BILL ANALYSIS

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law requires the owner or operator of an underground storage tank to provide a fuel delivery company or driver a copy of the certificate of compliance for the specific underground storage tank into which the fuel is to be deposited. This requirement has put common carriers and their drivers in the untenable position of having to verify that tank owners are in compliance with state law. If a delivery is made at night or on a holiday, the owner or operator is usually not on site to provide the certificate.

H.B. 1047 provides that the common carrier who delivers the fuel to the owner or operator of an underground storage tank into which fuel is deposited is not liable with respect to the storage tank's compliance with state law. It also clarifies that owners and operators of underground storage tanks who knowingly violate Section 26.3467(a) (provision of certificate of compliance to common carrier), Water Code, commit an offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 26.3467(b) and (c), Water Code, as follows:

> (b) Provides that an owner or operator of an underground storage tank who knowingly violates Subsection (a) (requiring the owner or operator of the underground storage tank to provide to the common carrier a copy of the certificate of compliance) commits an offense that is punishable as provided by Section 7.156 (Violation Relating to Underground Storage Tanks) for an offense under that section.

> (c) Provides that the common carrier who delivers the regulated substance to the owner or operator of an underground storage tank into which the substance is deposited is not liable under this chapter with respect to that tank.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.