

1-1 By: Averitt S.B. No. 1828
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 16, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 16, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1828 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the idling of motor vehicles.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. (a) Subsection (d), Section 382.0191, Health
1-13 and Safety Code, is repealed.
1-14 (b) Effective November 1, 2010, Subsection (b), Section
1-15 382.0191, Health and Safety Code, is amended to read as follows:
1-16 (b) Except as provided by Subsection (c), the [The]
1-17 commission may not prohibit or limit the idling of any [a] motor
1-18 vehicle with a gross vehicle weight rating greater than 8,500
1-19 pounds that is equipped with a 2008 or subsequent model year
1-20 heavy-duty diesel engine that has been certified by the United
1-21 States Environmental Protection Agency or another state
1-22 environmental agency to emit no more than 30 grams of nitrogen
1-23 oxides emissions per hour when idling [is necessary to power a
1-24 heater or air conditioner while a driver is using the vehicle's
1-25 sleeper berth for a government-mandated rest period. Idling is not
1-26 necessary to power a heater or air conditioner if the vehicle is
1-27 within two miles of a facility offering external heating and air
1-28 conditioning connections at a time when those connections are
1-29 available].
1-30 SECTION 2. Subchapter Z, Chapter 622, Transportation Code,
1-31 is amended by adding Section 622.955 to read as follows:
1-32 Sec. 622.955. INCREASE OF MAXIMUM WEIGHT FOR VEHICLES WITH
1-33 IDLE REDUCTION SYSTEMS. (a) For purposes of this section, "idle
1-34 reduction system" means a system that provides heating, cooling, or
1-35 electrical service to a commercial vehicle's sleeper berth for the
1-36 purpose of reducing the idling of a motor vehicle.
1-37 (b) Notwithstanding any provision to the contrary, the
1-38 maximum gross vehicle weight limit and axle weight limit for any
1-39 vehicle or combination of vehicles equipped with an idle reduction
1-40 system shall be increased by an amount necessary to compensate for
1-41 the additional weight of the idle reduction system.
1-42 (c) The weight increase under Subsection (b) may not be
1-43 greater than 400 pounds.
1-44 (d) On request by an appropriate law enforcement officer or
1-45 an official of an appropriate regulatory agency, the vehicle
1-46 operator shall provide proof that:
1-47 (1) the idle reduction technology is fully functional
1-48 at all times; and
1-49 (2) the weight increase is not used for any purpose
1-50 other than the use of an idle reduction system.
1-51 SECTION 3. Except as provided by Subsection (b), Section 1
1-52 of this Act, this Act takes effect August 31, 2009.

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