

By: Chisum

H.B. No. 3317

Substitute the following for H.B. No. 3317:

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C.S.H.B. No. 3317

A BILL TO BE ENTITLED

AN ACT

relating to the idling of motor vehicles.

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

SECTION 1. Section 382.0191, Health and Safety Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (c), the ~~[The]~~ commission may not prohibit or limit the idling of any [a] 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 United States Environmental Protection Agency or another state environmental agency to emit no more than 30 grams of nitrogen oxides per hour 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. 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].~~

(b-1) 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.

1 SECTION 2. Subchapter Z, Chapter 622, Transportation Code,
2 is amended by adding Section 622.955 to read as follows:

3 Sec. 622.955. INCREASE OF MAXIMUM WEIGHT FOR VEHICLES WITH
4 IDLE REDUCTION SYSTEMS. (a) For purposes of this section, "idle
5 reduction system" means a system that provides heating, cooling, or
6 electrical service to a commercial vehicle's sleeper berth for the
7 purpose of reducing the idling of a motor vehicle.

8 (b) Notwithstanding any provision to the contrary, the
9 maximum gross vehicle weight limit and axle weight limit for any
10 vehicle or combination of vehicles equipped with an idle reduction
11 system shall be increased by an amount necessary to compensate for
12 the additional weight of the idle reduction system.

13 (c) The weight increase under Subsection (b) may not be
14 greater than 400 pounds.

15 (d) On request by an appropriate law enforcement officer or
16 an official of an appropriate regulatory agency, the vehicle
17 operator shall provide proof that:

18 (1) the idle reduction technology is fully functional
19 at all times; and

20 (2) the weight increase is not used for any purpose
21 other than the use of an idle reduction system.

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23 repealed.

24 SECTION 4. (a) Except as provided by Subsection (b) of this
25 section, this Act takes effect August 31, 2009.

26 (b) Section 382.0191(b), Health and Safety Code, as amended
27 by this Act, takes effect November 1, 2010.