

CHAPTER 162
FORMERLY
SENATE BILL NO. 135

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO LOCOMOTIVE IDLING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part IV, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 85. Locomotive Idling.

§ 8501. Purpose.

The General Assembly finds and determines that the people of this State are entitled to and should be ensured an environment free from the effects of non-essential idling of locomotives between 8 p.m. and 7 a.m., as such non-essential idling degrades the quality of their life, property, and environment.

§ 8502. Definitions.

(1) "Idling" means the operation of the locomotive while it is stationary.

(2) "Law-enforcement officer" means a sworn member of a police force or other law-enforcement agency of this State, or of any county or municipality within this State, who is responsible for the prevention and detection of crime and the enforcement of the laws of this State, or the laws of any county or municipality within this State.

(3) "Person" means a company, corporation, association, firm, partnership, joint venture, or other legal entity. "Person" does not include individuals.

§ 8503. Non-essential idling prohibited; defined.

(a) No person may permit the non-essential idling of a locomotive under its control or on its property between 8 p.m. and 7 a.m.

(b) Idling is non-essential if it is not a result of one or more of the following circumstances:

(1) Traffic conditions.

(2) The direction of a law-enforcement officer.

(3) The operation of defrosting, heating, or cooling equipment to ensure the health or safety of the driver or passenger.

(4) The operation of the primary propulsion engine for essential work-related mechanical or electrical operations other than propulsion.

(5) Required maintenance, servicing, repairing, diagnostics, or inspections.

(c) This section does not apply within the boundaries of property zoned for industrial activity by the county or municipality having jurisdiction over the property.

§ 8504. Enforcement.

(a) Any law-enforcement officer in whose jurisdiction the locomotive, or any car attached to a locomotive, is located may enforce this chapter.

(b) The Superior Court shall have exclusive jurisdiction over offenses under this chapter.

§ 8505. Penalties.

Any person who violates this chapter shall be punished by a fine of not less than \$5,000 nor more than \$10,000 for the first offense and not less than \$10,000 nor more than \$20,000 for each subsequent offense.

Approved August 14, 2015