

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0835.01 Jery Payne

HOUSE BILL 11-1275

HOUSE SPONSORSHIP

Priola,

SENATE SPONSORSHIP

(None),

House Committees

Transportation
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN ENGINE IDLING STANDARD FOR**
102 **CERTAIN COMMERCIAL DIESEL VEHICLES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill sets a statewide idling standard that applies to commercial diesel vehicles. Local authorities may adopt a standard if it is not more stringent. The standard prohibits idling the engine for more than 5 minutes in an hour except:

! When remaining motionless because of traffic, a traffic

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- control device, or direction by a law enforcement officer;
- ! In an emergency or when training for an emergency;
- ! During maintenance, service, or repair;
- ! During an inspection;
- ! During the operation of power take-off equipment;
- ! When a driver of an armored vehicle idles to guard its contents or during loading or unloading;
- ! In the case of a passenger bus, which may idle for up to 5 minutes in any 60-minute period to maintain passenger comfort while nondriver passengers are on board;
- ! When used to heat or cool a sleeper berth compartment during a rest or sleep period;
- ! At a rest area;
- ! At a location where the vehicle is legally permitted to park and that is at least 1,000 feet from residential housing, schools, daycare facilities, or hospitals; or
- ! When the temperature is less than 10 degrees Fahrenheit or has been less than 20 degrees Fahrenheit for the past 24 hours.

A violation of idling standards is punishable by a fine of up to \$150 for the first offense and \$500 for a subsequent offense and a surcharge of \$20.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 42-4-111 (1), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **42-4-111. Powers of local authorities.** (1) This article shall not
5 be deemed to prevent local authorities, with respect to streets and
6 highways under their jurisdiction and within the reasonable exercise of
7 the police power, except those streets and highways that are parts of the
8 state highway system that are subject to section 43-2-135, C.R.S., from:

9 (ee) ENACTING THE IDLING STANDARDS IN CONFORMITY WITH
10 SECTION 42-4-1213.

11 **SECTION 2.** Part 12 of article 4 of title 42, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

1 **42-4-1213. Idling standard.** (1) **Legislative declaration.** THE
2 GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT THE
3 OPERATION OF A MOTOR VEHICLE IN COMMERCE HAS IMPORTANT
4 STATEWIDE RAMIFICATIONS FOR COMMERCIAL DIESEL VEHICLE OPERATORS
5 BECAUSE THE TRANSPORTATION OF PEOPLE AND PROPERTY IS NOT
6 CONFINED TO ONE JURISDICTION. THEREFORE, THE GENERAL ASSEMBLY
7 HEREBY DECLARES THAT IDLING STANDARDS ARE A MATTER OF
8 STATEWIDE CONCERN.

9 (2) **Definitions.** AS USED IN THIS SECTION:

10 (a) "COVERED VEHICLE" MEANS A VEHICLE TO WHICH THIS
11 SECTION APPLIES UNDER SUBSECTION (4) OF THIS SECTION.

12 (b) "IDLING" MEANS WHEN THE PRIMARY PROPULSION ENGINE OF
13 A COVERED VEHICLE IS RUNNING BUT THE VEHICLE IS NOT IN MOTION.

14 (c) "LOADING LOCATION" MEANS A PLACE WHERE A COVERED
15 VEHICLE LOADS OR UNLOADS PEOPLE OR PROPERTY.

16 (3) **Uniform standard - local governments.** A LOCAL
17 AUTHORITY SHALL NOT ADOPT OR ENACT A RESOLUTION, ORDINANCE, OR
18 OTHER LAW CONCERNING IDLING OF A COMMERCIAL DIESEL VEHICLE THAT
19 IS MORE STRINGENT THAN THIS SECTION.

20 (4) **Applicability.** THIS SECTION APPLIES TO:

21 (a) COMMERCIAL DIESEL VEHICLES WITH A GROSS VEHICLE WEIGHT
22 RATING OF GREATER THAN FOURTEEN THOUSAND POUNDS THAT ARE
23 DESIGNED TO OPERATE ON HIGHWAYS; AND

24 (b) LOCATIONS WHERE COMMERCIAL DIESEL VEHICLES LOAD OR
25 UNLOAD IF A LOCAL AUTHORITY HAS ADOPTED OR ENACTED A
26 RESOLUTION, ORDINANCE, OR OTHER LAW CONSISTENT WITH THIS SECTION.

