

By: Bonnen

H.B. No. 1540

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation by the Texas Commission on Environmental
3 Quality of the idling of a motor vehicle while the driver is using
4 the vehicle's sleeper berth; providing a penalty.

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

6 SECTION 1. Subchapter B, Chapter 382, Health and Safety
7 Code, is amended by adding Section 382.0191 to read as follows:

8 Sec. 382.0191. IDLING OF MOTOR VEHICLE WHILE USING SLEEPER
9 BERTH. (a) In this section, "idling" means allowing an engine to
10 run while the motor vehicle is not engaged in forward or reverse
11 motion.

12 (b) The commission may not prohibit or limit the idling of a
13 motor vehicle when idling is necessary to power a heater or air
14 conditioner while a driver is using the vehicle's sleeper berth for
15 a government-mandated rest period.

16 (c) No driver using the vehicle's sleeper berth may idle the
17 vehicle in a school zone or within 1,000 feet of a public school. An
18 offense under this subsection shall be punishable by a fine not to
19 exceed \$500.

20 (d) This section expires September 1, 2007.

21 SECTION 2. This Act takes effect September 1, 2005.