**A** **BILL**

TO AMEND TITLE 39 OF THE 1976 CODE, RELATING TO TRADE AND COMMERCE, BY ADDING CHAPTER 77, TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK; TO DEFINE UNSAFE FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS; TO ESTABLISH A FINE FOR VIOLATIONS, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL’S LIABILITY UNDER THE STATE’S PRODUCTS LIABILITY LAWS; AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 39 of the 1976 Code is amended by adding:

“Chapter 77

Sale of Unsafe Used Tires

Section 39‑77‑10. It is unlawful for a business or individual to sell or install an unsafe used tire onto a passenger car or light truck.

Section 39‑77‑20. For the purposes of this chapter, a tire is unsafe if upon an inspection of the exterior or inner lining of the tire reveals that the tire:

(1) tread depth is worn to two thirty‑seconds of an inch or less on any area of the tire;

(2) has any damage exposing the reinforcing plies of the tire, including cuts, cracks, bulges, punctures, scrapes, or other wear;

(3) has been improperly repaired. An improper repair includes any repair to the tire in the tread shoulder or belt edge area, a puncture that has been both sealed with a patch on the inside and repaired with a cured rubber stem plugging that runs to the outside, a repair to the sidewall or bead area of the tire, or a puncture repair of damage that is larger than one quarter of an inch in size;

(4) shows evidence of prior use of a temporary tire sealant without evidence of a subsequent properly performed repair;

(5) has a defaced or removed United States Department of Transportation tire identification number located on the sidewall of the tire;

(6) is a recalled tire whose sale is prohibited by federal law;

(7) has any inner liner or bead damage; or

(8) has any indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.

Section 39‑77‑30. (A) The Department of Health and Environmental Control must conduct periodic inspections of businesses and individuals who sell used tires to ensure compliance with this chapter. The department shall fine violators five hundred dollars for each violation.

(B) The department must establish a toll‑free telephone service and a link on the its website to receive, record, collect, and report allegations of violations of this chapter.

Section 39‑77‑40. The provisions of this chapter do not apply to a business or individual selling used tires for retreading.

Section 39‑77‑50. The provisions contained in this chapter do not limit the liability under Chapter 73, Title 15 for business or individuals who sell used tires in violation of this chapter.”

SECTION 2. This act takes effect upon approval by the Governor.

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