

1-1 By: Hancock (Senate Sponsor - Deuell) H.B. No. 3827
1-2 (In the Senate - Received from the House May 5, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 23, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 23, 2009, sent to printer.)

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

1-8 relating to the delivery of regulated substances into underground
1-9 storage tanks; providing a penalty.

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

1-11 SECTION 1. Section 7.156(c), Water Code, is amended to read
1-12 as follows:

1-13 (c) A person commits an offense if the person:

1-14 (1) is an owner or operator of an underground storage
1-15 tank regulated under Chapter 26 into which any regulated substance
1-16 is delivered unless the underground storage tank has been issued a
1-17 valid, current underground storage tank registration and
1-18 certificate of compliance under Section 26.346; or

1-19 (2) physically delivers any regulated substance into
1-20 an underground storage tank regulated under Chapter 26 unless the
1-21 underground storage tank has been issued a valid, current
1-22 underground storage tank registration and certificate of
1-23 compliance under Section 26.346.

1-24 SECTION 2. Subchapter F, Chapter 7, Water Code, is amended
1-25 by adding Section 7.256 to read as follows:

1-26 Sec. 7.256. DEFENSE TO DELIVERY OF REGULATED SUBSTANCE INTO
1-27 UNDERGROUND STORAGE TANK. It is an affirmative defense to
1-28 prosecution under Section 7.156(c)(2) that the person delivering a
1-29 regulated substance into an underground storage tank relied on:

1-30 (1) a valid paper delivery certificate presented by
1-31 the owner or operator of the underground storage tank or displayed
1-32 at the facility associated with the underground storage tank;

1-33 (2) a temporary delivery authorization presented by
1-34 the owner or operator of the underground storage tank or displayed
1-35 at the facility associated with the underground storage tank; or

1-36 (3) registration and self-certification information
1-37 for the underground storage tank obtained from the commission's
1-38 Internet website not more than 30 days before the date of delivery.

1-39 SECTION 3. This Act takes effect September 1, 2009.

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