

By: Hinojosa

S.B. No. 1429

A BILL TO BE ENTITLED

AN ACT

relating to regulating certain persons that generate or transport scrap tires; providing a civil penalty.

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

SECTION 1. Title 6, Business & Commerce Code, is amended by adding Chapter 205 to read as follows:

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

Sec. 205.001. DEFINITIONS. In this chapter:

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

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

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

(4) "Scrap tire transporter" means a person that:
(A) collects scrap tires from another person for the purpose of removal to a scrap tire processor, end user, or disposal facility; and

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

Sec. 205.002. BOND REQUIRED FOR SCRAP TIRE TRANSPORTER.

(a) A scrap tire transporter shall file with the commission a bond

1 issued by a surety company authorized to transact business in this
2 state.

3 (b) The principal amount of the bond must equal at least
4 \$100,000.

5 (c) The bond must be payable to the state and conditioned on
6 compliance with this chapter and any rules adopted under this
7 chapter.

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

12 Sec. 205.004. RULES. The commission may adopt rules to
13 implement this chapter.

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

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

22 (1) the person resides; or

23 (2) the person's principal place of business is
24 located.

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