

CHAPTER 215

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 11-1275

BY REPRESENTATIVE(S) Priola, Barker, Casso, Coram;
also SENATOR(S) Williams S. and Spence, Guzman, Hodge, Tochtrop.

AN ACT

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

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

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

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

(ee) ENACTING THE IDLING STANDARDS IN CONFORMITY WITH SECTION 42-14-103.

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

ARTICLE 14
State Idling Standard

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42-14-106. Penalties. THE OWNER OR OPERATOR OF A VEHICLE OR THE OWNER OF A LOADING LOCATION THAT VIOLATES THIS ARTICLE COMMITS A CLASS B TRAFFIC INFRACTION, PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS FOR THE FIRST OFFENSE OR A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR A SECOND OR SUBSEQUENT OFFENSE AND BY A SURCHARGE OF TWENTY DOLLARS IN ACCORDANCE WITH SECTION 24-4.1-119, C.R.S.

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

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2011