

HOUSE BILL No. 1174

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-13.1.

Synopsis: Installation of used tires. Prohibits a supplier from installing or offering to install an unsafe used tire on a motor vehicle. Provides that a person who knowingly violates these provisions is subject to a civil penalty of \$500 for each violation.

Effective: July 1, 2018.

Morris

January 8, 2018, read first time and referred to Committee on Commerce, Small Business and Economic Development.



Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1174

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-5-13.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]:

4 **Chapter 13.1. Installation of Used Tires**
5 **Sec. 1. As used in this chapter, "motor vehicle" has the meaning**
6 **set forth in IC 24-5-13-5.**

7 **Sec. 2. As used in this chapter, "nonconformity", with respect**
8 **to a used tire, means any:**

9 (1) **specific or generic condition; or**
10 (2) **combination of conditions;**
11 **that substantially impairs the use or safety of a motor vehicle on**
12 **which the used tire is installed.**

13 **Sec. 3. As used in this chapter, "supplier" means a seller, lessor,**
14 **assignor, or other person that regularly engages in or solicits**
15 **consumer transactions involving the installation of used tires in**
16 **Indiana.**

17 **Sec. 4. As used in this chapter, "tire" means an unmounted tire**



1 suitable or appropriate for installation on a motor vehicle.

2 **Sec. 5.** As used in this chapter, "unsafe used tire" means a used
3 tire that suffers from at least one (1) of the following
4 nonconformities:

5 (1) The used tire is worn to a tread depth of two
6 thirty-seconds (2/32) of one (1) inch or less on any area of the
7 tread.

8 (2) The used tire suffers from damage, including:

- 9 (A) a cut;
10 (B) a crack;
11 (C) a puncture;
12 (D) a scrape; or
13 (E) wear;

14 that exposes the reinforcing plies of the tire.

15 (3) The used tire shows evidence of any of the following:

- 16 (A) A repair to the tire in the tread shoulder or belt edge.
17 (B) A puncture that has not been both:
18 (i) sealed or patched on the inside; and
19 (ii) plugged with a cured rubber stem through to the
20 outside of the tire.
21 (C) A repair to the sidewall or bead area of the tire.
22 (D) A repair for a puncture that is greater than one-fourth
23 (1/4) of one (1) inch.

24 (4) The used tire shows evidence of prior use of a temporary
25 sealant without evidence of a subsequent proper repair.

26 (5) The United States Department of Transportation tire
27 identification number on the sidewall of the used tire has been
28 defaced or removed.

29 (6) The used tire is a recalled tire the sale of which is
30 prohibited by federal law.

31 (7) The used tire shows evidence of:

- 32 (A) damage to the inner liner; or
33 (B) bead damage.

34 (8) The used tire shows evidence of internal separation, such
35 as bulges or localized areas of irregular tread wear, indicating
36 possible tread or belt separation.

37 **Sec. 6.** As used in this chapter, "used tire" means a tire that:

- 38 (1) is offered for installation on a motor vehicle for
39 consideration; and
40 (2) has been previously used on another motor vehicle before
41 the installation.

42 **Sec. 7.** A supplier may not install or offer to install an unsafe



1 used tire on a motor vehicle.

2 **Sec. 8. (a) A person who knowingly violates this chapter is**
3 **subject to a civil penalty of five hundred dollars (\$500) for each**
4 **violation.**

5 **(b) The attorney general may bring an action on behalf of the**
6 **state to recover any penalty imposed under subsection (a).**

7 **(c) This section does not limit the rights or remedies that are**
8 **otherwise available under any other applicable law to a person**
9 **aggrieved by a violation of this chapter.**

