

1 AN ACT

2 relating to the regulation by the Texas Commission on Environmental
3 Quality of the idling of a motor vehicle while the driver is using
4 the vehicle's sleeper berth; providing a penalty.

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

6 SECTION 1. Subchapter B, Chapter 382, Health and Safety
7 Code, is amended by adding Section 382.0191 to read as follows:

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

12 (b) The commission may not prohibit or limit the idling of a
13 motor vehicle when idling is necessary to power a heater or air
14 conditioner while a driver is using the vehicle's sleeper berth for
15 a government-mandated rest period.

16 (c) No driver using the vehicle's sleeper berth may idle the
17 vehicle in a school zone or within 1,000 feet of a public school
18 during its hours of operation. An offense under this subsection
19 shall be punishable by a fine not to exceed \$500.

20 (d) This section expires September 1, 2007.

21 SECTION 2. This Act takes effect September 1, 2005.

Raid Newburn

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1540 was passed by the House on April 12, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1540 on May 18, 2005, by a non-record vote.

Robert Nancy
Chief Clerk of the House

I certify that H.B. No. 1540 was passed by the Senate, with amendments, on May 16, 2005, by the following vote: Yeas 29, Nays 1.

Letsy Graw
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM CLOCK

Roger Williams
Secretary of State