

## **BILL ANALYSIS**

Senate Research Center  
82R4261 JE-F

S.B. 615  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Used tire disposal has been a rampant problem for years in Texas, with almost four million scrap tires generated annually. This issue is more acute in the border region than in the rest of the state. For example, Ciudad Juarez, which is directly across the border from El Paso, has the largest tire pile in the border region, with approximately four to five million tires in its landfill.

Tire piles cause increased vector-borne disease (e.g., mosquito-borne disease) and the increased possibility of fire, which in turn pollutes the air. Tire pile cleanup and tire reuse efforts through the Border 2012 initiative—almost half a million dollars invested in eight projects—have removed 2.2 million tires. Some of these tires were used to generate tire-derived fuel while others were utilized in reuse demonstration projects. Despite significant progress, these tire piles remain. According to the latest assessment of Border 2012, approximately 60,000 tires are removed every month but 30,000 tires are added in Ciudad Juarez.

A major contributor to these tire piles is that tires that do not meet tread requirements in the United States are often sold as "used" tires in Mexico. As introduced, S.B. 615 will help prevent the majority of these "used" tires from accumulating in various parts of the state as well as from crossing the border by requiring tire retailers to render tires "unusable" when the tires do not meet existing safety standards. The bill makes a few exemptions, including one for businesses that use a registered, bonded tire transporter.

As proposed, S.B. 615 amends current law relating to requiring a retail seller of motor vehicle tires to render certain tires unusable and provides a civil penalty.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 1 (Section 106.003, Business & Commerce Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle C, Title 5, Business & Commerce Code, by adding Chapter 106, as follows:

#### **CHAPTER 106. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE TIRES**

Sec. 106.001. DEFINITION. Defines "dealer" in this chapter.

Sec. 106.002. RENDERING CERTAIN MOTOR VEHICLE TIRES UNUSABLE. (a) Requires a business that sells new or used tires at retail for use on a motor vehicle to render as unusable on a motor vehicle a tire held as inventory or purchased or received in exchange from a customer if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety of the State of Texas (DPS) under Section 548.002 (Department Rules), Transportation Code. Requires the business to render the tire unusable by:

(1) puncturing a hole at least two inches in diameter through the body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots; or

(2) taking any other action necessary to prevent the tire from being used on a motor vehicle.

(b) Provides that this section does not apply to a tire that:

(1) remains mounted on the wheel of a motor vehicle that is held as inventory by a dealer or purchased or received in exchange by a dealer as part of a motor vehicle retail installment transaction; or

(2) a business transfers to a used or scrap tire transporter that is registered with the Texas Commission on Environmental Quality (TCEQ) and has provided TCEQ with a bond in an amount of at least \$100,000.

Sec. 106.003. RULEMAKING AUTHORITY. Authorizes DPS to adopt rules to implement this chapter.

Sec. 106.004. CIVIL PENALTY. (a) Provides that a business that violates this chapter is liable to the state for a civil penalty in an amount not to exceed \$500 for each violation.

(b) Authorizes the attorney general or the appropriate district or county attorney to bring an action under this chapter in the name of the state in a district in Travis County or in the county in which the violation occurs.

SECTION 2. Effective date: September 1, 2011.