

LC02110

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2006**

**A N A C T**

**RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT**

Introduced By: Representatives Sullivan, Ginaitt, McNamara, Landroche, and Gemma

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 23.2

4 ANTI-IDLING ACT

5 **23-23.2-1. Findings of fact.** – The general assembly hereby finds as follows:

6 (a) Motor vehicle exhaust is the largest source of air pollution in Rhode Island, and idling  
7 vehicles emit higher concentrations of harmful pollutants than moving vehicles;

8 (b) Vehicle exhaust is hazardous to human health. Studies have linked pollution from  
9 vehicles to increased rates of cancer, lung and heart disease, asthma and allergies, urban smog  
10 and climate change;

11 (c) Fine particulate matter in diesel exhaust is particularly harmful to children and  
12 seniors. Tiny particles can lodge deep within human lungs, where they can trigger asthma attacks  
13 and stunt lung growth in children, and contribute to chronic obstructive pulmonary disorder and  
14 heart attacks in seniors;

15 (d) Asthma is reaching epidemic proportions in Rhode Island. More than one hundred  
16 thousand (100,000) people in Rhode Island have been diagnosed with asthma, including one out  
17 of every ten (10) children. Asthma is the most common chronic disease in children and  
18 responsible for the most school absences in Rhode Island;

19 (e) Vehicle idling waste money. On average, an idling truck burns one gallon of fuel per

1 hour. A locomotive or other heavy duty engine may burn anywhere from three (3) to eleven (11)  
2 gallons per hour;

3 (f) Excessive idling creates the need for more frequent oil and oil filter changes, and  
4 speeds engine wear, reducing the amount of time before an engine needs to be rebuilt;

5 (g) Even on the coldest winter days, modern engines need no more than five (5) minutes  
6 to warm up; and

7 (h) To date, other states including Connecticut and Massachusetts have passed laws that  
8 limit the amount of time vehicles are permitted to idle.

9 **23-23.2-2. Purpose.** – The purpose of this chapter is to protect public health and the  
10 environment by reducing emissions while conserving fuel and maintaining adequate rest and  
11 safety of all operators of mobile source engines.

12 **23-23.2-3. General requirements for mobile sources.** – (a) Except as provided  
13 otherwise in subsections (b) and (c) herein, no entity shall cause or allow a mobile source to idle  
14 for more than five (5) minutes in any sixty (60) minute period.

15 (b) Exemptions: The provisions of subsection (a) shall not apply to locomotives, marine  
16 vessels or aircraft. The provisions of subsection (a) shall apply to all other mobile sources except  
17 as follows:

18 (i) when a mobile source idles while forced to remain motionless because of on-highway  
19 traffic, an official traffic control device, or at the direction of a law enforcement official;

20 (ii) When a mobile source idles during weather conditions that require the operation of  
21 defrosters, or when installing equipment (such as putting chains on tires) to ensure the safe  
22 operation of the vehicle;

23 (iii) When a police, fire, ambulance, public safety, military, other emergency or law  
24 enforcement vehicle used in an emergency capacity is operating in emergency or training mode;

25 (iv) When the primary propulsion engine idles for maintenance, servicing, repairing, or  
26 diagnostic purposes if idling is necessary for such activity;

27 (v) When a mobile source idles as part of a state or federal inspection to verify that all  
28 equipment is in good working order; provided, that idling is required as part of the inspection;

29 (vi) When a mobile source idles to power work-related mechanical or electrical  
30 operations for equipment located in or on the mobile source to accomplish the intended use of the  
31 mobile source (e.g., operating an extension, loading or unloading, mixing or processing cargo or  
32 cargo refrigeration) and substitute alternate power means can not be made available. Provided,  
33 this exemption shall not apply when idling for cabin comfort or to operate non-essential on-board  
34 equipment;

1 (vii) When an armored vehicle idles with a person inside the vehicle to guard the  
2 contents, or while the armored vehicle is being loaded or unloaded.

3 (c) Conditional exemptions. The provisions of subsection (a) shall not apply in the  
4 following instances:

5 (i) When a passenger bus idles a maximum of fifteen (15) minutes in any sixty (60)  
6 minute period for necessary operation of air conditioning or heating to maintain passenger  
7 comfort while non-driver passengers are onboard and the ambient temperature is below forty (40)  
8 degrees Fahrenheit or above eighty (80) degrees Fahrenheit. The exemption lapses five (5) years  
9 after implementing a Rhode Island financial assistance program for idle reduction technologies or  
10 after idle reduction technology has been installed on the vehicle, whichever comes sooner.

