

By: Chisum

H.B. No. 1047

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the offense of failing to certify compliance of an  
3 underground storage tank before accepting delivery of the regulated  
4 substance to be stored in the tank.

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

6 SECTION 1. Sections 26.3467(b) and (c), Water Code, are  
7 amended to read as follows:

8 (b) An owner or operator of an underground storage tank [~~A~~  
9 ~~person~~] who [~~knowingly~~] violates Subsection (a) commits an offense  
10 that is punishable as provided by Section 7.156 for an offense under  
11 that section.

12 (c) A person who sells a regulated substance to a common  
13 carrier who delivers the regulated substance to the owner or  
14 operator of an underground storage tank into which the regulated  
15 substance is deposited, and who does not deliver the regulated  
16 substance into the underground storage tank, and the common carrier  
17 who delivers the regulated substance to the owner or operator of an  
18 underground storage tank into which the regulated substance is  
19 deposited, are [~~is~~] not liable under this chapter with respect to  
20 that tank.

21 SECTION 2. (a) The change in law made by this Act applies  
22 only to an offense committed on or after the effective date of this  
23 Act. For purposes of this section, an offense is committed before  
24 the effective date of this Act if any element of the offense occurs

1 before that date.

2 (b) An offense committed before the effective date of this  
3 Act is covered by the law in effect when the offense was committed,  
4 and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2005.