or health emergency and not as part of a rest period;
- C. A police, fire, ambulance, public safety, military or other emergency or law enforcement vehicle idles while being used in the course of official business;
- D. The primary propulsion engine idles for maintenance, servicing, repair or diagnostic purposes if idling is required for such an activity;
- E. A motor vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order if idling is required as part of the inspection;

F. Idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion, including, but not limited to, mixing, dumping or processing cargo, straight truck refrigeration or to protect prescription or over-the-counter drug products. This exemption does not apply when idling for cabin comfort or to operate nonessential on-board equipment;

G. A utility vehicle idles during electric utility service restoration operations or when needed to protect temperature-sensitive electrical testing equipment;

H. An armored vehicle idles when a person remains inside the vehicle to guard the contents or the vehicle is being loaded or unloaded;

I. An occupied commercial motor vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during a rest or sleep period;

J. An occupied commercial motor vehicle idles for purposes of air conditioning or heating while waiting to load or unload;

K. A passenger bus idles a maximum of 15 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board;

L. A motor vehicle idles due to mechanical difficulties over which the operator has no control if the vehicle owner submits the repair paperwork or product receipt by mail within 30 days to the appropriate authority verifying that the mechanical problem has been fixed. If no repair paperwork is submitted within 30 days, the vehicle owner is subject to penalties as provided in subsection 5;

M. A motor vehicle idles for not longer than an additional 15 minutes beyond the limit imposed in subsection 3 to operate heating equipment when the ambient air temperature is 32 degrees Fahrenheit or below; or

N. A motor vehicle idles as needed for the purpose of providing heat when the ambient air temperature is below 0 degrees Fahrenheit.

5. Penalties. A person who violates this section is subject to the following penalties.

A. A person who violates this section commits a traffic infraction under Title 29-A, chapter 23, subchapter 6.

B. A vehicle operator who violates this section after having previously violated this section commits a civil violation for which a fine of \$150 must be adjudged. A vehicle owner or a person who owns a location where a commercial motor vehicle loads or unloads who violates this section after having previously violated this section commits a civil violation for which a fine of \$500 must be adjudged.'

SUMMARY

This amendment expands the application of the idling requirements and exemptions to include all commercial motor vehicles, not only diesel-powered. The amendment also:

1. Amends the general requirement for loading and unloading locations to require that, to the maximum extent practicable, a person who owns a location where a commercial motor vehicle, not subject to an exemption, loads or unloads must minimize delays in loading and unloading operations in order to reduce idling times;

2. Amends the exemption for emergency vehicles;

3. Creates an exemption for a utility vehicle idling during electric utility service restoration operations or when needed to protect temperature-sensitive electrical testing equipment;

4. Amends the exemption for idling when the temperature is 32 degrees Fahrenheit or below;

5. Creates an exemption for idling for the purpose of providing heat when the temperature is below 0 degrees Fahrenheit; and

6. Amends the penalty provisions to provide that a violation of the requirements of the law is a traffic infraction under the Maine Revised Statutes, Title 29-A, chapter 23, subchapter 6.

FISCAL NOTE REQUIRED

(See attached)