

=====
LC02110/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2006

—————
A N A C T

RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

Introduced By: Representatives Sullivan, Ginaitt, McNamara, Landroche, and Gemma

Date Introduced: February 28, 2006

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-23 of the General Laws entitled "Air Pollution" is hereby
2 amended by adding thereto the following sections:

3 **23-23-29.1 Findings of fact.** – The general assembly hereby finds as follows:

4 (a) Motor vehicle exhaust is the largest source of air pollution in Rhode Island, and idling
5 vehicles emit higher concentrations of harmful pollutants than moving vehicles;

6 (b) Vehicle exhaust is hazardous to human health. Studies have linked pollution from
7 vehicles to increased rates of cancer, lung and heart disease, asthma and allergies, urban smog
8 and climate change;

9 (c) Fine particulate matter in diesel exhaust is particularly harmful to children and
10 seniors. Tiny particles can lodge deep within human lungs, where they can trigger asthma attacks
11 and stunt lung growth in children, and contribute to chronic obstructive pulmonary disorder and
12 heart attacks in seniors;

13 (d) Asthma is reaching epidemic proportions in Rhode Island. More than one hundred
14 thousand (100,000) people in Rhode Island have been diagnosed with asthma, including one out
15 of every ten (10) children. Asthma is the most common chronic disease in children and
16 responsible for the most school absences in Rhode Island;

17 (e) Vehicle idling waste money. On average, an idling truck burns one gallon of fuel per
18 hour. A locomotive or other heavy duty engine may burn anywhere from three (3) to eleven (11)
19 gallons per hour;

1 (f) Excessive idling creates the need for more frequent oil and oil filter changes, and
2 speeds engine wear, reducing the amount of time before an engine needs to be rebuilt;

3 (g) Even on the coldest winter days, modern engines need no more than five (5) minutes
4 to warm up; and

5 (h) To date, other states including Connecticut and Massachusetts have passed laws that
6 limit the amount of time vehicles are permitted to idle .

7 **23-23-29.2 Diesel motor vehicle engine idling.** – On or before July 1, 2007, the
8 department shall adopt rules governing diesel engine idling to restrict the unnecessary operation
9 of diesel motor vehicle engines. The rules shall be generally consistent with similar restrictions
10 established by law or regulation in Massachusetts and Connecticut and shall provide that no
11 person shall cause, allow or permit the unnecessary operation of the engine of a diesel motor
12 vehicle while said vehicle is stopped for a period of time in excess of five (5) consecutive minutes
13 in any sixty (60) minute period. Unnecessary operation of a diesel motor vehicle shall not
14 include such periods and circumstances as the department, may determine as reasonably requiring
15 that the engine remain idling, which periods may include, but not be limited to, periods when it is
16 necessary for a vehicle to remain motionless due to traffic conditions or at the direction of a law
17 enforcement official; when it is necessary to operate defrosting, heating, or cooling equipment to
18 ensure the health or safety of the driver or passengers or to operate auxiliary equipment; when it
19 is necessary to bring the engine to the manufacturer's recommended operating temperature or
20 when the engine is undergoing maintenance or inspection. The requirements of this section shall
21 not apply to police, fire, rescue, ambulance and other public safety vehicles, military vehicles,
22 armored vehicles that are being loaded or unloaded or are waiting to be loaded or unloaded, non-
23 road vehicles, including farm vehicles, locomotives, aircraft, marine vessels, stationary diesel
24 engines or auxiliary power units, or vehicles making deliveries of fuel or energy products.

25 **23-23-29.3 Non-road diesel engine idling.** – On or before July 1, 2007, the department
26 shall adopt rules governing diesel engine idling to restrict the unnecessary operation of non-road
27 diesel engines. So far as is reasonably feasible, the rules shall provide that no entity shall cause,
28 suffer, allow or permit the unnecessary idling of a non-road diesel engine. Non-road diesel
29 engines to be considered in this rulemaking shall include, but may not be limited to, construction
30 engines, airport ground support equipment, commercial and industrial equipment. Unnecessary
31 idling shall not include such periods and circumstances as the department may determine as
32 reasonably requiring that the engine remain idling, which periods may include, but not be limited
33 to, when airfield maintenance vehicles are being used on a state-owned or operated airport. This
34 provision shall not extend to any diesel powered engine and/or vehicle that must continuously

1 operate while stationary in order to function properly, a vehicle making deliveries of fuel or
2 energy products, or to insure workplace safety.

3 **23-23-29.4. Sources of diesel pollution.** – On or before January 1, 2007, the department
4 shall identify sources of diesel pollution in Rhode Island and strategies for reducing pollution
5 from identified sources and report the findings to the governor and general assembly.

