

# HOUSE BILL 1087

R6

4lr2479

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By: **Delegates McMillan and Holmes**

Introduced and read first time: February 6, 2014

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Motor Vehicles – ~~Maximum Period of Idling – Repeal~~ Prohibition Against**  
3 **Unattended Motor Vehicle – Exception**

4 FOR the purpose of ~~repealing the prohibition against a motor vehicle engine idling for~~  
5 ~~more than a certain amount of time; repealing certain exceptions to the~~  
6 ~~prohibition; and generally relating to the repeal of the prohibition against a~~  
7 ~~motor vehicle engine idling for more than a certain amount of time~~ creating an  
8 exception to the prohibition against leaving an unattended motor vehicle under  
9 certain circumstances for a motor vehicle that operates unattended for a certain  
10 period of time under certain circumstances; and generally relating to the  
11 prohibition against unattended motor vehicles.

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section ~~22-402(e)~~ 21-1101  
15 Annotated Code of Maryland  
16 (2012 Replacement Volume and 2013 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Transportation  
19 Section 22-402(c)  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2013 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Transportation**

4 21-1101.

5 (a) Except as provided in subsection (c) of this section, a person driving or  
6 otherwise in charge of a motor vehicle may not leave it unattended until the engine is  
7 stopped, the ignition locked, the key removed, and the brake effectively set.

8 (b) A person driving or otherwise in charge of a motor vehicle may not leave  
9 the motor vehicle unattended until, if the vehicle is on a grade, the front wheels are  
10 turned to the curb or side of the highway.

11 (c) **(1)** When a cat or dog is left in the unattended vehicle of an on-duty  
12 law enforcement officer or an animal control officer, the provisions of subsection (a) of  
13 this section do not apply to the law enforcement officer or the animal control officer.

14 **(2)** SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A  
15 PERSON WHO ALLOWS A MOTOR VEHICLE THAT IS LOCKED OR IS ON PRIVATE  
16 PROPERTY NOT OPEN TO THE PUBLIC TO OPERATE UNATTENDED FOR UP TO 5  
17 CONSECUTIVE MINUTES WHEN THE VEHICLE IS NOT IN MOTION.

18 22-402.

19 (c) (1) No motor vehicle may be operated, nor may the owner or lessee of a  
20 motor vehicle permit it to be operated, on any highway in this State unless the engine  
21 power and exhaust mechanism is equipped, adjusted, and operated to prevent:

22 (i) The discharge of clearly visible smoke (comparable to smoke  
23 equal to or darker in shade than that designated as No. 1 of the Ringelmann Chart as  
24 published by the U.S. Bureau of Mines) in the exhaust emissions within the proximity  
25 of the exhaust outlet for more than 10 consecutive seconds; and

26 (ii) The discharge of smoke from any other part of the engine in  
27 such amounts and of such opacity as to partially obscure persons or objects from view.

28 (2) In this subsection, “smoke” means small gasborne and airborne  
29 particles, exclusive of water vapor, from a process of combustion in sufficient numbers  
30 to be observable.

31 (3) ~~¶~~A motor vehicle engine may not be allowed to operate for more  
32 than 5 consecutive minutes when the vehicle is not in motion, except as follows:

1 (i) When a vehicle is forced to remain motionless because of  
2 traffic conditions or mechanical difficulties over which the operator has no control;

3 (ii) When it is necessary to operate heating and cooling or  
4 auxiliary equipment installed on the vehicle;

5 (iii) To bring the vehicle to the manufacturer's recommended  
6 operating temperature; or

7 (iv) When it is necessary to accomplish the intended use of the  
8 vehicle.

9 (4) For a period of 1 year from July 1, 1971, this subsection shall be  
10 enforced by issuance of a warning. One year from July 1, 1971, it shall be enforced in  
11 the same manner as other violations of this section.

12 ~~(5)~~ (4) This subsection does not apply to Class L (historic) vehicles.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.