

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.

1           (4) "Used tire" means a tire that:

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

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

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

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

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

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

15           (d) A program established under this section must:

16                   (1) assign to each generator a unique identifying mark  
17 required to be affixed to or imprinted on each scrap or used tire  
18 taken possession of or produced by the generator;

19                   (2) allow a customer to retain a scrap or used tire  
20 removed from the customer's vehicle during the purchase of a tire  
21 from a retailer;

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

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

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