

BILL ANALYSIS

C.S.H.B. 3317
By: Chisum
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current state law provides for the imposition of certain idling restrictions on land vehicles for air quality purposes. However, current federal law requires truck drivers to take periodic rest breaks and drivers often use the sleeper berth in their trucks for these mandated rest breaks, leaving the truck engine idling to power the air conditioner or heater. Any restrictions placed on engine idling of these trucks would interfere with the federally-mandated rest periods and the flow of goods across the state.

C.S.H.B. 3317 provides an exemption from idling restrictions for certain vehicles if a vehicle's engine is equipped with a certified idle reduction system.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 382.0191(b), Health and Safety Code, to prohibit the Texas Commission on Environmental Quality (TCEQ) from prohibiting or limiting the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a heavy-duty diesel engine that is a 2008 or subsequent model year and has been certified to emit a maximum of 30 grams nitrogen oxides per hour when idling by the United States Environmental Protection Agency (EPA) or another state environmental agency, except as provided by Subsection (c). Strikes existing language prohibiting TCEQ from prohibiting or limiting the idling of motor vehicles during government-mandated rest breaks when it is necessary to power the air conditioner or heater, and providing that this exception does not apply if the vehicle is within two miles of a facility with available external heating and air conditioning connections. Adds Section 382.0191(b-1) to provide that, vehicles using the primary propulsion engine to power a mechanical operation used to perform essential functions related to electric utility construction or maintenance are not subject to idling restrictions, notwithstanding any other provision to the contrary.

SECTION 2. Amends Subchapter Z, Chapter 622, Transportation Code, by adding Section 622.955. INCREASE OF MAXIMUM WEIGHT FOR VEHICLES WITH IDLE REDUCTION SYSTEMS. Section 622.955(a) Defines "idle reduction system."

(b) Requires the weight limit for a vehicle or combination of vehicles with an idle reduction system to be increased by the weight of the system, notwithstanding any provision to the contrary.

(c) Provides that the increase in vehicle weight limit described in Subsection (b) may not exceed 400 pounds.

(d) Requires a vehicle operator, on request by an appropriate law enforcement officer or an official of an appropriate regulatory agency, to provide proof that the idle reduction technology is fully functional at all times and the weight increase is not used for any purpose other than the use of the idle reduction system.

SECTION 3. Repealer. Section 382.0191(d), Health and Safety Code, is repealed.

SECTION 4. Effective date.

REPEALERS

C.S.H.B. 3317 repeals Section 382.0191(d), Health and Safety Code.

EFFECTIVE DATE

Except as provided by Section 382.0191(b), this Act takes effect August 31, 2009. Section 382.0191(b), as amended by this Act, takes effect November 1, 2010.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. C.S.H.B. 3317 strikes Section 1 of the original in its entirety. The substitute amends Section 382.0191(b), Health and Safety Code, effective November 1, 2010, to prohibit TCEQ, except as provided by Subsection (c), from prohibiting or limiting the idling of any motor vehicle with a gross vehicle weight rating greater than 8,500 pounds that is equipped with a 2008 or subsequent model year heavy-duty diesel engine that has been certified by the EPA or another state environmental agency to emit no more than 30 grams of nitrogen oxides emissions per hour when idling. The substitute strikes existing language prohibiting TCEQ 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, and providing that idling is not necessary to power a heater or air conditioner if the vehicle is within two miles of a facility offering external heating and air conditioning connections at a time when those connections are available. The substitute adds Section 382.0191(b-1) to provide that, notwithstanding any provision to the contrary, a vehicle is not subject to idling restrictions if the primary propulsion engine is being used to power a mechanical operation used to perform essential functions related to electric utility construction or maintenance.

SECTION 2. C.S.H.B. 3317 strikes Section 2 of the original in its entirety and renumbers the remaining sections of the bill accordingly. This section of the substitute adds Section 622.955 to Subchapter Z, Chapter 622, Transportation Code. Section 622.955 defines idle reduction system; allows the vehicle weight limit to be increased by the weight of the idle reduction system, up to 400 pounds; and requires vehicle operators to provide specific information to law enforcement officers or appropriate state agency representatives upon request.

SECTION 3. C.S.H.B. 3317 repeals Section 382.0191(d), Health and Safety Code. The original did not include this section.

SECTION 4. C.S.H.B. 3317 provides that, this Act takes effect August 31, 2009, except Section 382.0191(b) as amended by this Act, which takes effect November 1, 2010. The original had an effective date of August 31, 2009.