

By: Averitt

S.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the financial responsibility requirements applicable
3 to owners or operators of certain underground storage tanks.

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

5 SECTION 1. Section 26.352, Water Code, is amended by adding
6 Subsection (e-1) and amending Subsection (f) to read as follows:

7 (e-1) An insurance company or other entity that provides
8 insurance coverage or another form of financial assurance to an
9 owner or operator of an underground storage tank for purposes of
10 this section shall notify the commission if the owner or operator or
11 the insurance company or other entity cancels or fails to renew the
12 insurance coverage or other form of financial assurance.

13 (f) The commission shall enforce this section and may impose
14 administrative and civil penalties on the owners or operators of
15 underground storage tanks if acceptable evidence of financial
16 responsibility is not maintained. An owner or operator commits an
17 offense if the owner or operator operates an underground storage
18 tank knowing that acceptable evidence of financial responsibility
19 does not exist and is subject to criminal prosecution as provided by
20 Subchapter F. The commission may seek injunctive relief in the
21 district courts of Travis County to force the temporary or
22 permanent closure of an underground storage tank for which
23 acceptable evidence of financial responsibility is not maintained.
24 The commission may order an owner or operator of an underground

1 storage tank that fails to maintain acceptable evidence of
2 financial responsibility or assurance to place the tank out of
3 service in the same manner that the commission may issue such an
4 order under Section 26.3475(e) to an owner or operator of an
5 underground storage tank system that does not comply with that
6 section.

7 SECTION 2. This Act takes effect September 1, 2007.