

# SENATE BILL No. 1406

September 5, 2006, Introduced by Senators BASHAM, JACOBS, BARCIA and BRATER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
(MCL 257.1 to 257.923) by adding section 675e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 675E. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A PERSON**  
2 **WHO OPERATES A MOTOR VEHICLE OPERATING ON DIESEL FUEL IN A**  
3 **NONATTAINMENT AREA SHALL NOT CAUSE OR ALLOW THE MOTOR VEHICLE, WHEN**  
4 **IT IS NOT IN MOTION, TO IDLE FOR MORE THAN A TOTAL OF 10 MINUTES**  
5 **WITHIN ANY 60-MINUTE PERIOD, EXCEPT UNDER THE FOLLOWING**  
6 **CIRCUMSTANCES:**

7           **(A) THE MOTOR VEHICLE HAS A GROSS VEHICLE WEIGHT RATING OF**  
8 **LESS THAN 8,000 POUNDS.**

9           **(B) THE MOTOR VEHICLE IS IDLING WHILE IT IS FORCED TO REMAIN**

1 MOTIONLESS BECAUSE OF ON-HIGHWAY TRAFFIC, AN OFFICIAL TRAFFIC  
2 CONTROL DEVICE OR SIGNAL, OR AT THE DIRECTION OF A LAW ENFORCEMENT  
3 OFFICIAL.

4 (C) THE MOTOR VEHICLE IS IDLING TO OPERATE DEFROSTERS,  
5 HEATERS, AIR CONDITIONERS, OR OTHER EQUIPMENT SOLELY TO PREVENT A  
6 SAFETY OR HEALTH EMERGENCY.

7 (D) THE MOTOR VEHICLE IS A POLICE, FIRE, AMBULANCE, PUBLIC  
8 SAFETY, OTHER EMERGENCY OR LAW ENFORCEMENT MOTOR VEHICLE, OR A  
9 MOTOR VEHICLE USED IN AN EMERGENCY CAPACITY, AND IS IDLING WHILE IN  
10 AN EMERGENCY OR TRAINING MODE AND NOT FOR THE CONVENIENCE OF THE  
11 VEHICLE OPERATOR.

12 (E) THE PRIMARY PROPULSION ENGINE IS IDLING FOR MAINTENANCE,  
13 SERVICING, REPAIRING, OR DIAGNOSTIC PURPOSES IF IDLING IS NECESSARY  
14 FOR THAT ACTIVITY.

15 (F) THE MOTOR VEHICLE IS IDLING AS PART OF A GOVERNMENT  
16 INSPECTION TO VERIFY THAT ALL EQUIPMENT IS IN GOOD WORKING ORDER,  
17 AND IDLING IS REQUIRED AS PART OF THE INSPECTION.

18 (G) THE IDLING IS REQUIRED TO OPERATE AUXILIARY EQUIPMENT TO  
19 ACCOMPLISH THE INTENDED USE OF THE VEHICLE, SUCH AS LOADING,  
20 UNLOADING, MIXING, OR PROCESSING CARGO; CONTROLLING CARGO  
21 TEMPERATURE; CONSTRUCTION OPERATIONS; LUMBERING OPERATIONS; OIL OR  
22 GAS WELL SERVICING; OR FARMING OPERATIONS. THIS EXEMPTION DOES NOT  
23 APPLY WHEN THE VEHICLE IS IDLING SOLELY FOR CABIN COMFORT OR TO  
24 OPERATE NONESSENTIAL EQUIPMENT SUCH AS AIR CONDITIONING, HEATING, A  
25 MICROWAVE OVEN, OR A TELEVISION.

26 (H) THE MOTOR VEHICLE IS AN ARMORED MOTOR VEHICLE AND IS  
27 IDLING WHILE A PERSON REMAINS INSIDE THE VEHICLE TO GUARD THE

1 CONTENTS, OR WHILE THE VEHICLE IS BEING LOADED OR UNLOADED.

2 (I) THE MOTOR VEHICLE IS A BUS AND IS IDLING A MAXIMUM OF 15  
3 MINUTES IN ANY 60-MINUTE PERIOD TO MAINTAIN PASSENGER COMFORT WHILE  
4 NONDRIVER PASSENGERS ARE ON BOARD.

