

By: Averitt

S.B. No. 1828

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(d), Health and Safety Code, is amended to read as follows:

(d) This section expires November 1, 2010 [~~September 1, 2009~~].

SECTION 2. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0192 to read as follows:

Sec. 382.0192. CERTIFICATION FOR OPTIONAL IDLING EMISSION STANDARDS. (a) The commission shall:

(1) adopt rules establishing:

(A) an optional nitrogen oxide idling emission standard for heavy-duty diesel engines manufactured during or after the 2008 model year; and

(B) a certification process for heavy-duty diesel engines that meet the standard established under Paragraph (A), including a method to visually verify that an engine is certified; and

(2) certify diesel engines that comply with rules adopted under this section.

(b) A diesel engine certified under this section may not be modified or altered unless the modification or alteration has been approved by the commission.

1 (c) Notwithstanding any provision to the contrary, a
2 vehicle is not subject to idling restrictions if the vehicle:

3 (1) is powered by a diesel engine certified:

4 (A) by the commission under this section; or

5 (B) by a state whose certification standards are
6 comparable to the standards developed by the commission under this
7 section, as identified by the commission; and

8 (2) is marked or labeled as being powered by a diesel
9 engine certified as described by Subdivision (1).

10 SECTION 3. Subchapter Z, Chapter 622, Transportation Code,
11 is amended by adding Section 622.955 to read as follows:

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

17 (b) Notwithstanding any provision to the contrary, the
18 maximum gross vehicle weight limit and axle weight limit for any
19 vehicle or combination of vehicles equipped with an idle reduction
20 system shall be increased by an amount necessary to compensate for
21 the additional weight of the idle reduction system.

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

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

27 (1) the idle reduction technology is fully functional

1 at all times; and

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

4 SECTION 4. This Act takes effect August 31, 2009.