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S.B. No. 615

A BILL TO BE ENTITLED

AN ACT

relating to requiring a retail seller of motor vehicle tires to render certain tires unusable and to the regulation of scrap tires; providing civil penalties.

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

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE TIRES

Sec. 106.001. DEFINITION. In this chapter, "dealer" has the meaning assigned by Section 503.001, Transportation Code.

Sec. 106.002. 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 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 under Section 548.002, Transportation Code. The business shall render the tire unusable by:

(1) 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

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

1        (b) This section does not apply to a tire that:

2                (1) remains mounted on the wheel of a motor vehicle  
3 that is:

4                        (A) held as inventory by a dealer; or

5                        (B) purchased or received in exchange by a dealer  
6 as part of a motor vehicle retail installment transaction; or

7                (2) a business transfers to a used or scrap tire  
8 transporter that:

9                        (A) is registered with the Texas Commission on  
10 Environmental Quality; and

11                        (B) has provided the commission with a bond in an  
12 amount of at least \$100,000.

13        Sec. 106.003. RULEMAKING AUTHORITY. The Department of  
14 Public Safety may adopt rules to implement this chapter.

15        Sec. 106.004. CIVIL PENALTY. (a) A business that violates  
16 this chapter is liable to the state for a civil penalty in an amount  
17 not to exceed \$500 for each violation.

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

21                        (1) Travis County; or

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

23        SECTION 2. Title 6, Business & Commerce Code, is amended by  
24 adding Chapter 205 to read as follows:

25        CHAPTER 205. REQUIREMENTS FOR CERTAIN PERSONS THAT GENERATE OR  
26                                        TRANSPORT SCRAP TIRES

27        Sec. 205.001. DEFINITIONS. In this chapter:

1           (1) "Commission" means the Texas Commission on  
2 Environmental Quality.

3           (2) "Scrap tire" means a tire that can no longer be  
4 used for the tire's original intended purpose.

5           (3) "Scrap tire generator" means a person that  
6 generates scrap tires. The term includes a tire dealer, junkyard,  
7 or fleet operator.

8           (4) "Scrap tire transporter" means a person that:

9                   (A) collects scrap tires from another person for  
10 the purpose of removal to a scrap tire processor, end user, or  
11 disposal facility; and

12                   (B) is required to register with the commission  
13 as a scrap tire transporter.

14           Sec. 205.002. BOND REQUIRED FOR SCRAP TIRE TRANSPORTER.

15           (a) A scrap tire transporter shall file with the commission a bond  
16 issued by a surety company authorized to transact business in this  
17 state.

18           (b) The principal amount of the bond must equal at least  
19 \$100,000.

20           (c) The bond must be payable to the state and conditioned on  
21 compliance with this chapter and any rules adopted under this  
22 chapter.

23           Sec. 205.003. STORAGE OF SCRAP TIRES. A scrap tire  
24 generator that stores scrap tires outdoors on its business premises  
25 shall store the scrap tires in a fully enclosed area or container  
26 that may be made secure by locking.

27           Sec. 205.004. RULES. The commission may adopt rules to

1 implement this chapter.

2 Sec. 205.005. CIVIL PENALTY. (a) A person that violates  
3 this chapter is subject to a civil penalty in an amount not to  
4 exceed \$500 for each violation. A separate penalty may be imposed  
5 for each day a violation occurs.

6 (b) The attorney general or the appropriate district or  
7 county attorney may bring an action against a person under this  
8 section in the name of the state in a district court in the county in  
9 which:

10 (1) the person resides; or

11 (2) the person's principal place of business is  
12 located.

13 SECTION 3. This Act takes effect September 1, 2011.