

By: Driver

H.B. No. 1235

A BILL TO BE ENTITLED

1 AN ACT

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.

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

6 SECTION 1. Sections 382.0191(b), (c), and (d), Health and
7 Safety Code, are amended to read as follows:

8 (b) The commission may not prohibit or limit the idling of a
9 motor vehicle when idling is necessary to power a heater or air
10 conditioner while a driver is using the vehicle's sleeper berth for
11 a government-mandated rest period. Idling is not necessary to power
12 a heater or air conditioner if the vehicle is within two miles of a
13 facility offering external heating and air conditioning
14 connections at a time when those connections are available.

15 (c) No driver using the vehicle's sleeper berth may idle the
16 vehicle in a residential area as defined by Section 244.001, Local
17 Government Code, or in a school zone or within 1,000 feet of a
18 hospital or a public school during its hours of operation. An
19 offense under this subsection shall be punishable by a fine not to
20 exceed \$500.

21 (d) This section expires September 1, 2009 [~~2007~~].

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.