

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 16, 2013

TO: Honorable Patricia Harless, Chair, House Committee on Environmental Regulation

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB459 by Rodríguez (Relating to the sale, installation, storage, transportation, and disposal of scrap, unsafe, or used tires; providing a civil penalty; creating an offense.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would prohibit tire retailers from allowing customers to retain a scrap tire or unsafe tire removed from their vehicle when buying new tires. The bill provides an exemption from this requirement if a customer is able to certify on a Texas Commission on Environmental Quality (TCEQ) form that the customer assumes liability for the disposal of the tire. The provisions would not apply to an entity purchasing the tire for the purpose of recycling.

The bill would prescribe requirements for transportation of scrap tires for retail sellers. The bill proposes civil penalty provisions of up to \$500 per violation and allows for a separate penalty for each day a violation occurs. It would allow actions to be brought by the Attorney General, District Attorney, or County Attorney in the county where the person resides or where their business is located. Registered tire transporters would be required to obtain financial assurance as determined by the TCEQ in an amount appropriate for the quantity of tires transported. The bill would set forth requirements for the storage of scrap tires or used tires.

The bill would define scrap and used tires as well as scrap tire and used tire transporters. The bill would require tire transporters to register with the TCEQ; however, several exemptions to that requirement would be established. Tire transporters would also be required to keep records to demonstrate that the tires were transported to a registered or permitted storage site or disposal facility.

The bill would prohibit the sale or installation of unsafe tires, and it would define an "unsafe tire."

TCEQ reports that passage of the bill could result in the agency being required to manage an estimated 500 new surety bonds. This additional workload is not expected to result in significant costs to the agency.

Local Government Impact

The bill would allow the attorney general or a district or county attorney to bring an action against an offender in district court. Costs to district courts would vary depending on the number of actions brought under the provisions of the bill but are not anticipated to be significant.

Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. New revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts,
582 Commission on Environmental Quality

LBB Staff: UP, SZ, TL, KKR, AG