

1-1 By: Rodriguez, Wentworth S.B. No. 615
1-2 (In the Senate - Filed February 11, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 26, 2011, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; April 26, 2011, 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, is
1-12 amended by adding Chapter 106 to read as follows:

1-13 CHAPTER 106. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE
1-14 TIRES

1-15 Sec. 106.001. DEFINITION. In this chapter, "dealer" has
1-16 the meaning assigned by Section 503.001, Transportation Code.

1-17 Sec. 106.002. RENDERING CERTAIN MOTOR VEHICLE TIRES
1-18 UNUSABLE. (a) A business that sells new or used tires at retail
1-19 for use on a motor vehicle shall render as unusable on a motor
1-20 vehicle a tire held as inventory or purchased or received in
1-21 exchange from a customer if the tire does not meet the inspection
1-22 criteria adopted by rule of the Department of Public Safety under
1-23 Section 548.002, Transportation Code. The business shall render
1-24 the tire unusable by:

1-25 (1) puncturing a hole at least two inches in diameter
1-26 through the body of the tire so that the tire cannot be temporarily
1-27 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 (b) This section does not apply to a tire that:

1-31 (1) remains mounted on the wheel of a motor vehicle
1-32 that is:

1-33 (A) held as inventory by a dealer; or

1-34 (B) purchased or received in exchange by a dealer
1-35 as part of a motor vehicle retail installment transaction; or

1-36 (2) a business transfers to a used or scrap tire
1-37 transporter that:

1-38 (A) is registered with the Texas Commission on
1-39 Environmental Quality; and

1-40 (B) has provided the commission with a bond in an
1-41 amount of at least \$100,000.

1-42 Sec. 106.003. RULEMAKING AUTHORITY. The Department of
1-43 Public Safety may adopt rules to implement this chapter.

1-44 Sec. 106.004. CIVIL PENALTY. (a) A business that violates
1-45 this chapter is liable to the state for a civil penalty in an amount
1-46 not to exceed \$500 for each violation.

1-47 (b) The attorney general or the appropriate district or
1-48 county attorney may bring an action under this chapter in the name
1-49 of the state in a district court in:

1-50 (1) Travis County; or

1-51 (2) the county in which the violation occurs.

1-52 SECTION 2. This Act takes effect September 1, 2011.

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