

BILL ANALYSIS

Senate Research Center
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S.B. 617
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Used tire disposal has been a problem 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 millions 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 which do not meet tread requirements in the United States are often sold as "used" tires in Mexico. By requiring tire retailers to render tires "unusable" when the tires do not meet existing safety standards, the majority of these "used" tires may be prevented from accumulating in various parts of the state as well as from crossing the border.

As proposed, S.B. 617 requires tire retailers to render a tire unusable if the tire does not meet the inspection criteria adopted by the Department of Public Safety.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 108.002, Business & Commerce Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Business & Commerce Code, as effective April 1, 2009, by adding Chapter 108, as follows:

CHAPTER 108. REQUIREMENTS FOR RETAIL SELLERS OF MOTOR VEHICLE TIRES

Sec. 108.001. **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 a tire held as inventory or purchased or received in exchange from a customer unusable if the tire does not meet the inspection criteria adopted by rule of the Department of Public Safety (DPS) under Section 548.002 (Department Rules), Transportation Code.

(b) Requires a business to render a tire unusable for purposes of Subsection (a) by puncturing a hole two inches across from the surface through the entire body of the tire so that the tire cannot be temporarily repaired by the use of blowout patches or boots, or taking any other action necessary to prevent the tire from being used on a motor vehicle.

Sec. 108.002. **RULEMAKING AUTHORITY.** Authorizes DPS to adopt rules to implement this chapter.

Sec. 108.003. 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 court in Travis County or the county in which the violation occurs.

SECTION 2. Effective date: September 1, 2009.