

H.97

An act relating to the **unnecessary** idling of motor vehicles

It is hereby enacted by the General Assembly of the State of Vermont:

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

§ 1111a. UNNECESSARY IDLING OF MOTOR VEHICLES

(a) ~~On or after July 1, 2009, a~~ A person shall not cause, allow, or permit the unnecessary operation of the **primary propulsion engine of a registered** 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) to vehicles 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 underway;

(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) when the ambient air temperature is -10 degrees Fahrenheit or below and idling is necessary to start the vehicle.

(b) The department of motor vehicles, in collaboration with the agency of natural resources, may adopt rules governing the idling of a registered 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 for the first violation, \$50 for a second violation within any 12 month period, and \$100 for a third or subsequent violation within any 12 month period.