

BILL ANALYSIS

Senate Research Center

H.B. 1540
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Natural Resources
5/3/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current federal law, truck drivers are required to take periodic rest breaks. The truck engine is left idling to power the air conditioner or heater. Truckers traverse the entire state in temperatures that range from over 100 degrees Fahrenheit to below freezing. Any restrictions placed on engine idling, and consequently on the use of air conditioning or heating, would interfere with the federally-mandated rest periods and the flow of goods across the state. H.B. 1540 prohibits the Texas Commission on Environmental Quality from limiting idling when it is necessary to power a heater or air conditioner during a government-mandated rest period.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 382, Health and Safety Code, by adding Section 382.0191, as follows:

Sec. 382.0191. IDLING OF MOTOR VEHICLE WHILE USING SLEEPER BERTH.

(a) Defines "idling."

(b) Prohibits the Texas Commission on Environmental Quality from prohibiting or limiting the idling of a motor vehicle when idling is necessary to power a heater or air conditioner while a driver is using the vehicle's sleeper berth for a government-mandated rest period.

(c) Prohibits a driver using the vehicle's sleeper berth from idling the vehicle in a school zone or within 1,000 feet of a public school. Requires an offense under this subsection to be punishable by a fine not to exceed \$500.

(d) Provides that this section expires September 1, 2007.

SECTION 2. Effective date: September 1, 2005.