

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 11-0835.01 Jery Payne

HOUSE BILL 11-1275

HOUSE SPONSORSHIP

Priola,

SENATE SPONSORSHIP

Williams S. and Spence,

House Committees

Transportation
Appropriations

Senate Committees

Transportation

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.

SENATE
3rd Reading Unamended
May 04, 2011

SENATE
Amended 2nd Reading
May 3, 2011

HOUSE
3rd Reading Unamended
April 18, 2011

HOUSE
Amended 2nd Reading
April 11, 2011

- 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 42-14-103.

11 **SECTION 2.** Title 42, Colorado Revised Statutes, is amended BY
12 THE ADDITION OF A NEW ARTICLE to read:

13 **ARTICLE 14**

1 **State Idling Standard**

2 **42-14-101. Legislative declaration.** THE GENERAL ASSEMBLY
3 HEREBY FINDS AND DETERMINES THAT THE OPERATION OF A MOTOR
4 VEHICLE IN COMMERCE HAS IMPORTANT STATEWIDE RAMIFICATIONS FOR
5 COMMERCIAL DIESEL VEHICLE OPERATORS BECAUSE THE TRANSPORTATION
6 OF PEOPLE AND PROPERTY IS NOT CONFINED TO ONE JURISDICTION.
7 THEREFORE, THE GENERAL ASSEMBLY HEREBY DECLARES THAT IDLING
8 STANDARDS ARE A MATTER OF STATEWIDE CONCERN.

9 **42-14-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "COVERED VEHICLE" MEANS A VEHICLE TO WHICH THIS
12 ARTICLE APPLIES UNDER SECTION 42-3-104.

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

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

17 **42-14-103. Uniform standard - local governments.** A LOCAL
18 AUTHORITY SHALL NOT ADOPT OR ENACT A RESOLUTION, ORDINANCE, OR
19 OTHER LAW CONCERNING IDLING OF A COVERED VEHICLE THAT IS MORE
20 STRINGENT THAN THIS ARTICLE.

21 **42-14-104. Applicability.** (1) THIS ARTICLE APPLIES TO:

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

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

1 (2) THIS ARTICLE DOES NOT SUPERSEDE AN ORDINANCE OF A
2 LOCAL AUTHORITY IF THE AUTHORITY HAS AN AVERAGE ELEVATION OF
3 OVER SIX THOUSAND FEET AND IF THE ORDINANCE WAS IN EFFECT ON
4 JANUARY 1, 2011.

5 **42-14-105. Idling. (1) Standard.** THE OWNER OR OPERATOR OF
6 A COVERED VEHICLE SHALL NOT CAUSE OR PERMIT THE VEHICLE TO IDLE
7 FOR MORE THAN FIVE MINUTES WITHIN ANY SIXTY-MINUTE PERIOD EXCEPT
8 AS AUTHORIZED BY SUBSECTION (2) OF THIS SECTION.

9 (2) Exemptions. SUBSECTION (1) OF THIS SECTION DOES NOT
10 APPLY TO AN IDLING, COVERED VEHICLE:

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

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

17 (c) IN THE CASE OF A LAW ENFORCEMENT, EMERGENCY, PUBLIC
18 SAFETY, OR MILITARY VEHICLE, OR ANY OTHER VEHICLE USED TO RESPOND
19 TO AN EMERGENCY, WHEN IT IS RESPONDING TO AN EMERGENCY OR BEING
20 USED FOR TRAINING FOR AN EMERGENCY, AND NOT FOR THE CONVENIENCE
21 OF THE VEHICLE OPERATOR;

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

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

27 (f) DURING THE OPERATION OF POWER TAKE-OFF EQUIPMENT IF

1 NECESSARY FOR OPERATING WORK-RELATED MECHANICAL OR ELECTRICAL
2 EQUIPMENT;

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

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

9 (i) WHEN USED TO HEAT OR COOL A SLEEPER BERTH
10 COMPARTMENT DURING A REST OR SLEEP PERIOD AT A SAFETY REST AREA
11 AS DEFINED UNDER 23 CFR 752.3, FLEET TRUCKING TERMINAL,
12 COMMERCIAL TRUCK STOP, OR STATE-DESIGNATED LOCATION DESIGNED
13 TO BE A DRIVER'S REST AREA;

14 (j) WHEN USED TO HEAT OR COOL A SLEEPER BERTH
15 COMPARTMENT DURING A REST OR SLEEP PERIOD AT A LOCATION WHERE
16 THE VEHICLE IS LEGALLY PERMITTED TO PARK AND THAT IS AT LEAST ONE
17 THOUSAND FEET FROM RESIDENTIAL HOUSING, A SCHOOL, A DAYCARE
18 FACILITY, A HOSPITAL, A SENIOR CITIZEN CENTER, OR A MEDICAL
19 OUTPATIENT FACILITY PROVIDING PRIMARY, SPECIALTY, OR RESPIRATORY
20 CARE; OR

21 (k) WHEN IDLING FOR UP TO TWENTY MINUTES IN ANY
22 SIXTY-MINUTE PERIOD IF THE AMBIENT TEMPERATURE IS LESS THEN TEN
23 DEGREES.

24 **42-14-106. Penalties.** THE OWNER OR OPERATOR OF A VEHICLE
25 OR THE OWNER OF A LOADING LOCATION THAT VIOLATES THIS ARTICLE
26 COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF NOT
27 MORE THAN ONE HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE OR A

1 FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR A SECOND OR
2 SUBSEQUENT OFFENSE AND BY A SURCHARGE OF TWENTY DOLLARS IN
3 ACCORDANCE WITH SECTION 24-4.1-119, C.R.S.

4 **SECTION 2. Effective date - applicability.** This act shall take
5 effect July 1, 2011, and shall apply to offenses committed on or after said
6 date.

7 **SECTION 3. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.