

By: Blanco

S.B. No. 1328

A BILL TO BE ENTITLED

AN ACT

relating to common nuisance remedies and registration and permitting requirements for the storage of scrap tires.

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

SECTION 1. Section [125.0015](#)(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) A person who maintains a place to which persons habitually go for the following purposes and who knowingly tolerates the activity and furthermore fails to make reasonable attempts to abate the activity maintains a common nuisance:

(1) discharge of a firearm in a public place as prohibited by the Penal Code;

(2) reckless discharge of a firearm as prohibited by the Penal Code;

(3) engaging in organized criminal activity as a member of a combination as prohibited by the Penal Code;

(4) delivery, possession, manufacture, or use of a substance or other item in violation of Chapter [481](#), Health and Safety Code;

(5) gambling, gambling promotion, or communicating gambling information as prohibited by the Penal Code;

(6) prostitution as described by Section [43.02](#), Penal Code, solicitation of prostitution as described by Section [43.021](#), Penal Code, promotion of prostitution as described by Section

1 43.03, Penal Code, or aggravated promotion of prostitution as
2 described by Section 43.04, Penal Code;

3 (7) compelling prostitution as prohibited by the Penal
4 Code;

5 (8) commercial manufacture, commercial distribution,
6 or commercial exhibition of obscene material as prohibited by the
7 Penal Code;

8 (9) aggravated assault as described by Section 22.02,
9 Penal Code;

10 (10) sexual assault as described by Section 22.011,
11 Penal Code;

12 (11) aggravated sexual assault as described by Section
13 22.021, Penal Code;

14 (12) robbery as described by Section 29.02, Penal
15 Code;

16 (13) aggravated robbery as described by Section 29.03,
17 Penal Code;

18 (14) unlawfully carrying a weapon as described by
19 Section 46.02, Penal Code;

20 (15) murder as described by Section 19.02, Penal Code;

21 (16) capital murder as described by Section 19.03,
22 Penal Code;

23 (17) continuous sexual abuse of young child or
24 disabled individual as described by Section 21.02, Penal Code;

25 (18) massage therapy or other massage services in
26 violation of Chapter 455, Occupations Code;

27 (19) employing or entering into a contract for the

1 performance of work or the provision of a service with an individual
2 younger than 21 years of age for work or services performed at a
3 sexually oriented business as defined by Section 243.002, Local
4 Government Code;

5 (20) trafficking of persons as described by Section
6 20A.02, Penal Code;

7 (21) sexual conduct or performance by a child as
8 described by Section 43.25, Penal Code;

9 (22) employment harmful to a child as described by
10 Section 43.251, Penal Code;

11 (23) criminal trespass as described by Section 30.05,
12 Penal Code;

13 (24) disorderly conduct as described by Section 42.01,
14 Penal Code;

15 (25) arson as described by Section 28.02, Penal Code;

16 (26) criminal mischief as described by Section 28.03,
17 Penal Code, that causes a pecuniary loss of \$500 or more;

18 (27) a graffiti offense in violation of Section 28.08,
19 Penal Code; ~~or~~

20 (28) permitting an individual younger than 18 years of
21 age to enter the premises of a sexually oriented business as defined
22 by Section 243.002, Local Government Code;

23 (29) storing scrap tires, as defined by Section
24 361.112, Health and Safety Code, without registering or obtaining a
25 permit as required by that section or Texas Commission on
26 Environmental Quality rules adopted under Chapter 361, Health and
27 Safety Code; or

1 (30) storing scrap tires, as defined by Section
2 361.112, Health and Safety Code, in conditions that:

3 (A) release or threaten to release a hazardous
4 substance; or

5 (B) cause or threaten to cause:

6 (i) air or water pollution; or

7 (ii) a substantial diminution of value of
8 other real property in the vicinity of the place on which the scrap
9 tires are stored.

10 SECTION 2. Sections 361.112(a), (b), and (f), Health and
11 Safety Code, are amended to read as follows:

12 (a) A person may not store more than 200 [~~500~~] used or scrap
13 tires for any period on any publicly or privately owned property
14 unless the person registers the storage site with the commission.
15 This subsection does not apply to the storage, protection, or
16 production of agricultural commodities.

17 (b) The commission may register a site to store more than
18 200 [~~500~~] used or scrap tires.

19 (f) A person may not store more than 200 [~~500~~] used or scrap
20 tires or dispose of any quantity of used or scrap tires unless the
21 tires are shredded, split, or quartered as provided by commission
22 rule. The commission may grant an exception to this requirement if
23 the commission finds that circumstances warrant the exception. The
24 prohibition provided by this subsection regarding storage does not
25 apply to a registered waste tire energy recovery facility or a waste
26 tire energy recovery facility storage site. The prohibition
27 provided by this subsection does not apply to a person who, for

1 eventual recycling, reuse, or energy recovery, temporarily stores
2 scrap tires in a designated recycling collection area at a landfill
3 permitted by the commission or licensed by a county or by a
4 political subdivision exercising the authority granted by Section
5 361.165.

6 SECTION 3. Section 361.1125(a)(2), Health and Safety Code,
7 is amended to read as follows:

8 (2) "Scrap tire site" includes any site at which more
9 than 200 [~~500~~] scrap tires are located.

10 SECTION 4. This Act takes effect September 1, 2023.