

## **BILL ANALYSIS**

S.B. 615  
By: Rodriguez  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Used tire disposal has been a problem in Texas for years, with approximately four million scrap tires generated annually. This issue is more acute in the border region than in the rest of the state because tires that do not meet tread requirements in the United States are often sold as used tires in Mexico. For example, Ciudad Juarez, which is directly across the border from El Paso, is considered to have the largest tire pile in the border region, with approximately four to five million tires in its landfill.

Tire piles may cause an increase in mosquito-borne diseases and may cause fires which contribute to air pollution. Tire pile cleanup and tire reuse efforts through border initiatives have removed more than two million tires, but despite this progress the tire piles remain high.

The goal of S.B. 615 is to help prevent the majority of these used tires from accumulating in various parts of the state as well as from crossing the border by requiring tire retailers to render tires unusable when the tires do not meet existing safety standards.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 and to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

### **ANALYSIS**

S.B. 615 amends the Business & Commerce Code to require a business that sells new or used tires at retail for use on a motor vehicle to render as unusable on a motor vehicle a tire held as inventory or purchased or received in exchange from a customer if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety (DPS). The bill requires the business to render the tire unusable by puncturing a hole at least two inches in diameter through the body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots or taking any other action necessary to prevent the tire from being used on a motor vehicle. The bill exempts from these requirements a tire that remains mounted on the wheel of a motor vehicle that is held as inventory by a dealer or purchased or received in exchange by a dealer as part of a motor vehicle retail installment transaction, or a tire that a business transfers to a used or scrap tire transporter that is registered with the Texas Commission on Environmental Quality (TCEQ) and has provided TCEQ with a bond in an amount of at least \$100,000.

S.B. 615 authorizes DPS to adopt rules to implement the bill's provisions relating to the requirements for retail sellers of motor vehicle tires and establishes that a business that violates such provisions is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation. The bill authorizes the attorney general or the appropriate district or county attorney to bring an action in the name of the state in a district court in Travis County or the county in which the violation occurs.

S.B. 615 requires a scrap tire transporter to file with TCEQ a bond issued by a surety company authorized to transact business in this state. The bill requires the principal amount of the bond to equal at least \$100,000 and requires the bond to be payable to the state and conditioned on compliance with the bill's provisions relating to certain persons that generate or transport scrap tires and any rules adopted under those provisions. The bill requires a scrap tire generator that stores scrap tires outdoors on its business premises to store the scrap tires in a fully enclosed area or container that may be made secure by locking.

S.B. 615 authorizes TCEQ to adopt rules to implement the bill's provisions relating to certain persons that generate or transport scrap tires and establishes that a person that violates such provisions is subject to a civil penalty in an amount not to exceed \$500 for each violation. The bill authorizes a separate penalty to be imposed for each day a violation occurs. The bill authorizes the attorney general or the appropriate district or county attorney to bring an action against a person in the name of the state in a district court in the county in which the person resides or the person's principal place of business is located.

S.B. 615 defines "commission," "scrap tire," "scrap tire generator," and "scrap tire transporter" and provides for the definition of "dealer" by reference to the Transportation Code.

**EFFECTIVE DATE**

September 1, 2011.