

1-1 By: Armbrister S.B. No. 1298
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 6, 2005, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 6, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to restrictions on the transfer of a fuel tank to a metal
1-9 recycling entity.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1956.103, Occupations Code, is amended
1-12 by adding Subsection (c) to read as follows:

1-13 (c) Subsection (a) does not apply to a fuel tank that has
1-14 been completely drained and rendered unusable in accordance with
1-15 Texas Commission on Environmental Quality rules regardless of
1-16 whether the fuel tank is attached to a motor vehicle.

1-17 SECTION 2. Section 1956.104, Occupations Code, is amended
1-18 to read as follows:

1-19 Sec. 1956.104. NOTICE OF RESTRICTIONS. A metal recycling
1-20 entity shall post in a conspicuous location a notice that:

1-21 (1) is readily visible to a person selling material to
1-22 the metal recycling entity;

1-23 (2) is at least 24 inches horizontally by 18 inches
1-24 vertically; and

1-25 (3) contains the following language:

1-26 TEXAS LAW PROHIBITS:

1-27 1. THE SALE OF A WHOLE, FLATTENED, OR JUNKED MOTOR VEHICLE,
1-28 AN APPLIANCE, OR ANY OTHER SCRAP METAL ITEM CONTAINING A LEAD-ACID
1-29 BATTERY, FUEL TANK THAT HAS NOT BEEN COMPLETELY DRAINED AND
1-30 RENDERED UNUSABLE, OR PCB-CONTAINING CAPACITOR; AND

1-31 2. THE SALE OF LEAD-ACID BATTERIES, FUEL TANKS THAT HAVE NOT
1-32 BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE, OR PCB-CONTAINING
1-33 CAPACITORS INCLUDED WITH OTHER SCRAP METALS WITHOUT OUR PRIOR
1-34 WRITTEN ACKNOWLEDGMENT.

1-35 VIOLATION OF THIS LAW IS A MISDEMEANOR.

1-36 SECTION 3. (a) The Texas Commission on Environmental
1-37 Quality shall adopt standards required under Subsection (c),
1-38 Section 1956.103, Occupations Code, as added by this Act, defining
1-39 fuel tanks that are completely drained and unusable not later than
1-40 December 1, 2005.

1-41 (b) The change in law made by this Act applies only to the
1-42 sale or transfer of a fuel tank to a metal recycling entity on or
1-43 after January 1, 2006. A fuel tank sold or transferred before that
1-44 date is subject to the law in effect immediately before the
1-45 effective date of this Act, and that law is continued in effect for
1-46 that purpose.

1-47 SECTION 4. This Act takes effect September 1, 2005.

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