



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 819 and 820 (as introduced 11-10-11)  
Sponsor: Senator Hoon-Yung Hopgood  
Committee: Transportation

Date Completed: 11-28-11

**CONTENT**

**Senate Bill 819 would amend the Michigan Vehicle Code to do the following:**

- **Prohibit the idling of a vehicle for more than five minutes during any 60-minute period, subject to certain exceptions.**
- **Designate a violation of the prohibition a civil infraction, and prescribe a civil fine.**
- **Authorize a local unit of government to adopt a substantially corresponding ordinance that did not extend, revise, or conflict with the bill.**

**Senate Bill 820 would amend the Revised Judicature Act to allow a city, village, or township parking violations bureau to accept civil infraction admissions and collect civil fines and costs for violation of an ordinance substantially corresponding to the proposed idling prohibition.**

Senate Bill 820 is tie-barred to Senate Bill 819, which is described below in further detail.

**Idle Time Maximum**

Senate Bill 819 would add Section 674b to the Vehicle Code to prohibit the owner or operator of a vehicle from causing or permitting the vehicle to stand or park at idle for more than five total minutes in any 60-minute period, except as otherwise provided. ("Vehicle" would mean a vehicle that is gasoline or diesel powered, is designed to operate on a highway, weighs more than 8,500 pounds, and is not a hybrid vehicle. "Hybrid vehicle" would mean a vehicle that uses an onboard renewable energy storage system and a fuel-based power source for propulsion.)

The time limit would not apply to a vehicle that idled under any of the following circumstances:

- While forced to remain motionless because of on-highway traffic or an official traffic control device or signal or at the direction of a law enforcement official.
- When operating a defroster, heater, or air conditioner, or during installation of equipment, solely to prevent a safety or health emergency and not as part of the operator's rest or sleep period.
- If the vehicle were an ambulance or a police, fire, public safety, military, or other vehicle, while being used in an emergency or emergency training capacity and not for the operator's convenience.

- If the vehicle were a wrecker, at a site to which it had been summoned by a law enforcement agency.
- As required for vehicle maintenance, service, repair, or diagnostic purposes, if idling were required for the activity.
- As required as part of a State or Federal inspection to verify that all equipment was in good working order.
- To power a medical device, such as a continuous positive airway pressure machine, being used by a person present in a sleeping berth during a sleep or rest period, if the vehicle were not equipped with a functioning auxiliary power unit.
- If the vehicle were an armored vehicle, while a person remained inside to guard the contents or while the vehicle was being loaded or unloaded.
- Because of mechanical difficulties over which the driver had no control if, within 30 days after receiving a citation, the vehicle owner submitted to the appropriate law enforcement authority the repair paperwork or product receipt verifying that the problem had been fixed.
- If the vehicle were a passenger bus, including a school bus, for not more than 15 total minutes in any 60-minute period to maintain passenger comfort while nondriver passengers were on board.
- For more than 30 total minutes while waiting to load or unload at a load/unload location.

A vehicle also could exceed the five-minute limit to power work-related mechanical or electrical operations other than propulsion, such as operation of a hoist or other vehicle recovery equipment by a wrecker, mixing or processing cargo, or straight truck refrigeration, if the vehicle were not equipped with an auxiliary power unit. This exception would not apply to idling for cabin comfort or the operation of nonessential onboard equipment.

The owner of a load/unload location could not cause a vehicle to stand or park for more than 30 total minutes while waiting to load or unload at the location if it were necessary for the vehicle to stand or park at idle to power straight truck refrigeration or for similar purposes.

Section 674b would not prohibit operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air-condition, or provide electrical power as an alternative to idling a vehicle's primary propulsion engine. If the vehicle, however, were equipped with a model year 2007 or newer engine, and the U.S. Environmental Protection Agency had granted a waiver for one or more of the following requirements, the exemption would not apply unless either or both of the requirements were met:

- The mobile idle reduction technology was equipped for a verified Level 3 in-use strategy for particulate matter control.
- The technology's exhaust was routed directly into the vehicle's exhaust pipe, upstream of the diesel particulate matter aftertreatment device.

### Penalties & Enforcement

A person who violated proposed Section 674b would be responsible for a civil infraction. A vehicle owner or operator who violated the five-minute idle time maximum could be ordered to pay a fine of up to \$500 and costs of up to \$100. The owner of a load/unload location who violated the 30-minute maximum could be ordered to pay a fine of up to \$150 and costs of up to \$100. For violations occurring within six months after the bill's effective date, however, the maximum fines would be \$250 and \$75, respectively.

The bill provides that Section 674b would preempt a local ordinance that would extend, revise, or conflict with the section. A city, village, or township, however, could adopt an ordinance that substantially corresponded to Section 674b.

The Code allows a law enforcement agency or local unit of government to implement and administer a program to authorize and use people other than police officers as volunteers to issue citations for certain parking violations. Under the bill, the volunteers also could issue citations for idling in violation of Section 674b or a substantially corresponding local ordinance.

Under the Code, in a civil infraction action involving the parking or standing of a motor vehicle, a copy of the citation is not required to be served personally upon the defendant but may be served upon the registered owner by attaching the copy to the vehicle. Under the bill, this provision also would apply in an action involving idling in violation of Section 674b or a substantially corresponding local ordinance.

Under the bill, a city, village, or township or a State university or college could authorize parking violations bureau personnel to issue and serve a citation for a violation of an ordinance substantially corresponding to Section 674b.

Section 907 of the Code prescribes civil fines for various violations of the Code or substantially corresponding local ordinances, including a violation during the operation of a commercial motor vehicle (CMV). For that violation, the operator may be ordered to pay costs and a civil fine of up to \$250. The bill specifies that this provision would not apply to a violation of proposed Section 674b.

A civil fine ordered for a violation of the Code or other State statute must be applied exclusively to the support of public libraries and county law libraries. A civil fine ordered for a violation of a local code or ordinance regulating the operation of CMVs and substantially corresponding to a provision of the Vehicle Code must be paid to the county treasurer and allocated as follows:

- Seventy percent to the local authority in which the citation is issued.
- Thirty percent for library purposes as provided by law.

The bill specifies that the 70/30 allocation would not apply to a violation of a local ordinance substantially corresponding to Section 674b.

MCL 257.605 et al. (S.B. 819)  
600.8395 (S.B. 820)

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. To the extent that the additional prohibition led to an increase in violations of State law, the State would collect additional civil fine revenue. The additional revenue would benefit public libraries. Local units of government also could stand to collect additional civil fine revenue for violations of substantially corresponding ordinances.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.