

BILL ANALYSIS

C.S.H.B. 2863
By: Chisum
Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires entities to remove lead-acid batteries, fuel tanks, and PCB-containing capacitors from cars and appliances prior to their transfer to a metal recycling facility. However, the cars and appliances are usually crushed before being delivered to the recycler and it can only be assumed that the above mentioned items were removed; there is no way of knowing for sure if this has been done.

C.S.H.B. 2863 requires the transferor make a certification to the Texas Department of Transportation that lead-acid batteries, fuel tanks, and PCB-containing capacitors from cars and appliances have been removed. Most of these entities already file paperwork with the department; this would just be an additional action to verify completion.

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.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1956.103, Occupations Code, by adding Subsection (c), requiring a person who sells or transfers to a metal recycling entity an item described by Subsection (a) to certify to the Texas Department of Transportation that the person has complied with the requirements of this section. Requires that the certification to be made in accordance with rules of the Texas Department of Transportation and, if the item is a part of a nonrepairable motor vehicle acquired by a salvage vehicle dealer, must be made with the form presented under Section 501.096 (c) (2), Transportation Code.

SECTION 2. Effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies the bill by adding new language requiring the certification be made in accordance with department rules and be made with the form presented under Section 501.096 (c) (2), Transportation Code if the item is a part of a nonrepairable motor vehicle acquired by a salvage vehicle dealer.

C.S.H.B. 2863 modifies the bill by removing language that would have required a person to submit certification to the department that they had complied with department rules within a ten day period of transfer.