6 **23-23-29.5. Enforcement.** – The responsibility and jurisdiction for enforcement of
7 section 23-23-29.1 through section 23-23-29.4 shall be with state and local law enforcement
8 authorities, including, but not limited to, state and local police and parking enforcement
9 personnel, the Rhode Island department of environmental management and the Rhode Island
10 department of motor vehicles.

11 SECTION 2. Title 31 of the General Laws entitled "MOTOR AND OTHER
12 VEHICLES" is hereby amended by adding thereto the following chapter:

13 CHAPTER 16.1

14 IDLING

15 **31-16.1-1. Purpose.** – The purposes of this chapter are to protect health and the
16 environment by reducing air emissions and to conserve fuel by restricting the unnecessary
17 operation of diesel engines.

18 **31-16.1-2. Powers of the department of environmental management.** – The
19 department of environmental management shall have the power and authority as set forth in
20 section 23-23-29.1 through section 23-23-29.5 to establish rules for engine idling.

21 **31-16.1-3. Restrictions on idling for diesel engines.** – No person shall on or after July 1,
22 2007, cause, allow or permit the unnecessary operation of the diesel engine vehicle while said
23 vehicle is stopped for a period of time in excess of five (5) consecutive minutes in any sixty (60)
24 minute period unless exempted pursuant to regulations adopted by the department of
25 environmental management. Failure to operate the diesel engine vehicle in conformity with the
26 rules of the department of environmental management adopted pursuant to section 23-23-20.2
27 shall constitute a violation of this chapter.

28 **31-16.1-4. Penalties.** – Any person who violates the provisions of this chapter shall be
29 punished by a fine of not more than one hundred dollars (\$100) for the first offense, nor more
30 than five hundred dollars (\$500) for each succeeding offense.

31 SECTION 3. Section 31-41.1-4 of the General Laws in Chapter 31-41.1 entitled
32 "Adjudication of Traffic Offenses" is hereby amended to read as follows:

33 **31-41.1-4. Schedule of violations.** – (a) The penalties for violations of the enumerated
34 sections, listed in numerical order, correspond to the fines described. However, those offenses for

1 which punishments which may vary according to the severity of the offense, or punishment which
 2 require the violator to perform a service, shall be heard and decided by the traffic tribunal or
 3 municipal court. The following violations may be handled administratively through the method
 4 prescribed in this chapter. This list is not exclusive and jurisdiction may be conferred on the
 5 traffic tribunal with regard to other violations.

6 **VIOLATIONS SCHEDULE**

7	8-8.2-2	DOT, DEM, or other agency and department	\$75.00
8		violations	
9	24-10-17	Soliciting rides in motor vehicles	40.00
10	24-10-18	Backing up prohibited	75.00
11	24-10-20	Park and ride lots	75.00
12	31-3-12	Visibility of plates	75.00
13	31-3-18	Display of plates	75.00
14	31-2-32	Driving with expired registration	75.00
15	31-3-34	Failure to notify division of change of address	75.00
16	31-3-35	Notice of change of name	75.00
17	31-3-40	Temporary plates - dealer issued	75.00
18	31-4-3	Temporary registration - twenty (20) day bill of	75.00
19		sale	
20	31-10-10	Rules as to armed forces license	75.00
21	31-10-30	Driving on expired license	75.00
22	31-10-32	Notice of change of address	75.00
23	31-10.1-4	No motorcycle helmet (operator)	60.00
24	31-10.1-5	Motorcycle handlebar violation	75.00
25	31-10.1-6	No motorcycle helmet (passenger)	75.00
26	31-10.1-7	Inspection of motorcycle required	75.00
27	31-12-12	Local motor vehicle ordinance	75.00
28	31-13-04	Obedience to devices	75.00
29	31-13-6(3)(i)	Eluding traffic light	75.00
30	31-13-09	Flashing signals	75.00
31	31-13-11	Injury to signs or devices	75.00
32	31-14-1	Reasonable and prudent speed	85.00
33	31-14-03	Condition requiring reduced speed	85.00
34	31-14-09	Below minimum speed	85.00

