

By: Rodriguez

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; providing a civil penalty.

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.

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

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

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

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

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

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

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

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

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

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

20                   (1) Travis County; or

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

22           SECTION 2. This Act takes effect September 1, 2011.