COMMITTEE REPORT

April 23, 2015

**H. 3430**

Introduced by Reps. Simrill, G.M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G.A. Brown, Long, Lucas, Brannon, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks

S. Printed 4/23/15--H.

Read the first time January 27, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3430) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 77 to Title 39 so as to provide that it is unlawful to sell or install an unmounted, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ 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 person to install an unsafe used tire onto a passenger car or light truck or sell or offer for sale an unsafe used tire that the person knew or should have known would be installed onto a passenger car or light truck or offered for resale to be installed onto a passenger car or light truck.

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

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

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

(3) an improper repair that includes any repair to the tire in the tread shoulder or belt edge area, a puncture that has not 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) evidence of prior use of a temporary tire sealant without evidence of a subsequent properly performed repair;

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

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

(7) inner liner or bead damage; or

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

Section 39‑77‑30. The provisions of this chapter do not apply to:

(1) a business selling used tires for retreading;

(2) a business or individual buying and selling motor vehicles or its parts, when the tires were mounted on the motor vehicle at the time the motor vehicle was bought, unless they are also engaged in the business of installing unmounted used tires onto a passenger car or light truck; or

(3) tires intended solely for agricultural use or for off the road industrial use.

Section 39‑77‑40. The provisions contained in this chapter do not limit the liability pursuant to Chapter 73, Title 15 for businesses that sell used tires in violation of this chapter.

Section 39‑77‑50. Nothing in this chapter may be construed to create a private cause of action for negligence per se nor may it be construed to impair, limit, or affect common law rights or other statutory theories.

Section 39‑77‑60. A person who violates this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars.”

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

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS 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 PROVIDE A CIVIL FINE FOR EACH VIOLATION, 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 to sell or install an unmounted, unsafe used tire onto a passenger car or light truck.

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

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

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

(3) an improper repair that includes any repair to the tire in the tread shoulder or belt edge area, a puncture that has not 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) evidence of prior use of a temporary tire sealant without evidence of a subsequent properly performed repair;

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

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

(7) inner liner or bead damage; or

(8) 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 shall conduct periodic inspections of businesses who sell used tires to ensure compliance with this chapter. The department shall impose a civil fine of five hundred dollars or less for each violation.

(B) The department shall 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 selling used tires for retreading.

Section 39‑77‑50. The provisions contained in this chapter do not limit the liability pursuant to Chapter 73, Title 15 for businesses that sell used tires in violation of this chapter.”

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

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