

SENATE BILL No. 1069

January 20, 2010, Introduced by Senator BASHAM and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 69.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 69 ENGINE IDLING

SEC. 6901. AS USED IN THIS PART:

(A) "LOAD/UNLOAD LOCATION" OR "LOCATION" MEANS A LOCATION
WHERE VEHICLES LOAD OR UNLOAD.

(B) "VEHICLE" MEANS A COMMERCIAL DIESEL VEHICLE THAT IS
DESIGNED TO OPERATE ON A HIGHWAY.

SEC. 6903. THE OWNER OF A LOAD/UNLOAD LOCATION SHALL NOT CAUSE
A VEHICLE TO IDLE FOR MORE THAN 30 TOTAL MINUTES WHILE WAITING TO
LOAD OR UNLOAD AT THE LOCATION.

SEC. 6905. THE OWNER OR OPERATOR OF A VEHICLE SHALL NOT CAUSE

1 OR PERMIT THE VEHICLE TO IDLE FOR MORE THAN 5 TOTAL MINUTES IN ANY
2 60-MINUTE PERIOD EXCEPT AS PROVIDED IN SECTION 6903 OR 6907.

3 SEC. 6907. SECTION 6905 DOES NOT APPLY UNDER ANY OF THE
4 FOLLOWING CIRCUMSTANCES:

5 (A) A VEHICLE IDLES WHILE FORCED TO REMAIN MOTIONLESS BECAUSE
6 OF ON-HIGHWAY TRAFFIC OR AN OFFICIAL TRAFFIC CONTROL DEVICE OR
7 SIGNAL OR AT THE DIRECTION OF A LAW ENFORCEMENT OFFICIAL.

8 (B) A VEHICLE IDLES WHEN OPERATING A DEFROSTER, HEATER, OR AIR
9 CONDITIONER, OR DURING INSTALLATION OF EQUIPMENT, SOLELY TO PREVENT
10 A SAFETY OR HEALTH EMERGENCY.

11 (C) ANY OF THE FOLLOWING APPLY:

12 (i) AN AMBULANCE OR A POLICE, FIRE, PUBLIC SAFETY, MILITARY, OR
13 OTHER EMERGENCY OR LAW ENFORCEMENT VEHICLE, OR ANY VEHICLE BEING
14 USED IN AN EMERGENCY CAPACITY IDLES WHILE USED IN AN EMERGENCY OR
15 TRAINING CAPACITY AND NOT FOR THE CONVENIENCE OF THE VEHICLE
16 OPERATOR.

17 (ii) ANY OTHER VEHICLE IDLES WHILE BEING USED IN AN EMERGENCY
18 CAPACITY AND NOT FOR THE CONVENIENCE OF THE VEHICLE OPERATOR.

19 (D) A VEHICLE'S PRIMARY PROPULSION ENGINE IDLES FOR
20 MAINTENANCE, SERVICING, REPAIRING, OR DIAGNOSTIC PURPOSES, IF
21 IDLING IS REQUIRED FOR SUCH ACTIVITY.

22 (E) A VEHICLE IDLES AS PART OF A STATE OR FEDERAL INSPECTION
23 TO VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING ORDER, IF IDLING IS
24 REQUIRED AS PART OF THE INSPECTION.

25 (F) IDLING OF THE PRIMARY PROPULSION ENGINE IS NECESSARY TO
26 POWER WORK-RELATED MECHANICAL OR ELECTRICAL OPERATIONS OTHER THAN
27 PROPULSION, SUCH AS MIXING OR PROCESSING CARGO OR STRAIGHT TRUCK

1 REFRIGERATION. THIS SUBDIVISION DOES NOT APPLY TO IDLING FOR CABIN
2 COMFORT OR THE OPERATION OF NONESSENTIAL ON-BOARD EQUIPMENT.

3 (G) AN ARMORED VEHICLE IDLES WHEN A PERSON REMAINS INSIDE THE
4 VEHICLE TO GUARD THE CONTENTS OR WHILE THE VEHICLE IS BEING LOADED
5 OR UNLOADED.

6 (H) A VEHICLE IDLES BECAUSE OF MECHANICAL DIFFICULTIES OVER
7 WHICH THE DRIVER HAS NO CONTROL AND THE VEHICLE OWNER, WITHIN 30
8 DAYS AFTER RECEIVING A CITATION UNDER SECTION 6913, SUBMITS BY MAIL
9 TO THE APPROPRIATE LAW ENFORCEMENT AUTHORITY THE REPAIR PAPERWORK
10 OR PRODUCT RECEIPT VERIFYING THAT THE MECHANICAL PROBLEM HAS BEEN
11 FIXED.

12 SEC. 6909. SECTIONS 6903 AND 6905 DO NOT PROHIBIT OPERATING AN
13 AUXILIARY POWER UNIT, GENERATOR SET, OR OTHER MOBILE IDLE REDUCTION
14 TECHNOLOGY AS A MEANS TO HEAT, AIR-CONDITION, OR PROVIDE ELECTRICAL
15 POWER AS AN ALTERNATIVE TO IDLING THE VEHICLE'S PRIMARY PROPULSION
16 ENGINE UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

17 (A) THE VEHICLE IS EQUIPPED WITH A MODEL YEAR 2006 OR OLDER
18 ENGINE.

19 (B) THE VEHICLE IS EQUIPPED WITH A MODEL YEAR 2007 OR NEWER
20 ENGINE AND THE MOBILE IDLE REDUCTION TECHNOLOGY MEETS ANY OF THE
21 FOLLOWING REQUIREMENTS:

22 (i) IS EQUIPPED WITH A VERIFIED LEVEL 3 IN-USE STRATEGY FOR
23 PARTICULATE MATTER CONTROL.

24 (ii) HAS ITS EXHAUST ROUTED DIRECTLY INTO THE VEHICLE'S EXHAUST
25 PIPE, UPSTREAM OF THE DIESEL PARTICULATE MATTER AFTERTREATMENT
26 DEVICE.

27 SEC. 6911. (1) A PERSON SHALL BE ISSUED A WARNING FOR A FIRST

1 VIOLATION OF THIS PART.

2 (2) A PERSON WHO VIOLATES THIS PART AND HAS PREVIOUSLY BEEN
3 ISSUED A WARNING UNDER SUBSECTION (1) IS RESPONSIBLE FOR A STATE
4 CIVIL INFRACTION. FOR A VIOLATION OF SECTION 6903, THE PERSON MAY
5 BE ORDERED TO PAY A FINE OF \$500.00. FOR A VIOLATION OF SECTION
6 6905, THE PERSON MAY BE ORDERED TO PAY A FINE OF \$150.00.