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H.B. No. 2374

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to regulate an energy source or engine.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 7, Local Government Code, is amended by adding Chapter 247 to read as follows:

CHAPTER 247. REGULATION OF ENERGY SOURCES AND ENGINES

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Energy source" means any fuel or power source used to power an engine.

(2) "Engine" means a machine for converting an energy source into mechanical force and motion, including a generator or an internal combustion engine.

(3) "Political subdivision" includes a county, municipality, special district, school district, junior college district, or housing authority.

(4) "Retail service station" has the meaning assigned by Section 753.001, Health and Safety Code.

Sec. 247.002. RESTRICTION ON REGULATION OF ENERGY SOURCES.

A political subdivision may not adopt or enforce an ordinance, order, regulation, or similar measure that limits access to an energy source or that results in the effective prohibition of a wholesaler, retailer, energy producer, or related infrastructure, including a retail service station, that is necessary to provide

1 access to a specific energy source.

2 Sec. 247.003. RESTRICTION ON REGULATION OF ENGINES. (a) A
3 political subdivision may not adopt or enforce an ordinance, order,
4 regulation, or similar measure that directly or indirectly
5 prohibits or restricts the use, sale, or lease of an engine based on
6 its fuel source.

7 (b) This section does not limit the authority of a political
8 subdivision to adopt or enforce an ordinance, order, regulation, or
9 similar measure relating to an engine that:

10 (1) does not effectively prohibit or restrict the use,
11 sale, or lease of the engine; and

12 (2) is not preempted by state or federal law.

13 (c) Section 81.0523, Natural Resources Code, prevails to
14 the extent of a conflict with this section.

15 SECTION 2. This Act takes effect September 1, 2023.