

By: Smith of Harris

H.B. No. 2832

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. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0191 to read as follows:

Sec. 382.0191. IDLING OF MOTOR VEHICLE. (a) In this section, "idling" means allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion.

(b) The commission may not prohibit or limit 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 United States Environmental Protection Agency or another state environmental agency to emit not more than 30 grams of nitrogen oxides emissions per hour when idling.

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

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

(b) Notwithstanding any provision to the contrary, a vehicle or combination of vehicles equipped with an idle reduction

1 system may exceed the maximum gross vehicle weight limit and axle
2 weight limit prescribed for the vehicle or combination of vehicles
3 by an amount necessary to compensate for the additional weight of
4 the idle reduction system.

5 (c) The weight allowance under Subsection (b) may not be
6 greater than 400 pounds.

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

10 (1) the idle reduction technology is fully functional
11 at all times; and

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

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.