

By: Ritter

H.B. No. 1584

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the sale, storage, transportation, and disposal of
3 scrap or used tires; providing a civil penalty; creating an
4 offense.

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

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

8 CHAPTER 205. SALE AND TRANSPORTATION OF SCRAP OR USED TIRES

9 Sec. 205.001. DEFINITIONS. In this chapter, "scrap tire" and
10 "used tire" have the meanings assigned to those terms by Section
11 361.1121, Health and Safety Code.

12 Sec. 205.002. RETENTION AND DISPOSAL OF SCRAP OR USED
13 TIRES. (a) Except as provided by Subsection (c), a retail seller
14 shall prohibit a customer from retaining a scrap tire or used tire
15 removed from the customer's vehicle during the purchase of a tire.

16 (b) A retail seller who takes possession of a scrap tire
17 from a customer during a transaction described by Subsection (a)
18 shall dispose of the scrap tire according to local and state laws,
19 including Section 361.112(c), Health and Safety Code.

20 (c) A retail seller is not required to prohibit a customer
21 from retaining a scrap tire or used tire removed from the customer's
22 vehicle during the purchase of a tire if the customer provides the
23 retail seller with information indicating that the scrap tire or
24 used tire will be used in the customer's agricultural business.

1 Sec. 205.003. TRANSPORTATION OF SCRAP OR USED TIRES. A
2 retail seller may contract for the transportation of scrap tires or
3 used tires only with a scrap tire transporter or used tire
4 transporter who:

5 (1) is registered as described by Section 361.1121(b),
6 Health and Safety Code; and

7 (2) has filed a surety bond according to Section
8 361.1121(c), Health and Safety Code.

9 Sec. 205.004. CIVIL PENALTY. (a) A person who violates
10 this chapter is subject to a civil penalty in an amount not to
11 exceed \$500 for each violation. A separate penalty may be imposed
12 for each day a violation occurs.

13 (b) The attorney general or the appropriate district or
14 county attorney may bring an action against a person under this
15 section in the name of the state in a district court in the county in
16 which:

17 (1) the person resides; or

18 (2) the person's principal place of business is
19 located.

20 SECTION 2. The heading to Section 361.112, Health and
21 Safety Code, is amended to read as follows:

22 Sec. 361.112. STORAGE [~~TRANSPORTATION~~] AND DISPOSAL OF
23 USED OR SCRAP TIRES.

24 SECTION 3. Section 361.112, Health and Safety Code, is
25 amended by adding Subsection (n) to read as follows:

26 (n) A scrap tire or used tire generator, including a tire
27 dealer, junkyard, or fleet operator, who stores scrap tires or used

1 tires outdoors on its business premises shall store the scrap tires
2 or used tires in a fully enclosed area or container that may be made
3 secure by locking.

4 SECTION 4. Subchapter C, Chapter 361, Health and Safety
5 Code, is amended by adding Section 361.1121 to read as follows:

6 Sec. 361.1121. SCRAP AND USED TIRE TRANSPORTERS. (a) In
7 this section:

8 (1) "Scrap tire" means a tire that can no longer be
9 used for its original intended purpose.

10 (2) "Scrap tire transporter" means a person who
11 collects scrap tires from another person for the purpose of removal
12 to a scrap tire processor, end user, or disposal facility.

13 (3) "Used tire" means a tire that:

14 (A) has been used as a tire on a vehicle;

15 (B) has tire tread at least one-sixteenth inch
16 deep; and

17 (C) can still be used for its original intended
18 purpose.

19 (4) "Used tire transporter" means a person who
20 collects used tires from another person for the purpose of removal
21 to a scrap tire processor, end user, or disposal facility.

22 (b) A scrap tire transporter or used tire transporter shall
23 register with the commission unless the scrap tire transporter or
24 used tire transporter is:

25 (1) a retreader who transports retreadable casings; or

26 (2) a person who transports scrap tires or used tires
27 that are intended for use in that person's agricultural business

1 and who does not transport at one time a number of scrap tires or
2 used tires that exceeds a number determined by commission rule.

3 (c) A scrap tire transporter or used tire transporter who is
4 required to register with the commission shall file with the
5 commission a bond issued by a surety company authorized to transact
6 business in this state. The principal amount of the bond must equal
7 at least \$100,000. The bond must be payable to the state and
8 conditioned on compliance with this section and any rules adopted
9 under this section.

10 (d) The commission shall require a scrap tire transporter or
11 used tire transporter to maintain records and use a manifest or
12 other appropriate system to assure that those tires are transported
13 to a storage site that is registered or to a disposal facility that
14 is permitted under Section 361.112 for that purpose.

15 SECTION 5. Section 547.201, Transportation Code, is amended
16 by adding Subsections (c), (d), and (e) to read as follows:

17 (c) A person may not sell at retail an unsafe tire. In this
18 subsection, "unsafe tire" means a passenger or light truck tire
19 that:

20 (1) has tire tread less than one-sixteenth inch deep;

21 (2) has chunking, bumps, knots, or bulges evidencing
22 cord, ply, or tread separation from the casing or other adjacent
23 material;

24 (3) has exposed tire cords or belting material as a
25 result of damage to the tire;

26 (4) has a repair to the tire in the tread shoulder,
27 sidewall, bead area, or belt edge area;

1 (5) has a puncture that has not been sealed or patched
2 on the inside with a cured rubber stem or plug that extends through
3 to the outside surface;

4 (6) does not clearly show the United States Department
5 of Transportation tire identification number located on the
6 sidewall of the tire;

7 (7) is subject to a manufacturer's safety recall;

8 (8) has a puncture larger than one-quarter inch; or

9 (9) does not otherwise meet department safety
10 standards under Section 547.101.

11 (d) Subsection (c) does not apply to a mounted tire sold
12 with a used vehicle.

13 (e) A person who violates Subsection (c) commits an offense.
14 An offense under this subsection is a Class A misdemeanor. It is an
15 affirmative defense to prosecution under this subsection that the
16 person did not have reason to know in the exercise of due care that
17 the tire was an unsafe tire.

18 SECTION 6. Section 7.303(a), Water Code, is amended to read
19 as follows:

20 (a) This section applies to a license, certificate, or
21 registration issued:

22 (1) by the commission under:

23 (A) Section 26.0301;

24 (B) Chapter 37;

25 (C) Section 361.0861, 361.092, [~~or~~] 361.112, or
26 361.1121, Health and Safety Code;

27 (D) Chapter 366, 371, or 401, Health and Safety

1 Code; or

2 (E) Chapter 1903, Occupations Code;

3 (2) by a county under Subchapter E, Chapter 361,
4 Health and Safety Code; or

5 (3) under a rule adopted under any of those
6 provisions.

7 SECTION 7. Section 361.112(g), Health and Safety Code, is
8 repealed.

9 SECTION 8. This Act takes effect September 1, 2013.