1	31-14-12	Speed limit on bridges and structures	85.00
2	31-15-1	Leaving lane of travel	75.00
3	31-15-2	Slow traffic to right	75.00
4	31-15-3	Operator left of center	75.00
5	31-15-4	Overtaking on left	75.00
6	31-15-5(a)	Overtaking on right	75.00
7	31-15-6	Clearance for overtaking	75.00
8	31-15-7	Places where overtaking prohibited	75.00
9	31-15-8	No passing zone	75.00
10	31-15-9	One way highways	75.00
11	31-15-10	Rotary traffic islands	75.00
12	31-15-11	Laned roadway violation	75.00
13	31-15-12	Following too closely	75.00
14	31-15-12.1	Entering intersection	75.00
15	31-15-13	Crossing center section of divided highway	75.00
16	31-15-14	Entering or leaving limited access roadways	75.00
17	31-15-16	Use of emergency break-down lane for travel	75.00
18	13-15-17	Crossing bicycle lane	75.00
19	31-16-1	Care in starting from stop	75.00
20	31-16-2	Manner of turning at intersection	75.00
21	31-16-4	U turn where prohibited	75.00
22	31-16-5	Turn signal required	75.00
23	31-16-6	Time of signaling turn	75.00
24	31-16-7	Failure to give stop signal	75.00
25	31-16-8	Method of giving signals	75.00
26	31-16.1-3	Diesel vehicle idling rules	
27		first offense not to exceed	100.00
28		second and subsequent offense not to exceed	500.00
29	31-17-1	Failure to yield right of way	75.00
30	31-17-2	Vehicle turning left	75.00
31	31-17-3	Yield right of way (intersection)	75.00
32	31-17-4	Obedience to stop signs	75.00
33	31-17-5	Entering from private road or driveway	75.00
34	31-17-8	Vehicle within right of way, rotary	75.00

1	31-17-9	Yielding to bicycles on bicycle lane	75.00
2	31-18-3	Right of way in crosswalks	75.00
3	31-18-5	Crossing other than at crosswalks	75.00
4	31-18-8	Due care by drivers	75.00
5	31-18-12	Hitchhiking	75.00
6	31-18-18	Right of way on sidewalks	75.00
7	31-19-3	Traffic laws applied to bicycles	75.00
8	31-19-20	Sale of new bicycles	75.00
9	31-19-21	Sale of used bicycles	75.00
10	31-19.1-2	Operating motorized bicycle on an interstate	75.00
11		highway	
12	31-19.2-2	Operating motorized tricycle on an interstate	75.00
13		highway	
14	31-20-1	Failure to stop at railroad crossing	75.00
15	31-20-2	Driving through railroad gate	75.00
16	31-20-9	Obedience to stop sign	75.00
17	31-21-4	Places where parking or stopping prohibited	75.00
18	31-21-14	Opening of vehicle doors	45.00
19	31-22-2	Improper backing up	75.00
20	31-22-4	Overloading vehicle	75.00
21	31-22-5	Violation of safety zone	75.00
22	31-22-6	Coasting	75.00
23	31-22-7	Following fire apparatus	75.00
24	31-22-8	Crossing fire hose	75.00
25	31-22-9	Throwing debris on highway - snow removal	1 75.00
26	31-22-11.5	Improper use of school bus	not to exceed
27			five hundred dollars
28			\$500.00 for each
29			day of improper use
30	31-22-22(a)	No child restraint	75.00
31	31-22-22(a)	Child restraint/seat belt but not in any rear	75.00
32		seating position	
33	31-22-22(b), (f)	No seat belt – passenger	75.00
34	31-22-22(g)	No seat belt - operator	75.00

1	31-22-23	Tow trucks - proper identification	275.00
2	31-22-24	Operation of interior lights	75.00
3	31-23-1(d)(2)	U.S. department of transportation motor	125.00
4		carrier safety rules and regulations	
5	31-23-4	Brake equipment required	75.00
6	31-23-8	Horn required	75.00
7	31-23-10	Sirens prohibited	75.00
8	31-23-13	Muffler required	75.00
9	31-23-13.1	Altering height or operating a motor vehicle	75.00
10		with an altered height	
11	31-23-14	Prevention of excessive fumes or smoke	75.00
12	31-23-16	Windshield and window stickers (visibility)	75.00
13	31-23-17	Windshield wipers	75.00
14	31-23-19	Metal tires prohibited	75.00
15	31-23-20	Protuberances on tires	75.00
16	31-23-26	Fenders and wheel flaps required	75.00
17	31-23-27	Rear wheel flaps on buses, trucks and trailers	75.00
18	31-23-29	Flares or red flag required over four thousand	75.00
19		pounds (4,000 lbs.)	
20	31-23-40	Approved types of seat belt requirements	75.00
21	31-23-42.1	Special mirror - school bus	75.00
22	31-23-43	Chocks required (1 pair) - over four thousand	75.00
23		pounds (4,000 lbs.)	
24	31-23-45	Tire treads - defective tires	75.00
25	31-23-47	Slow moving emblem required	75.00
26	31-23-49	Transportation of gasoline - passenger vehicle	75.00
27	31-23-51	Operating bike or motor vehicle wearing ear phones	60.00
28		(first offense)	
29	31-24-1	Times when lights required	75.00
30	through		
31	31-24-53	Safety lights required on food vending vehicles	75.00
32	31-24-5	Headlamp required on motorcycle	75.00
33	31-24-31	Flashing lights - permit required	75.00
34	31-24-34	Failure to dim lights	75.00

