

1 **Senate Bill No. 544**

2 (By Senators D. Facemire, Klempa and Beach)

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4 [Introduced February 8, 2012; referred to the Committee on
5 Transportation and Infrastructure.]

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10 A BILL to amend and reenact §17C-13A-3 of the Code of West
11 Virginia, 1931, as amended, relating to Diesel-Powered Motor
12 Vehicle Idling Act; regulating the idling time of a diesel-
13 powered motor vehicle; exceptions; and extending the
14 expiration date of exemptions for occupied vehicles with
15 sleeper-berth compartments from May 1, 2012, to May 1, 2017.

16 *Be it enacted by the Legislature of West Virginia:*

17 That §17C-13A-3 of the Code of West Virginia, 1931, as
18 amended, be amended and reenacted to read as follows:

19 **ARTICLE 13A. DIESEL-POWERED MOTOR VEHICLE IDLING ACT.**

20 **§17C-13A-3. Exceptions.**

21 (a) The idling restrictions set forth in section two of this
22 article do not apply to motor homes, commercial implements of
23 husbandry, implements of husbandry or farm tractors.

24 (b) The idling restrictions set forth in section two of this

1 article do not apply to construction equipment that cannot be
2 licensed for on-road driving or construction equipment that is not
3 designed primarily for on-road driving, notwithstanding that such
4 equipment may be operated or driven on road from time to time and
5 in the course of performing its primary functions: *Provided, That*
6 idling is necessary to power work-related mechanical, safety or
7 electrical operations related to construction operations other than
8 propulsion.

9 (c) A diesel-powered motor vehicle with a gross weight of ten
10 thousand one pounds or more may idle beyond the time allowed in
11 subsection (a) for one or more of the following reasons:

12 (1) When a vehicle idles while forced to remain motionless
13 because of on-highway traffic, an official traffic control device
14 or signal or at the direction of a law-enforcement official.

15 (2) When a vehicle must idle to operate defrosters, heaters,
16 air conditioners or cargo refrigeration equipment, or to install
17 equipment, in order to prevent a safety or health emergency, and
18 not for the purpose of a rest period, or as otherwise necessary to
19 comply with manufacturers' operating requirements, specifications
20 and warranties in accordance with federal or state motor carrier
21 safety regulations or local requirements.

22 (3) When a police, fire, ambulance, public safety, military,
23 utility service vehicle or other emergency or law-enforcement
24 vehicle or any vehicle being used in an emergency or public safety

1 capacity shall idle while in an emergency or training mode and not
2 for the convenience of the driver.

3 (4) When the primary propulsion engine idles for maintenance,
4 particulate matter trap regeneration, servicing or repair of the
5 vehicle, or for vehicle diagnostic purposes, if idling is required
6 for that activity.

7 (5) When a vehicle idles as part of a federal or state
8 inspection to verify that all equipment is in good working order,
9 if idling is required as part of the inspection.

10 (6) When idling of a primary propulsion engine is necessary to
11 power work-related mechanical, safety or electrical operations
12 other than propulsion. This exemption does not apply when idling
13 is done for cabin comfort or to operate nonessential onboard
14 equipment.

15 (7) When idling of a primary propulsion engine is necessary as
16 part of a security inspection either entering or exiting a
17 facility.

18 (8) When an armored vehicle must idle when a person remains
19 inside the vehicle to guard contents or while the vehicle is being
20 loaded or unloaded.

21 (9) When a vehicle must idle due to mechanical difficulties
22 over which the driver has no control, if the vehicle owner submits
23 the repair paperwork or product repair verifying that the
24 mechanical problem has been fixed, by mail to the commission within

1 thirty days of the repair.

2 (10) When a bus or school bus must idle to provide heating or
3 air conditioning when nondriver passengers are onboard. For the
4 purposes of this exemption, the bus or school bus may idle for no
5 more than a total of fifteen minutes in a continuous sixty-minute
6 period, except when idling is necessary to maintain a safe
7 temperature for bus passengers.

8 (11) An occupied vehicle with a sleeper-berth compartment that
9 idles for purposes of air conditioning or heating during a rest or
10 sleep period and the outside temperature at the location of the
11 vehicle is less than forty degrees or greater than seventy-five
12 degrees Fahrenheit at any time during the rest or sleep period.
13 This applies to a motor vehicle subject to this article parked in
14 any place that the vehicle is legally permitted to park, including,
15 but not limited to, a fleet trucking terminal, commercial truck
16 stop or designed rest area. This exemption expires May 1, ~~2012~~
17 2017. This exemption does not apply if the vehicle is parked at a
18 location equipped with stationary idle reduction technology that is
19 available for use at the start of the rest period.

20 (12) When idling is necessary for sampling, weighing, active
21 loading or active unloading or for an attended motor vehicle
22 waiting for sampling, weighing, loading or unloading. For the
23 purposes of this exemption, the vehicle may idle for up to a total
24 of fifteen minutes in any continuous sixty-minute period.

1 (13) When idling by a school bus off school grounds during
2 queuing for the sequential discharge or pickup of students is
3 necessary because the physical configuration of a school or the
4 school's surrounding streets does not allow for stopping.

5 (14) When idling is necessary for maintaining safe operating
6 conditions while waiting for a police escort when transporting a
7 load that requires the issuance of a permit in accordance with
8 section eleven, article seventeen of this chapter.

9 (15) When actively engaged in solid waste collection or the
10 collection of source-separated recyclable materials. This
11 exemption does not apply when a vehicle is not actively engaged in
12 solid waste collection or the collection of source-separated
13 recyclable materials.

14 (16) When a diesel-powered motor vehicle exhibits a label
15 issued by the California Air Resources Board under 13 CCR
16 §1956.8(a)(6)(C) (relating to exhaust emissions standards and test
17 procedures - 1985 and subsequent model heavy-duty engines and
18 vehicles) showing that the vehicle's engine meets the optional NOx
19 idling emission standard.

20 (17) When a diesel-powered motor vehicle is powered by clean
21 diesel technology or bio-diesel fuels.

(NOTE: The purpose of this bill is relating to extend the

expiration date of exemptions for occupied vehicles with sleeper-berth compartments from May 1, 2012 to May 1, 2017, in the Diesel-Powered Motor Vehicle Idling Act which regulates the idling time of a diesel-powered motor vehicle, subject to certain exceptions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)