5 (J) IF THE MOTOR VEHICLE HAS A SLEEPING BERTH, THE OPERATOR IS  
6 OCCUPYING THE VEHICLE DURING A REST OR SLEEP PERIOD AND IDLING IS  
7 REQUIRED TO OPERATE AIR CONDITIONING OR HEATING.

8 (K) THE MOTOR VEHICLE IS IDLING DUE TO MECHANICAL DIFFICULTIES  
9 OVER WHICH THE OPERATOR HAS NO CONTROL.

10 (L) THE MOTOR VEHICLE IS USED AS AIRPORT GROUND SUPPORT  
11 EQUIPMENT, INCLUDING, BUT NOT LIMITED TO, MOTOR VEHICLES OPERATED  
12 ON THE AIR SIDE OF THE AIRPORT TERMINAL TO SERVICE OR SUPPLY  
13 AIRCRAFT.

14 (M) THE MOTOR VEHICLE IS A BUS OWNED BY A PUBLIC TRANSIT  
15 AUTHORITY AND IS BEING OPERATED ON A DESIGNATED BUS ROUTE OR ON A  
16 STREET OR HIGHWAY BETWEEN DESIGNATED BUS ROUTES TO PROVIDE PUBLIC  
17 TRANSPORTATION.

18 (N) THE MOTOR VEHICLE IS AN IMPLEMENT OF HUSBANDRY AND IS  
19 EXEMPT FROM REGISTRATION UNDER THIS ACT.

20 (O) THE MOTOR VEHICLE IS OWNED BY AN ELECTRIC UTILITY AND IS  
21 OPERATED FOR ELECTRICITY GENERATION OR HYDRAULIC PRESSURE TO POWER  
22 EQUIPMENT NECESSARY IN THE RESTORATION, REPAIR, MODIFICATION, OR  
23 INSTALLATION OF ELECTRIC UTILITY SERVICE.

24 (P) THE OUTDOOR TEMPERATURE IS LESS THAN 32 DEGREES FAHRENHEIT  
25 OR GREATER THAN 80 DEGREES FAHRENHEIT.

26 (2) WHEN THE OUTDOOR TEMPERATURE IS 32 DEGREES FAHRENHEIT OR  
27 HIGHER AND 80 DEGREES FAHRENHEIT OR LOWER, A PERSON WHO OPERATES A

1 MOTOR VEHICLE OPERATING ON DIESEL FUEL IN A NONATTAINMENT AREA  
2 SHALL NOT CAUSE OR ALLOW THE MOTOR VEHICLE TO IDLE FOR A PERIOD  
3 GREATER THAN 30 MINUTES IN ANY 60-MINUTE PERIOD WHILE WAITING TO  
4 WEIGH, LOAD, OR UNLOAD CARGO OR FREIGHT, UNLESS THE VEHICLE IS IN A  
5 LINE OF VEHICLES THAT REGULARLY AND PERIODICALLY MOVES FORWARD.

6 (3) THIS SECTION DOES NOT PROHIBIT THE OPERATION OF AN  
7 AUXILIARY POWER UNIT OR GENERATOR SET AS AN ALTERNATIVE TO IDLING  
8 THE MAIN ENGINE OF A MOTOR VEHICLE OPERATING ON DIESEL FUEL.

9 (4) THIS SECTION DOES NOT APPLY TO THE OWNER OF A MOTOR  
10 VEHICLE RENTED OR LEASED TO ANOTHER ENTITY OR PERSON OPERATING THE  
11 VEHICLE.

12 (5) AS USED IN THIS SECTION, "NONATTAINMENT AREA" MEANS A  
13 COUNTY THAT IS DESIGNATED UNDER FEDERAL LAW AS A COUNTY IN WHICH  
14 THE OZONE LEVELS OR PARTICULATE MATTER LEVELS EXCEED THOSE ALLOWED  
15 UNDER FEDERAL LAW.