

STATE OF NEW YORK

5330

2023-2024 Regular Sessions

IN SENATE

March 2, 2023

Introduced by Sen. HARCKHAM -- read twice and
ordered printed, and when
printed to be committed to the Committee on
Environmental Conservation

AN ACT to amend the environmental conservation
law, in relation to
prohibiting idling by heavy duty vehicles

The People of the State of New York, represented
in Senate and Assem-
bly, do enact as follows:

1 Section 1. Article 19 of the environmental
conservation law is amended

2 by adding a new title 13 to read as follows:

3

TITLE 13

4

HEAVY DUTY VEHICLE IDLING

5

Section 19-1301. Applicability.

6

19-1303. Definitions.

7

19-1305. Prohibitions.

8

19-1307. Exceptions.

9

§ 19-1301. Applicability.

10 This title shall apply to all on-road heavy duty
11 vehicles propelled by
12 diesel fueled and non-diesel fueled engines
13 excluding marine vessels.
14 Heavy duty vehicle means a vehicle that has a
15 gross vehicle weight
16 rating exceeding eighty-five hundred pounds and is
17 designed primarily
18 for transporting persons or properties.
19 § 19-1303. Definitions.
20 As used in this title, "hybrid electric
21 vehicle" means a vehicle as
22 defined in 40 CFR section 86.1702-99.
23 § 19-1305. Prohibitions.
24 No person who owns, operates or leases a heavy
25 duty vehicle including
26 a bus or truck, the motive power for which is
27 provided by a diesel or
28 non-diesel fueled engine or who owns, leases or
29 occupies land and has
30 the actual or apparent dominion or control over the
31 operation of a heavy
32 duty vehicle including a bus or truck present on
33 such land, the motive
34 power for which said heavy duty vehicle is provided
35 by a diesel or non-
36 diesel fueled engine, shall allow or permit the
37 engine of such heavy

EXPLANATION--Matter in italics (underscored) is
new; matter in brackets

[-] is old law to be omitted.

LBD07791-01-3

S. 5330

2

1 duty vehicle to idle for more than five
2 consecutive minutes when the
3 heavy duty vehicle is not in motion, except as
4 otherwise permitted by
5 section 19-1307 of this title.
6 § 19-1307. Exceptions.
7 The prohibitions of section 19-1305 of this
8 title shall not apply in

6 the following circumstances:
7 1. when a diesel or non-diesel fueled heavy duty
8 vehicle, including,
9 but not limited to a bus or truck, is forced
10 to remain motionless
11 because of the traffic conditions over which the
12 operator thereof has no
13 control;
14 2. if contrary regulations are adopted by
15 federal, state or local
16 agencies having jurisdiction require the
17 maintenance of a specific
18 temperature for passenger comfort; in such case,
19 the idling time speci-
20 fied in section 19-1305 of this title may be
21 increased, but only to the
22 extent necessary to comply with such regulations;
23 3. when a diesel or non-diesel fueled engine is
24 being used to provide
25 power for an auxiliary purpose, such as loading,
26 discharging, mixing or
27 processing cargo; controlling cargo temperature;
28 construction; lumber-
29 ing; oil or gas well servicing; farming; or when
30 operation of the engine
31 is required for the purpose of maintenance;
32 4. if idling is due to fire, police and public
33 utility trucks or other
34 vehicles performing emergency services;
35 5. to trucks owned or operated by persons
36 engaged in mining and quar-
37 rying that are used within the confines of such
38 person's property;
39 6. if a diesel fueled truck is to remain
40 motionless for a period
41 exceeding two hours, and during which period the
42 ambient temperature is
43 continuously below twenty-five degrees Fahrenheit;
44 7. to a heavy-duty diesel vehicle that is queued
45 for or is undergoing
46 a state authorized periodic or roadside diesel
47 emissions inspection;
48 8. to a hybrid electric vehicle idling for the
49 purpose of providing

31 energy for battery or other form of energy storage
recharging;

32 9. to heavy duty vehicles used for agricultural
purposes on a farm;

33 and

34 10. to electric powered vehicles.

35 § 2. This act shall take effect on the
ninetieth day after it shall

36 have become a law. Effective immediately, the
addition, amendment

37 and/or repeal of any rule or regulation necessary
for the implementation

38 of this act on its effective date are
authorized to be made and

39 completed on or before such date.