



February 16, 2018

ENGROSSED HOUSE BILL No. 1174

DIGEST OF HB 1174 (Updated February 15, 2018 10:42 am - DI 84)

Citations Affected: IC 24-5.

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, Miller D, Forestal

(SENATE SPONSORS — FORD, SANDLIN, NIEZGODSKI)

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

January 18, 2018, amended, reported — Do Pass.

January 22, 2018, read second time, ordered engrossed. Engrossed.

January 23, 2018, read third time, passed. Yeas 80, nays 15.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Civil Law. Reassigned to Committee on Commerce and Technology pursuant to Rule 68(b).

February 15, 2018, reported favorably — Do Pass.

EH 1174—LS 6558/DI 132



February 16, 2018

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.

ENGROSSED 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**

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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) Subject to subsection (b), a supplier may not install or**



1 offer to install an unsafe used tire on a motor vehicle.
2 (b) This section does not apply to a supplier who temporarily
3 removes tires mounted on wheels or rims from a motor vehicle in
4 the course of repairs of the motor vehicle and then reinstalls those
5 tires on the same motor vehicle.
6 Sec. 8. (a) A person who knowingly violates this chapter is
7 subject to a civil penalty of five hundred dollars (\$500) for each
8 violation.
9 (b) The attorney general may bring an action on behalf of the
10 state to recover any penalty imposed under subsection (a).
11 (c) This section does not limit the rights or remedies that are
12 otherwise available under any other applicable law to a person
13 aggrieved by a violation of this chapter.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Small Business and Economic Development, to which was referred House Bill 1174, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete line 42, begin a new paragraph and insert:

"Sec. 7. (a) Subject to subsection (b), a supplier may not install or offer to install an unsafe used tire on a motor vehicle.

(b) This section does not apply to a supplier who temporarily removes tires mounted on wheels or rims from a motor vehicle in the course of repairs of the motor vehicle and then reinstalls those tires on the same motor vehicle."

Page 3, delete line 1.

and when so amended that said bill do pass.

(Reference is to HB 1174 as introduced.)

MORRIS

Committee Vote: yeas 11, nays 0.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that House Bill 1174, currently assigned to the Committee on Civil Law, be reassigned to the Committee on Commerce and Technology.

LONG



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred House Bill No. 1174, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1174 as printed January 19, 2018.)

MESSMER, Chairperson

Committee Vote: Yeas 7, Nays 3

