

By: Gerdes

H.B. No. 5087

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, 2025.