

BILL ANALYSIS

Senate Research Center
81R29950 JTS-D

S.B. 2574
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Natural Resources
5/7/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas produces 24 million scrap tires per year and the lack of a program to address scrap tires has led to the illegal disposal of tires, creating environmental and health hazards in Maverick County. These tires are often discarded in vacant properties, alleys, and bodies of water. Not only do scrap tires have the potential to attract and harbor mosquitoes, rodents, vermin, and other disease-carrying pests; if set on fire, the flames are difficult to extinguish, creating concern for air and water pollution.

In order to resolve this matter and minimize future dumping of scrap tires, tire operations conducting business in Maverick County must be regulated. Requiring that they collect a mandatory tire recycling fee from the consumer will prevent illegal dumping while still allowing tire operations to directly handle administrative and tire removal expenses.

S.B. 2574 would permit Maverick County to require tire operations wishing to conduct business in the county to apply for a license and permit. Furthermore, the Maverick County Commissioners Court would be granted the authority to adopt rules and enforce those rules as necessary.

As proposed, S.B. 2574 relates to the regulation of tire businesses, authorizes a fee for tire purchases for regulatory compliance in certain counties, and creates an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 234, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. BUSINESSES RELATED TO AUTOMOBILE TIRES

Sec. 234.051. DEFINITIONS. Defines "mobile tire repair business" and "used tire business."

Sec. 234.052. APPLICABILITY. Provides that this subchapter applies only to a county with a population greater than 45,000, in which there is located an Indian reservation under the jurisdiction of the United States government, and that is adjacent to an international border.

Sec. 234.053. LICENSE OR PERMIT REQUIRED. Authorizes the commissioners court of a county by order to require that the owner or operator of a mobile tire repair business or used tire business obtain a license or permit from the county before engaging in business in the county. Authorizes the commissioners court by order to establish a fee to be paid for a license or permit.

Sec. 234.054. SCRAP TIRE DISPOSAL FEE. Authorizes the commissioners court of a county by order to establish a fee to be imposed on the purchase of an automobile tire in

the county; and require a retailer of automobile tires to collect the fee and use the fee to comply with requirements associated with the disposal of scrap tires.

Sec. 234.055. RULES. Authorizes the commissioners court of a county to adopt rules as necessary to administer this subchapter.

Sec. 234.056. INJUNCTION. Authorizes a district or county attorney to bring suit to enjoin the operations of a mobile tire repair business, used tire business, or tire retailer in violation of an order or rule adopted under this subchapter.

Sec. 234.057. OFFENSE. Provides that a person commits an offense if the person violates an order adopted under this subchapter. Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Effective date: September 1, 2009.