

1-1 By: Shapleigh S.B. No. 617  
1-2 (In the Senate - Filed February 2, 2009; February 23, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 20, 2009, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; March 20, 2009, sent to printer.)

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

1-8 relating to requiring a retail seller of motor vehicle tires to  
1-9 render certain tires unusable; providing a civil penalty.

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

1-11 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, as  
1-12 effective April 1, 2009, is amended by adding Chapter 108 to read as  
1-13 follows:

1-14 CHAPTER 108. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE  
1-15 TIRES

1-16 Sec. 108.001. RENDERING CERTAIN MOTOR VEHICLE TIRES  
1-17 UNUSABLE. (a) A business that sells new or used tires at retail  
1-18 for use on a motor vehicle shall render a tire held as inventory or  
1-19 purchased or received in exchange from a customer unusable if the  
1-20 tire does not meet the inspection criteria adopted by rule of the  
1-21 Department of Public Safety under Section 548.002, Transportation  
1-22 Code.

1-23 (b) A business shall render a tire unusable for purposes of  
1-24 Subsection (a) by:

1-25 (1) puncturing a hole two inches across from the  
1-26 surface through the entire body of the tire so that the tire cannot  
1-27 be temporarily repaired by the use of blowout patches or boots; or

1-28 (2) taking any other action necessary to prevent the  
1-29 tire from being used on a motor vehicle.

1-30 Sec. 108.002. RULEMAKING AUTHORITY. The Department of  
1-31 Public Safety may adopt rules to implement this chapter.

1-32 Sec. 108.003. CIVIL PENALTY. (a) A business that violates  
1-33 this chapter is liable to the state for a civil penalty in an amount  
1-34 not to exceed \$500 for each violation.

1-35 (b) The attorney general or the appropriate district or  
1-36 county attorney may bring an action under this chapter in the name  
1-37 of the state in a district court in:

1-38 (1) Travis County; or

1-39 (2) the county in which the violation occurs.

1-40 SECTION 2. This Act takes effect September 1, 2009.

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