1	31-24-45	Red flag required, load projecting	75.00
2		four feet (4') rear	
3	31-25-03	Maximum width of one hundred and two inches	75.00
4		(102") exceeded	
5	31-25-04	Maximum height of one hundred sixty-two inches	75.00
6		(162") exceeded	
7	31-25-06	Maximum number and length of coupled vehicles	500.00
8	31-25-07	Load extending three feet (3') front	75.00
9		six feet (6') rear exceeded	
10	31-25-9	Leaking load	75.00
11	31-25-11	Connections between coupled vehicles	75.00
12	31-25-12	Towing chain, twelve inch (12")	75.00
13		square flag required	
14	31-25-12.1	Tow truck - use of lanes (first offense)	50.00
15	31-25-14(d)(1)	Maximum weight and tandem	125.00
16		axles	
17	31-25-14(d)(2)	Maximum weight and tandem	125.00
18		axles	
19	31-25-14(d)(3)	Maximum weight and tandem axles	125.00
20		axles	
21	31-25-16(c)(1)	Maximum weight shown in registration	65.00 per thousand lbs
22			overweight or
23			portion thereof.
24	31-25-16(c)(2)	Maximum weight shown in registration	125.00 per thousand
25			Lbs. overweight or
26			portion thereof.
27	31-25-16(c)(3)	Maximum weight shown in registration	1,025.00 plus
28			\$125.00 per thousand
29			Pounds overweight or
30			portion thereof
31	31-25-17	Identification of trucks and truck-tractors	50.00
32		(first offense)	
33	31-25-24	Carrying and inspection of excess load limit	175.00
34	31-27-2.3	Refusal to take preliminary breath test	75.00

1	31-28-7(d)	Wrongful use of handicapped parking placard	500.00
2	31-28-7(f)	Handicapped parking space violation:	
3		First offense	100.00
4		Second offense	175.00
5		Third offense and subsequent offenses	325.00
6			
7	31-28-7.1(e)	Wrongful use of institutional handicapped parking placard	125.00
8	31-33-2	Failure to file accident report	45.00
9	31-36.1-17	No fuel tax stamp (out-of-state)	75.00
10	31-38-3	No inspection sticker	75.00
11	31-38-4	Violation of inspection laws	75.00
12	31-47.2-06	Heavy-duty vehicle emission inspections:	
13		First offense	125.00
14		Second offense	525.00
15		Third and subsequent offenses	1,025.00
16	37-15-7	Littering	55.00
17	39-12-26	Public carriers violation	75.00

18 **SPEEDING**

19			
20	SPEEDING		Fine
21	(A) One to ten miles per hour (1 -10 mph)		
22	in excess of posted speed limit		\$85.00
23	(B) Eleven miles per hour (11 mph) in excess		
24	of posted speed limit with a fine of		
25	ten dollars (\$10.00) per mile in excess		
26	of speed limit to be assessed		195.00
27			minimum

28 (b) In addition to any other penalties provided by law, a judge may impose the following
29 penalties for speeding:

30 (1) For speeds up to and including ten miles per hour (10 mph) over the posted speed
31 limit on public highways, a fine as provided for in subsection (a) of this section for the first
32 offense, ten dollars (\$10.00) per mile for each mile in excess of the speed limit for the second
33 offense if within twelve (12) months of the first offense, and fifteen dollars (\$15.00) per mile for
34 each mile in excess of the speed limit for the third and any subsequent offense if within twelve

1 (12) months of the first offense. In addition, the license may be suspended up to thirty (30) days.

2 (2) For speeds in excess of ten miles per hour (10 mph) over the posted speed limit on
3 public highways, a mandatory fine of ten dollars (\$10.00) for each mile over the speed limit for
4 the first offense, fifteen dollars (\$15.00) per mile for each mile in excess of the speed limit for the
5 second offense if within twelve (12) months of the first offense, and twenty dollars (\$20.00) per
6 mile for each mile in excess of the speed limit for the third and subsequent offense if within
7 twelve (12) months of the first offense. In addition, the license may be suspended up to sixty (60)
8 days.

9 (c) Any person charged with a violation who pays the fine administratively pursuant to
10 chapter 8.2 of title 8 shall not be subject to any additional costs or assessments, including, but not
11 limited to, the hearing fee established in section 818-4 or assessment for substance abuse
12 prevention.

13 SECTION 4. This act shall take effect upon passage.

=====
LC02110/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

- 1 This act would restrict the unnecessary idling of diesel and motor vehicle and would
- 2 establish fines for the violation of law.
- 3 This act would take effect upon passage.

=====
LC02110/SUB A
=====

S.

2006 -- H 7756
SUBSTITUTE A

A N A C T

RELATING TO HEALTH AND SAFETY -- ANTI-IDLING ACT

=====
LC02110/SUBA
=====

Presented by