

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND  
RELATED ACTIVITIES

SUBTITLE C. REGULATORY AUTHORITY APPLYING TO MORE THAN ONE TYPE OF  
LOCAL GOVERNMENT

Chapter 247, consisting of Secs. 247.001 to 247.003, was added by  
Acts 2023, 88th Leg., R.S., Ch. 19 (S.B. [1017](#)), Sec. 1.

For another Chapter 247, consisting of Secs. 247.001 to 247.006,  
added by Acts 2023, 88th Leg., R.S., Ch. 654 (H.B. [14](#)), Sec. 1, see  
Sec. 247.001 et seq., post.

CHAPTER 247. REGULATION OF ENERGY SOURCES AND ENGINES

The following section was amended by the 89th Legislature. Pending  
publication of the current statutes, see H.B. [1620](#), 89th  
Legislature, Regular Session, for amendments affecting the  
following section.

Sec. 247.001. DEFINITIONS. In this chapter:

(1) "Energy source" means any fuel or power source  
used to power an engine.

(2) "Engine" means a machine for converting an energy  
source into mechanical force and motion, including a generator or  
an internal combustion engine.

(3) "Political subdivision" includes a county,  
municipality, special district, school district, junior college  
district, or housing authority.

(4) "Retail service station" has the meaning assigned  
by Section [753.001](#), Health and Safety Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 19 (S.B. [1017](#)), Sec. 1,  
eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending  
publication of the current statutes, see H.B. [1620](#), 89th  
Legislature, Regular Session, for amendments affecting the  
following section.

Sec. 247.002. RESTRICTION ON REGULATION OF ENERGY SOURCES.

(a) A political subdivision may not adopt or enforce an ordinance,  
order, regulation, or similar measure that limits access to or use

of an energy source or that results in the effective prohibition of infrastructure that is necessary to provide access to a specific energy source, including a wholesaler, retailer, energy producer, or related infrastructure, including a retail service station.

(b) This section does not limit the authority of a political subdivision to adopt or enforce an ordinance, order, regulation, or similar measure relating to an energy source, or infrastructure that is necessary to provide access to a specific energy source, that:

(1) provides siting requirements, including siting requirements involving certain geographic areas;

(2) does not effectively prohibit the operation of an energy source or infrastructure that is necessary to provide access to a specific energy source; and

(3) is not preempted by state or federal law.

Added by Acts 2023, 88th Leg., R.S., Ch. 19 (S.B. [1017](#)), Sec. 1, eff. September 1, 2023.

The following section was amended by the 89th Legislature. Pending publication of the current statutes, see H.B. [1620](#) and S.B. [1202](#), 89th Legislature, Regular Session, for amendments affecting the following section.

Sec. 247.003. RESTRICTION ON REGULATION OF ENGINES. (a) A political subdivision may not adopt or enforce an ordinance, order, regulation, or similar measure that directly prohibits or restricts the use, sale, or lease of an engine based on its fuel source.

(b) This section does not limit the authority of a political subdivision to adopt or enforce an ordinance, order, regulation, or similar measure not preempted by state or federal law that:

(1) does not effectively prohibit or restrict the use, sale, or lease of the engine;

(2) implements an agreement between the political subdivision and the Texas Commission on Environmental Quality to regulate motor vehicle idling under Section [382.019](#), Health and Safety Code; or

(3) only affects an engine owned or operated by the political subdivision and is included in the state implementation

plan or otherwise necessary for compliance with the federal Clean Air Act (42 U.S.C. Section 7401 et seq.).

(c) This section does not limit the authority of a political subdivision to adopt an ordinance, order, regulation, resolution, policy, or other similar measure to encourage, promote, or provide rebates for engines and fuel sources from alternative sources such as electricity, hydrogen, gas, or biofuels and that does not directly or effectively ban, restrict, or prohibit the use, sale, or lease of an engine based on the engine's fuel source.

(d) Section [81.0523](#), Natural Resources Code, prevails to the extent of a conflict with this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 19 (S.B. [1017](#)), Sec. 1, eff. September 1, 2023.