

SUBJECT: Requiring used tire retailers to scrap certain tires and other regulations

COMMITTEE: Environmental Regulation —favorable without amendment

VOTE: 7 ayes — W. Smith, Aliseda, Burnam, Chisum, Hancock, Legler,  
Reynolds

1 nay — Farrar

1 absent — Lyne

SENATE VOTE: On final passage, April 29 — 31-0

WITNESSES: No public hearing

DIGEST: SB 615 would add provisions regarding the resale of used vehicle tires and establish procedures to regulate the scrap tire industry in Texas.

**Prohibiting resale of certain vehicle tires.** SB 615 would require a business that sells new or used vehicle tires to render certain used tires as unusable if they could not pass a safety inspection. The business would alter the unsellable tires by puncturing a hole at least two inches in diameter through the body to ensure that it could not be temporarily repaired and take any other action necessary to prevent the use of the tire on a vehicle.

The bill would not apply to a tire that remains mounted on a the wheel of a motor vehicle that was held as inventory by a dealer or one that was attached to a vehicle that was purchased or received as part of a retail installment transaction. An exemption also would apply to a tire that would be sold for scrap to a business registered and authorized to engage in this industry with the Texas Commission on Environmental Quality (TECQ).

The bill would create a maximum civil penalty of \$500 for each violation of this requirement. The attorney general or appropriate district or county attorney could bring an action in either Travis County or the local county

where the violation occurred. The bill would authorize the Department of Public Safety to adopt the necessary rules to implement these provisions.

**Handling of scrap tires.** SB 615 would require a scrap tire transporter (a person that collects and transports scrap tires to a processor, end user or disposal facility) to file a sureties bond of at least \$100,000 with the TCEQ. A scrap tire generator (a person that generates scrap tires, including a tire dealer, junkyard, or fleet operator) who stored scrap tires outdoors would be required to store them in a fully enclosed area or container that could be made secure by locking.

The bill would create a maximum civil penalty of \$500 for each violation. A new penalty could be imposed each day a violation occurred. The attorney general or appropriate district or county attorney could bring an action in the county where the violation occurred or where the person lived. The bill would authorize the TCEQ to adopt the necessary rules to implement these provisions.

**Effective date.** The bill would take effect September 1, 2011.