

## **BILL ANALYSIS**

C.S.H.B. 1047  
By: Chisum  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law requires the owner or operator of an underground storage tank to provide a fuel delivery company or driver a copy of the certificate of compliance for the specific underground storage tank into which the fuel is to be deposited. This requirement has put common carriers and their drivers in the untenable position of having to verify that tank owners are in compliance with state law. If a delivery is made at night or on a holiday, the owner or operator is usually not on site to provide the certificate.

C.S.H.B. 1047 provides that the common carrier who delivers the fuel to the owner or operator of an underground storage tank into which fuel is deposited is not liable with respect to the storage tank's compliance with state law. The committee substitute also clarifies that owners and operators of underground storage tanks who knowingly violate Section 26.3467(a), Water Code, (provision of certificate of compliance to common carrier) commit an offense.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

**SECTION 1.** Stipulates that an owner or operator of an underground storage tank who fails to provide a copy of the certificate of compliance commits an offense; states that the common carrier who delivers the regulated substance is not liable for the owner's failure to provide the certificate of compliance.

**SECTION 2.** Provides that the Act is prospective.

**SECTION 3.** Effective date.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The committee substitute reinstates the term "knowingly", which was struck in the original (page 1, line 9).