

By: Button

H.B. No. 1909

A BILL TO BE ENTITLED

AN ACT

relating to rules of the Texas Commission on Environmental Quality related to motor vehicle idling.

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

SECTION 1. Section 382.0191, Health and Safety Code, is amended to read as follows:

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

(b) A rule adopted by the commission under Section 382.019 that limits or prohibits the idling of motor vehicles:

(1) ~~[The commission]~~ may not prohibit or limit 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;

(2) must apply only to vehicles with a gross vehicle weight rating of 6,000 pounds or more; and

(3) must be enforced year-round.

(b-1) For the purposes of Subsection (b)(1), idling ~~[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.

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

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

8           SECTION 2. The Texas Commission on Environmental Quality  
9 shall adopt rules that comply with Section 382.0191, Health and  
10 Safety Code, as amended by this Act, not later than January 1, 2010.

11           SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.