

STATE OF NEW YORK

3719--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 7, 2023

Introduced by M. of A. EPSTEIN, CUNNINGHAM,
LEVENBERG, KELLES, GIBBS,
SILLITTI, REYES, SIMON, DICKENS, L. ROSENTHAL,
RAGA -- read once and
referred to the Committee on Environmental
Conservation -- recommitted
to the Committee on Environmental
Conservation in accordance with
Assembly Rule 3, sec. 2 -- committee discharged,
bill amended, ordered
reprinted as amended and recommitted to said
committee

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:

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TITLE 13

HEAVY DUTY VEHICLE IDLING

Section 19-1301. Applicability.

19-1303. Definitions.

19-1305. Prohibitions.

19-1307. Exceptions.

19-1309. Penalties.

§ 19-1301. Applicability.

This title shall apply to all on-road heavy duty vehicles propelled by

diesel fueled and non-diesel fueled engines excluding marine vessels.

Heavy duty vehicle means a vehicle that has a gross vehicle weight

rating exceeding eighty-five hundred pounds and is designed primarily

for transporting persons or properties.

§ 19-1303. Definitions.

As used in this title, "hybrid electric vehicle" means a vehicle as

defined in 40 CFR section 86.1702-99.

§ 19-1305. Prohibitions.

No person who owns, operates or leases a heavy duty vehicle including

a bus or truck, the motive power for which is provided by a diesel or

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

[~~-~~] is old law to be omitted.

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non-diesel fueled engine shall allow or permit the engine of such heavy

duty vehicle to idle for more than five consecutive minutes when the

heavy duty vehicle is not in motion, except as otherwise permitted by

section 19-1307 of this title.

§ 19-1307. Exceptions.

The prohibitions of section 19-1305 of this title shall not apply in

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

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

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

34 and

35 10. to electric powered vehicles.

36 § 19-1309. Penalties.

37 Any person who knowingly or intentionally
violates any provision of

38 this section shall be liable for a civil penalty
not to exceed one

39 hundred fifty dollars.

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

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

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

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

44 completed on or before such date.