

By: Shapleigh, Wentworth

S.B. No. 617

A BILL TO BE ENTITLED

AN ACT

relating to requiring a retail seller of motor vehicle tires to render certain tires unusable; providing a civil penalty.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, as effective April 1, 2009, is amended by adding Chapter 108 to read as follows:

CHAPTER 108. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE

TIRES

Sec. 108.001. RENDERING CERTAIN MOTOR VEHICLE TIRES UNUSABLE. (a) A business that sells new or used tires at retail for use on a motor vehicle shall render a tire held as inventory or purchased or received in exchange from a customer unusable if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety under Section 548.002, Transportation Code.

(b) A business shall render a tire unusable for purposes of Subsection (a) by:

(1) puncturing a hole two inches across from the surface through the entire body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots; or

(2) taking any other action necessary to prevent the tire from being used on a motor vehicle.

Sec. 108.002. RULEMAKING AUTHORITY. The Department of

1 Public Safety may adopt rules to implement this chapter.

2 Sec. 108.003. CIVIL PENALTY. (a) A business that violates  
3 this chapter is liable to the state for a civil penalty in an amount  
4 not to exceed \$500 for each violation.

5 (b) The attorney general or the appropriate district or  
6 county attorney may bring an action under this chapter in the name  
7 of the state in a district court in:

8 (1) Travis County; or

9 (2) the county in which the violation occurs.

10 SECTION 2. This Act takes effect September 1, 2009.