

SUBJECT: Removing restrictions on the sale of a fuel tank to a metal recycling entity

COMMITTEE: Environmental Regulation — favorable, without amendment

VOTE: 6 ayes — Bonnen, Howard, T. King, Homer, Kuempel, W. Smith

0 nays

1 absent — Driver

WITNESSES: For — Dudley Smith, Harris Co. Auto Recyclers Assoc., Pick A Part Auto Wrecking, Inc.

Against — None

BACKGROUND: Occupations Code, ch. 1956, subch. C governs the sale of certain items to metal recycling entities. Sec. 1956.103(a) prohibits a person from selling a fuel tank to a metal recycling entity without first obtaining a signed acknowledgement that the used metal includes a fuel tank. The subsection also prohibits the sale to a metal recycling entity of a motor vehicle, a junked motor vehicle, an appliance, or any other scrap item that includes a fuel tank. Sec. 1956.104 requires a metal recycling entity to post a public notice that reads:

“Texas law prohibits:

1. The sale of a whole, flattened, or junked vehicle, an appliance, or any other scrap metal item containing a lead-acid battery, fuel tank, or PCB-containing capacitor; and
2. The sale of lead-acid batteries, fuel tanks, or PCB-containing capacitors included with other scrap metals without our prior written acknowledgement.

Violation of this law is a misdemeanor.”

DIGEST: HB 2456 would exempt from the limitations under Occupation Code, sec. 1956.103 a fuel tank that had been completely drained and rendered unusable in accordance with rules adopted by the Texas Commission on Environmental Quality (TCEQ). The bill also would amend the language for posting at a metal recycling entity to reflect this change.

By December 1, 2005, TCEQ would be required to adopt standards defining fuel tanks that were completely drained and unusable.

The bill would take effect September 1, 2005, and would apply only to the sale or transfer of a fuel tank to a metal recycling entity on or after January 1, 2006.

**SUPPORTERS  
SAY:**

HB 2456 would reconcile state law with recent technological advances that have allowed wrecking service providers to drain gasoline from a fuel tank while it is still attached to a vehicle. Currently, a wrecker must remove the fuel tank from the vehicle before sending it to a recycler, a difficult and dangerous procedure if the tank is full of gasoline. However, recently developed drilling and vacuum equipment allows a wrecker to remove gasoline from the tank and leave the tank on the vehicle, removing any environmental or safety hazard associated with the gas tank. The tank is a valuable, recyclable metal item, and this bill would allow a vehicle to be shipped to a crusher with its drained, unusable tank intact.

HB 2456 would serve environmental considerations by encouraging the sale of junked vehicles to wrecking service providers, regulated and monitored businesses that can ensure proper removal and storage of fuel drained from tanks. A person who improperly discharged fuel drained from a fuel tank would continue to be subject to a fine of up to \$50,000 and five years in prison.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The companion bill, SB 1298 by Armbrister, passed the Senate by 31-0 on April 20 and was reported favorably, without amendment, by the House Environmental Regulation Committee on April 25, making it eligible to be considered in lieu of HB 2456.