By:  Gerdes, Orr H.B. No. 3352

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of used and scrap tires by certain counties.

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

SECTION 1.  Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1121 to read as follows:

Sec. 361.1121.  MARKING USED OR SCRAP TIRES IN CERTAIN COUNTIES. (a) In this section:

(1)  "Generator" includes a fleet operator, a tire recapper or retreader, or a retailer, wholesaler, or manufacturer of whole new or used tires. The term does not include a scrap tire energy recovery facility or a scrap tire recycling facility.

(2)  "Retailer" means a person who is engaged in the business of selling or otherwise placing tires in the stream of commerce for use on a vehicle, trailer, or piece of equipment.

(3)  "Scrap tire" has the meaning assigned by Section 361.112. The term does not include a tire:

(A)  in or on a vehicle that:

(i)  has been crushed; or

(ii)  is being transported to a registered metal recycling entity or a licensed used automotive parts recycler; or

(B)  that is mounted on a metal wheel that is intended to be recycled.

(4)  "Used tire" means a tire that:

(A)  has been used as a tire on a vehicle, trailer, or piece of equipment;

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

(C)  can still be used for its original intended purpose; and

(D)  meets the visual and tread depth requirements for used tires established by the Department of Public Safety.

(b)  This section applies only to a county with a population of 150,000 or less.

(c)  The commissioners court of a county to which this section applies may establish and enforce a program requiring a generator to mark used or scrap tires handled by the generator.

(d)  A program established under this section must:

(1)  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;

(2)  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;

(3)  require a retailer whose customer retains a scrap or used tire to keep a record of the customer's retention; and

(4)  include a system to inspect generators for compliance.

SECTION 2.  This Act takes effect September 1, 2023.