

1-1 By: Averitt S.B. No. 1671
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 3, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 3, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1671 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the financial responsibility requirements applicable
1-11 to owners or operators of certain underground storage tanks.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 26.352, Water Code, is amended by adding
1-14 Subsection (e-1) and amending Subsection (f) to read as follows:

1-15 (e-1) An insurance company or other entity that provides
1-16 insurance coverage or another form of financial assurance to an
1-17 owner or operator of an underground storage tank for purposes of
1-18 this section shall notify the commission if the owner or operator or
1-19 the insurance company or other entity cancels or fails to renew the
1-20 insurance coverage or other form of financial assurance.

1-21 (f) The commission shall enforce this section and may impose
1-22 administrative and civil penalties on the owners or operators of
1-23 underground storage tanks if acceptable evidence of financial
1-24 responsibility is not maintained. An owner or operator commits an
1-25 offense if the owner or operator operates an underground storage
1-26 tank knowing that acceptable evidence of financial responsibility
1-27 does not exist and is subject to criminal prosecution as provided by
1-28 Subchapter F. The commission may seek injunctive relief in the
1-29 district courts of Travis County to force the temporary or
1-30 permanent closure of an underground storage tank for which
1-31 acceptable evidence of financial responsibility is not maintained.
1-32 The commission may order an owner or operator of an underground
1-33 storage tank that fails to maintain acceptable evidence of
1-34 financial responsibility or assurance to place the tank out of
1-35 service in the same manner that the commission may issue such an
1-36 order under Section 26.3475(e) to an owner or operator of an
1-37 underground storage tank system that does not comply with that
1-38 section.

1-39 SECTION 2. This Act takes effect September 1, 2007.

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