

1-1 By: Bonnen (Senate Sponsor - Williams) H.B. No. 1540  
1-2 (In the Senate - Received from the House April 13, 2005;  
1-3 April 14, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 6, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1540 By: Seliger

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the regulation by the Texas Commission on Environmental  
1-11 Quality of the idling of a motor vehicle while the driver is using  
1-12 the vehicle's sleeper berth; providing a penalty.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 382, Health and Safety  
1-15 Code, is amended by adding Section 382.0191 to read as follows:

1-16 Sec. 382.0191. IDLING OF MOTOR VEHICLE WHILE USING SLEEPER  
1-17 BERTH. (a) In this section, "idling" means allowing an engine to  
1-18 run while the motor vehicle is not engaged in forward or reverse  
1-19 motion.

1-20 (b) The commission may not prohibit or limit the idling of a  
1-21 motor vehicle when idling is necessary to power a heater or air  
1-22 conditioner while a driver is using the vehicle's sleeper berth for  
1-23 a government-mandated rest period.

1-24 (c) No driver using the vehicle's sleeper berth may idle the  
1-25 vehicle in a school zone or within 1,000 feet of a public school  
1-26 during its hours of operation. An offense under this subsection  
1-27 shall be punishable by a fine not to exceed \$500.

1-28 (d) This section expires September 1, 2007.

1-29 SECTION 2. This Act takes effect September 1, 2005.

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