11 (ii) When an occupied vehicle with a sleeper berth compartment idles for purposes of air  
12 conditioning or heating during rest or sleep period. The exemption lapses five (5) years after  
13 implementing a Rhode Island financial assistance program for idle reduction technologies or after  
14 idle reduction technology has been installed on the vehicle or made available for use at the resting  
15 location, whichever comes sooner.

16 (iii) When an occupied vehicle waiting to load or unload idles a maximum of fifteen (15)  
17 minutes in any sixty (60) minute period for necessary operation of heating or air conditioning and  
18 the ambient temperature is below forty (40) degrees Fahrenheit or above eighty (80) degrees  
19 Fahrenheit. The exemption lapses five (5) years after implementing a state financial assistance  
20 program for idle reduction technologies or after idle reduction technology has been installed on  
21 the vehicle, whichever comes sooner.

22 **23-23.2-4. Diesel locomotives.** – (a) No entity shall cause, suffer, allow or permit the  
23 unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than  
24 thirty (30) minutes in any sixty (60) minute period. This prohibition shall not apply to diesel  
25 locomotives while being serviced; provided, that idling is essential to the proper repair of said  
26 locomotives and that such idling does not cause or contribute to a condition of air pollution.

27 **23-23.2-5. Aircraft.** – (a) No entity owning or operating an airport shall cause, suffer,  
28 allow or permit routine warm-ups, testing, or other operation of aircraft while on the ground, in  
29 such a manner as to cause or contribute to a condition of air pollution, outside of the property  
30 lines of the airport, that is deemed unreasonable and feasibly preventable by the authorized law  
31 enforcement agency.

32 **23-23.2-6. Marine vessels.** – (a) No entity shall cause, suffer, allow, or permit the  
33 unnecessary foreseeable idling of a marine vessel for a continuous period of time longer than  
34 thirty (30) minutes in any sixty (60) minute period while it is in Rhode Island waters. This

1 prohibition shall not apply to marine vessels while being serviced; provided, that idling is  
2 essential to the proper repair of said marine vessel and that such idling does not cause or  
3 contribute to a condition of air pollution.

4 **23-23.2-7. Stationary diesel engines.** – (a) No entity shall cause, suffer, allow or permit a  
5 stationary diesel engine (e.g. a generator set, etc.) to remain on when not being used for its  
6 intended purpose for a continuous period of time longer than thirty (30) minutes. This prohibition  
7 shall not apply to stationary diesel engines while being serviced; provided, that unattended  
8 operation is essential to the proper repair of said stationary diesel engine and that such idling does  
9 not cause or contribute to a condition of air pollution.

10 **23-23.2-8. Auxiliary power units and generator sets.** – (a) Operating an auxiliary  
11 power unit or generator set as a means to heat, air condition, or provide electrical power as an  
12 alternative to idling the main engine is not considered to be an idling engine.

13 (b) If operating an auxiliary power unit on model year 2007 and subsequent model year  
14 engines, the auxiliary power unit must meet the same or more stringent emission standards as a  
15 2007 model year engine, as defined by the U.S. Environmental Protection Agency or the  
16 California Air Resources Board.

17 **23-23.2-9. Penalties.** – (a) The owner and/or operator of a vehicle that is in violation of  
18 this law shall be punished by a fine of not more than one hundred fifty dollars (\$150) for the first  
19 offense, nor more than five hundred dollars (\$500) for each succeeding offense.

20 (b) The owner and/or operator of a commercial fleet and the owner and/or operator of a  
21 load/unload location shall be punished by a fine of not more than three hundred dollars (\$300) for  
22 the first offense, nor more than one thousand dollars (\$1,000) for each succeeding offense.

23 (c) Dollars assessed as penalties shall be allocated in the following way:

24 (i) Fifty percent (50%) of the value of the penalties assessed by an empowered  
25 enforcement agency shall be allocated to a restricted receipt account known as the "Diesel Risk  
26 Mitigation Fund." Moneys in said fund shall be appropriated to offset costs of diesel emissions  
27 control equipment, including, but not limited to, idle reduction technology.

28 (ii) The remaining fifty percent (50%) of the penalties assessed by an empowered  
29 enforcement agency shall go to the law enforcement agency and/or department issuing the  
30 penalty.

31 **23-23.2-10. Enforcement.** – The responsibility and jurisdiction for enforcement of this  
32 chapter shall be with state and local law enforcement authorities, including, but not limited to,  
33 state and local police and parking enforcement personnel, the Rhode Island department of  
34 environmental management and the Rhode Island department of motor vehicles.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

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1           This act would prohibit the idling of motor vehicles in an effort to prevent or reduce  
2 vehicle exhaust air pollution.

3           This act would take effect upon passage.

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