

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 248. REGULATION OF ENERGY SOURCES AND ENGINES

Sec. 248.001. 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.

Redesignated from Local Government Code, Chapter 247 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(26), eff. September 1, 2025.

Sec. 248.002. 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.

Redesignated from Local Government Code, Chapter [247](#) by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. [1620](#)), Sec. 22.001(26), eff. September 1, 2025.

Sec. 248.003. 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.

Redesignated from Local Government Code, Chapter [247](#) by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. [1620](#)), Sec. 22.001(26), eff. September 1, 2025.