

AN ACT

relating to restrictions on the transfer of a fuel tank to a metal recycling entity.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1956.103, Occupations Code, is amended by adding Subsection (c) to read as follows:

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

SECTION 2. Section 1956.104, Occupations Code, is amended to read as follows:

Sec. 1956.104. NOTICE OF RESTRICTIONS. A metal recycling entity shall post in a conspicuous location a notice that:

(1) is readily visible to a person selling material to the metal recycling entity;

(2) is at least 24 inches horizontally by 18 inches vertically; and

(3) contains the following language:

TEXAS LAW PROHIBITS:

1. THE SALE OF A WHOLE, FLATTENED, OR JUNKED MOTOR VEHICLE, AN APPLIANCE, OR ANY OTHER SCRAP METAL ITEM CONTAINING A LEAD-ACID BATTERY, FUEL TANK THAT HAS NOT BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE, OR PCB-CONTAINING CAPACITOR; AND

1 2. THE SALE OF LEAD-ACID BATTERIES, FUEL TANKS THAT HAVE NOT
2 BEEN COMPLETELY DRAINED AND RENDERED UNUSABLE, OR PCB-CONTAINING
3 CAPACITORS INCLUDED WITH OTHER SCRAP METALS WITHOUT OUR PRIOR
4 WRITTEN ACKNOWLEDGMENT.

5 VIOLATION OF THIS LAW IS A MISDEMEANOR.

6 SECTION 3. (a) The Texas Commission on Environmental
7 Quality shall adopt standards required under Subsection (c),
8 Section 1956.103, Occupations Code, as added by this Act, defining
9 fuel tanks that are completely drained and unusable not later than
10 December 1, 2005.

11 (b) The change in law made by this Act applies only to the
12 sale or transfer of a fuel tank to a metal recycling entity on or
13 after January 1, 2006. A fuel tank sold or transferred before that
14 date is subject to the law in effect immediately before the
15 effective date of this Act, and that law is continued in effect for
16 that purpose.

17 SECTION 4. This Act takes effect September 1, 2005.

David Swihurst

President of the Senate

John Cappelletti

Speaker of the House

I hereby certify that S.B. No. 1298 passed the Senate on April 20, 2005, by the following vote: Yeas 31, Nays 0.

Latsys Saw

Secretary of the Senate

I hereby certify that S.B. No. 1298 passed the House on May 4, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

Approved:

13 MAY '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
5:30 PM O'CLOCK

MAY 13 2005

Roger Williams

Secretary of State