27 (5) **General requirement.** THE OWNER OR OPERATOR OF A

1 COVERED VEHICLE SHALL NOT CAUSE OR PERMIT THE VEHICLE TO IDLE FOR
2 MORE THAN FIVE MINUTES WITHIN ANY SIXTY-MINUTE PERIOD EXCEPT AS
3 AUTHORIZED BY SUBSECTION (6) OF THIS SECTION.

4 (6) **Exemptions.** SUBSECTION (5) OF THIS SECTION DOES NOT
5 APPLY TO AN IDLING, COVERED VEHICLE:

6 (a) WHEN IT REMAINS MOTIONLESS BECAUSE OF HIGHWAY
7 TRAFFIC, AN OFFICIAL TRAFFIC CONTROL DEVICE OR SIGNAL, OR AT THE
8 DIRECTION OF A LAW ENFORCEMENT OFFICER;

9 (b) WHEN THE DRIVER IS OPERATING DEFROSTERS, HEATERS, OR
10 AIR CONDITIONERS OR IS INSTALLING EQUIPMENT ONLY TO PREVENT A
11 SAFETY OR HEALTH EMERGENCY, AND NOT FOR REST PERIODS;

12 (c) IN THE CASE OF A LAW ENFORCEMENT, EMERGENCY, PUBLIC
13 SAFETY, OR MILITARY VEHICLE, OR ANY OTHER VEHICLE USED TO RESPOND
14 TO AN EMERGENCY, WHEN IT IS RESPONDING TO AN EMERGENCY OR BEING
15 USED FOR TRAINING FOR AN EMERGENCY, AND NOT FOR THE CONVENIENCE
16 OF THE VEHICLE OPERATOR;

17 (d) WHEN NECESSARY FOR REQUIRED MAINTENANCE, SERVICING,
18 OR REPAIR OF THE VEHICLE;

19 (e) DURING A LOCAL, STATE, OR FEDERAL INSPECTION VERIFYING
20 THAT THE EQUIPMENT IS IN GOOD WORKING ORDER IF REQUIRED FOR THE
21 INSPECTION;

22 (f) DURING THE OPERATION OF POWER TAKE-OFF EQUIPMENT IF
23 NECESSARY FOR OPERATING WORK-RELATED MECHANICAL OR ELECTRICAL
24 EQUIPMENT;

25 (g) IN THE CASE OF AN ARMORED VEHICLE, WHEN A PERSON IS
26 INSIDE THE VEHICLE TO GUARD ITS CONTENTS OR DURING THE LOADING OR
27 UNLOADING OF THE VEHICLE;

1 (h) IN THE CASE OF A PASSENGER BUS, WHEN IDLING FOR UP TO
2 FIVE MINUTES IN ANY SIXTY-MINUTE PERIOD TO MAINTAIN PASSENGER
3 COMFORT WHILE NONDRIVER PASSENGERS ARE ONBOARD;

4 (i) WHEN USED TO HEAT OR COOL A SLEEPER BERTH
5 COMPARTMENT DURING A REST OR SLEEP PERIOD AT A REST AREA, FLEET
6 TRUCKING TERMINAL, COMMERCIAL TRUCK STOP, OR STATE-DESIGNATED
7 LOCATION DESIGNED TO BE A DRIVER'S REST AREA;

8 (j) WHEN USED TO HEAT OR COOL A SLEEPER BERTH
9 COMPARTMENT DURING A REST OR SLEEP PERIOD AT A LOCATION WHERE
10 THE VEHICLE IS LEGALLY PERMITTED TO PARK AND THAT IS AT LEAST ONE
11 THOUSAND FEET FROM RESIDENTIAL HOUSING, A SCHOOL, A DAYCARE
12 FACILITY, OR A HOSPITAL; OR

13 (k) WHEN THE AMBIENT TEMPERATURE IS LESS THAN TEN DEGREES
14 FAHRENHEIT OR HAS BEEN LESS THAN TWENTY DEGREES FAHRENHEIT FOR
15 AT LEAST TWENTY-FOUR HOURS.

16 (7) **Penalties.** THE OWNER OR OPERATOR OF A VEHICLE OR THE
17 OWNER OF A LOADING LOCATION THAT VIOLATES THIS SECTION COMMITS
18 A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF NOT MORE
19 THAN ONE HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE OR A FINE OF
20 NOT MORE THAN FIVE HUNDRED DOLLARS FOR A SECOND OR SUBSEQUENT
21 OFFENSE AND BY A SURCHARGE OF TWENTY DOLLARS IN ACCORDANCE
22 WITH SECTION 24-4.1-119, C.R.S.

23 **SECTION 3. Effective date - applicability.** This act shall take
24 effect July 1, 2011, and shall apply to offenses committed on or after said
25 date.

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.