

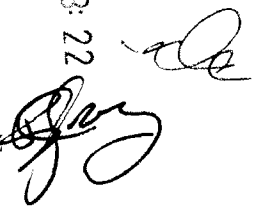
I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

2010 MAR 10 AM 8:22

Bill No 341-30(COB)

Introduced by:

B.J.F. Cruz



**AN ACT TO ADD A NEW CHAPTER 42 TO TITLE 10,
GUAM CODE ANNOTATED; RELATIVE TO LIMITING
COMMERCIAL DIESEL VEHICLE EMISSIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan*

Guåhan finds that it is important to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety for drivers of diesel vehicles. Diesel engines emit large amounts of nitrogen oxides, particulate matter and air toxics, which contribute to serious public health problems. Diesel exhaust may cause or aggravate lung illnesses such as acute respiratory infections, asthma, chronic bronchitis, emphysema, and lung cancer. Although new engines have become cleaner due to improved emission control technologies, the slow turnover in their inventory and the number of miles/hours these vehicles idle each year is hindering progress in improving regional air quality. Therefore, *I Liheslatura* finds that this airborne toxic control measure seeks to reduce

1 public exposure, especially school age children's exposure, to diesel exhaust
2 particulate matter and other toxic air contaminants by limiting unnecessary
3 idling of specified vehicular sources.

4 **Section 2. Creation of the Guam Idling Law.** A new Chapter 42 is *added*
5 to Title 10, Guam Code Annotated, to read:

6 **“Chapter 42.**

7 **Guam Idling Law**

8 **§ 42010. Title.** This Act may be cited as the “Guam Idling Law.”

9 **§ 42020. Applicability.** This law applies to commercial diesel vehicles
10 which are designed to operate on highways (as defined under 40 CFR 390.5),
11 and to locations where commercial diesel vehicles load or unload
12 (hereinafter referred to as “load/unload locations”).

13 **§ 42030. General Requirement for Load/Unload Locations.** No
14 load/unload location owner shall cause vehicles covered by this rule to idle
15 for a period greater than 30 minutes while waiting to load or unload at a
16 location under their control.

17 **§ 42040. General Requirement for Vehicles.** No owner or operator of a
18 vehicle shall cause or permit vehicles covered by this rule to idle for more
19 than 5 minutes in any 60 minute period except as noted in § 42050 and §
20 42060, and except as provided in § 42030 in the case of a load/unload
21 location.

22 **§ 42050. Exemptions.** § 42040 does not apply for the periods where:

23 (1) A vehicle idles while forced to remain motionless because of on-
24 highway traffic, an official traffic control device or signal, or at the
25 direction of a law enforcement official.

1 (2) A vehicle idles when operating defrosters, heaters, air conditioners,
2 or installing equipment solely to prevent a safety or health emergency,
3 and not as part of a rest period.

4 (3) A police, fire, ambulance, public safety, military, other emergency
5 or law enforcement vehicle, or any vehicle being used in an
6 emergency capacity, idles while in an emergency or training mode,
7 and not for the convenience of the vehicle operator.

8 (4) The primary propulsion engine idles for maintenance, servicing,
9 repairing, or diagnostic purposes if idling is required for such activity.

10 (5) A vehicle idles as part of a state or federal inspection to verify that
11 all equipment is in good working order, provided idling is required as
12 part of the inspection.

13 (6) Idling of the primary propulsion engine is necessary to power
14 work-related mechanical or electrical operations other than propulsion
15 (e.g., mixing or processing cargo or straight truck refrigeration). This
16 exemption does not apply when idling for cabin comfort or to operate
17 non-essential on-board equipment.

18 (7) An armored vehicle idles when a person remains inside the vehicle
19 to guard the contents, or while the vehicle is being loaded or unloaded.

20 **§ 42060. Conditional Exemptions.** § 42040 does not apply for the period or
21 periods where:

22 (1) A vehicle idles while forced to remain motionless because of on-
23 highway traffic, an official traffic control device or signal, or at the
24 direction of a law enforcement official.

25 (2) A vehicle idles when operating defrosters, heaters, air conditioners,
26 or installing equipment solely to prevent a safety or health emergency,
27 and not as part of a rest period.

1 (3) A police, fire, ambulance, public safety, military, other emergency
2 or law enforcement vehicle, or any vehicle being used in an
3 emergency capacity, idles while in an emergency or training mode,
4 and not for the convenience of the vehicle operator.

5 (4) The primary propulsion engine idles for maintenance, servicing,
6 repairing, or diagnostic purposes if idling is required for such activity.

7 (5) A vehicle idles as part of a state or federal inspection to verify that
8 all equipment is in good working order, provided idling is required as
9 part of the inspection.

10 (6) Idling of the primary propulsion engine is necessary to power
11 work-related mechanical or electrical operations other than propulsion
12 (e.g., mixing or processing cargo or straight truck refrigeration). This
13 exemption does not apply when idling for cabin comfort or to operate
14 non-essential on-board equipment.

15 (7) An armored vehicle idles when a person remains inside the vehicle
16 to guard the contents, or while the vehicle is being loaded or unloaded.

17 **§ 42070. Conditional Exemptions.** § 42050 does not apply for the period or
18 periods where:

19 (1) A passenger bus idles a maximum of 15 minutes in any 60-minute
20 period to maintain passenger comfort while non-driver passengers are
21 on-board.

22 (2) An occupied vehicle with a sleeper berth compartment idles for
23 purposes of air conditioning, heating during rest, or sleep period.

24 (3) An occupied vehicle idles for purposes of air conditioning or
25 heating while waiting to load or unload.

26 (4) A vehicle idles due to mechanical difficulties over which the driver
27 has no control; PROVIDED that the vehicle owner submits the repair

1 paperwork or product receipt (by mail; within 10 working days) to the
2 appropriate authority verifying that the mechanical problem has been
3 fixed.

4 **§ 42080. Auxiliary Power Units.** Operating an auxiliary power unit,
5 generator set, or other mobile idle reduction technology as a means to heat,
6 air condition, or provide electrical power as an alternative to idling the main
7 engine is not an idling engine.

8 **§ 42090. Penalties.** The owner and/or operator of a vehicle, and/or the owner
9 of a load/unload location, that is in violation of this law is responsible for
10 penalties as follows.

11 (1) First offense: Warning ticket issued to vehicle driver and owner,
12 and where applicable, the load/unload facility owner.

13 (2) Second and subsequent offenses: \$150 citation is issued to the
14 vehicle driver; and/or, \$500 citation issued to the registered vehicle
15 owner or load/unload location owner.”

16 **Section 3. Effective Date.**

17 This Act shall take effect 90 days after enactment.