

BILL ANALYSIS

H.B. 3352
By: Gerdes
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There's been an increase in the illegal dumping of used and scrap tires in rural communities, creating local environmental concerns and burdening county road crews. County commissioners from across House District 17 have passed resolutions requesting that the state assist them in dealing with this issue. H.B. 3352 seeks to address this issue by authorizing the commissioners court of a county with a population of 150,000 or less to establish and enforce a program requiring a tire generator to mark used or scrap tires so that bad actors can be easily identified through unique identifying marks.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3352 amends the Health and Safety Code to authorize the commissioners court of a county with a population of 150,000 or less to establish and enforce a program requiring a generator, including a fleet operator, an automotive dismantler, a tire recapper or retreader, or a retailer, wholesaler, or manufacturer of whole new or used tires, to mark used or scrap tires. The bill requires such a program to do the following:

- assign to each generator a unique identifying mark required to be affixed to, or imprinted on each scrap or used tire taken possession of or produced by the generator;
- allow a customer to retain a scrap or used tire removed from the customer's vehicle during the purchase of a tire from a retailer;
- require a retailer whose customer retains a scrap or used tire to keep a record of the customer's retention; and
- include a system to inspect generators for compliance.

The bill specifies that a generator does not include a scrap tire energy recovery facility or a scrap tire recycling facility and defines the following terms:

- "scrap tire" as a tire that can no longer be used for its original intended purpose, but excluding a tire in or on a vehicle that has been crushed or is being transported to a registered metal recycling entity or a licensed used automotive parts recycler or that is mounted on a metal wheel that is intended to be recycled; and
- "used tire" as a tire that has been used on a vehicle, trailer, or piece of equipment, has tire tread at least one-sixteenth inch deep, can still be used for its original intended purpose, and meets the visual and tread depth requirements for used tires established by the Department of Public Safety.

EFFECTIVE DATE

September 1, 2023.