

## **BILL ANALYSIS**

Senate Research Center  
79R4983 SGA-D

S.B. 1298  
By: Armbrister  
Natural Resources  
3/31/2005  
As Filed

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

Current Texas law prohibits selling a motor vehicle that contains or encloses a fuel tank to a metal recycling entity. New recycling equipment has been developed that allows for safe and effective removal of fuel from a tank on a vehicle while the tank remains on the vehicle.

As proposed, S.B. 1298 provides an exception to the restriction on the transfer of a fuel tank to a metal recycling entity if the fuel tank has been completely drained and rendered unusable, regardless of whether the fuel tank is attached to a motor vehicle. This change allows recycling operations that invest in fuel draining equipment to safely remove fuel from vehicles in a manner that more effectively protects against accidental fuel spills.

### **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 Section 1956.103, Occupations Code, by adding Subsection (c), as follows:

(c) Provides that Subsection (a) (prohibiting the sale or transfer to a metal recycling entity) does not apply to a fuel tank that has been completely drained and rendered unusable in accordance with Texas Commission on Environmental Quality (TCEQ) rules regardless of whether the fuel tank is attached to a motor vehicle.

SECTION 2. Amends Section 1956.104, Occupations Code, by amending the required text of a notice that is placed at a metal recycling entity.

SECTION 3. (a) Requires TCEQ to adopt standards required under Section 1956.103(c), Occupations Code, as added by this Act, defining fuel tanks that are completely drained and unusable no later than December 1, 2005.

(b) Makes application of this Act prospective to January 1, 2006.

SECTION 4. Effective date: September 1, 2005.