

ASSEMBLY BILL NO. 173—ASSEMBLYMEN HOGAN, PIERCE, PARKS,
ARBERRY, ATKINSON, CLABORN, GERHARDT, HORNE,
KIHUEN, KOIVISTO, MANENDO, MORTENSON, MUNFORD,
OHRENSCHALL AND WOMACK

FEBRUARY 26, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Limits the amount of time certain heavy-duty motor
vehicles and buses may be left idling under certain
circumstances. (BDR 40-201)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to emission control; limiting the amount of time
certain heavy-duty motor vehicles and buses may be left
idling under certain circumstances; providing a penalty;
and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing regulations established by the State Environmental Commission
- 2 prohibit a person from idling the engine of a diesel truck or bus for longer than 15
- 3 consecutive minutes except in certain circumstances. (NAC 445B.576) This bill
- 4 prohibits a person from idling the engine of a heavy-duty motor vehicle powered by
- 5 diesel fuel or a bus for more than 5 consecutive minutes, or more than 15 minutes
- 6 total, during a period of 60 consecutive minutes except in certain circumstances. A
- 7 person who violates the prohibition against idling is guilty of a misdemeanor and is
- 8 subject to an administrative fine.



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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 445B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not cause or allow a heavy-duty motor vehicle powered by diesel fuel or a bus to idle for more than 5 consecutive minutes, or more than 15 minutes total, during a period of 60 consecutive minutes.

2. If the heavy-duty motor vehicle or bus is waiting to be loaded or unloaded, the heavy-duty motor vehicle or bus must not idle for more than 30 consecutive minutes.

3. The provisions of subsection 1 do not apply to a heavy-duty motor vehicle or bus:

(a) For which the Commission has issued a variance from the requirements of this section pursuant to NRS 445B.400. A variance is not effective during an air pollution emergency as defined in the air quality plan for the State of Nevada.

(b) Which is forced to remain motionless:

(1) Because of traffic while in transit on a highway, roadway or street;

(2) Because of an official traffic control device or signal; or

(3) At the direction of a law enforcement officer.

(c) Which is idling because of the use of defrosters, heaters or air conditioners that are being operated solely to prevent a health or safety emergency.

(d) Which is an authorized emergency vehicle being used in an emergency situation or during a training exercise.

(e) Used for the removal of snow.

(f) Used to repair or maintain other motor vehicles.

(g) Which is idling while a repair or maintenance is being performed on the heavy-duty motor vehicle at a shop or facility for the repair or maintenance of motor vehicles if idling is required for the repair or maintenance.

(h) The emission from which is contained and treated by a method approved by the Commission.

(i) The engine of which must idle to perform a specific task for which the heavy-duty motor vehicle or bus is designed, or is necessary to power work-related mechanical or electrical operations, including, without limitation, well drilling, trenching or hoisting. Such a heavy-duty motor vehicle or bus must not idle for more than 5 consecutive minutes, or more than 15 minutes total, during a period of 60 consecutive minutes during an air pollution emergency as defined in the air quality plan for the State of Nevada.



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(j) Which is idling because of mechanical difficulties over which the driver has no control, provided that the owner of the heavy-duty motor vehicle or bus submits the repair paperwork or product receipt by mail within 10 days to the Department of Motor Vehicles verifying that the mechanical problem has been repaired.

(k) Which is an armored vehicle, if a person remains inside the armored vehicle to guard its contents.

4. A passenger bus may idle for a maximum of 15 consecutive minutes during a period of 60 consecutive minutes to maintain passenger comfort while passengers are onboard.

5. An occupied heavy-duty motor vehicle with a sleeper berth may idle for purposes of air conditioning or heating during a rest or sleep period, provided the heavy-duty motor vehicle is equipped with a pollution control device approved by the Commission.

6. For the purposes of this section, a heavy-duty motor vehicle or bus shall be deemed not to be idling while the auxiliary power unit, generator set or other mobile idle reduction technology is being operated as a means to heat, air condition or provide electrical power as an alternative to idling the main engine.

7. As used in this section:

(a) "Authorized emergency vehicle" has the meaning ascribed to it in NRS 484.017.

(b) "Bus" has the meaning ascribed to it in NRS 482.013.

(c) "Heavy-duty motor vehicle" means a motor vehicle that is powered by diesel fuel and has a manufacturer's gross vehicle weight rating of 8,500 pounds or more. The term does not include a passenger car.

Sec. 2. NRS 445B.700 is hereby amended to read as follows:

445B.700 As used in NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445B.705 to 445B.758, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 445B.759 is hereby amended to read as follows:

445B.759 1. The provisions of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act** do not apply to military tactical vehicles.

2. As used in this section, "military tactical vehicle" means a motor vehicle that is:

(a) Owned or controlled by the United States Department of Defense or by a branch of the Armed Forces of the United States; and

(b) Used in combat, combat support, combat service support, tactical or relief operations, or training for such operations.



Sec. 4. NRS 445B.835 is hereby amended to read as follows:

445B.835 1. The Department of Motor Vehicles may impose an administrative fine, not to exceed \$2,500, for a violation of any provision of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, or any rule, regulation or order adopted or issued pursuant thereto. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Pollution Control Account.

3. In addition to any other remedy provided by NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, the Department may compel compliance with any provision of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 5. NRS 445B.845 is hereby amended to read as follows:

445B.845 1. A violation of any provision of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act** relating to motor vehicles, or any regulation adopted pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445B.700 to 445B.845, inclusive, **and section 1 of this act**, or any regulation adopted pursuant thereto, must be enforced by any peace officer.

2. Satisfactory evidence that the motor vehicle or its equipment conforms to those provisions or regulations, when supplied by the owner of the motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1, may be accepted by the court as a complete or partial mitigation of the offense.

Sec. 6. NRS 481.0481 is hereby amended to read as follows:

481.0481 1. There is hereby created within the Department a Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel.

2. The Director shall, within the limits of legislative appropriations, appoint to the Section investigators, officers and technicians for:

(a) The control of emissions from vehicles; and

(b) The enforcement of matters related to the use of special fuel.

3. The duties of the investigators, officers and technicians are to travel the State and:

(a) Act as agents and inspectors in the enforcement of the provisions of chapter 366 of NRS, NRS 445B.700 to 445B.845,



1 inclusive, *and section 1 of this act*, chapter 482 of NRS, and NRS
2 484.644 and 484.6441.

3 (b) Cooperate with the Division of Environmental Protection of
4 the State Department of Conservation and Natural Resources in all
5 matters pertaining to the control of emissions from vehicles.

6 (c) Cooperate and coordinate with the personnel of the Nevada
7 Highway Patrol in all matters pertaining to the enforcement of the
8 provisions of chapter 366 of NRS as those provisions relate to the
9 use of special fuel by motor vehicles.

10 (d) Perform such other duties as may be imposed by the
11 Director.

12 4. As used in this section, "special fuel" has the meaning
13 ascribed to it in NRS 366.060.

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