

SENATE BILL 1985

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 47
and Title 55, relative to used motor vehicle tires.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following new section:

(a) As used in this section:

(1) "Motor vehicle" has the same meaning as defined in § 55-24-101;

(2) "Nonconformity" means any:

(A) Specific or generic condition; or

(B) Combination of conditions that substantially impairs the use or safety of a motor vehicle on which the used tire is installed;

(3) "Supplier" means a seller, lessor, assignor, or other person that regularly engages in or solicits consumer transactions involving the installation of used tires in this state;

(4) "Tire" means an unmounted tire suitable or appropriate for installation on a motor vehicle;

(5) "Unsafe used tire" means a used tire that suffers from at least one (1) of the following nonconformities:

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

(B) The used tire suffers from damage that exposes the reinforcing plies of the tire, including, a cut, crack, puncture, scrape, or wear;

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

(i) A repair to the tire in the tread shoulder or belt edge;

(ii) A puncture that has not been both sealed or patched on the inside, and plugged with a cured rubber stem through to the outside of the tire;

(iii) A repair to the sidewall or bead area of the tire; or

(iv) A repair for a puncture that is greater than one-fourth (1/4) of one (1) inch;

(D) The used tire shows evidence of prior use of a temporary sealant without evidence of a subsequent proper repair;

(E) The United States department of transportation tire identification number on the sidewall of the used tire has been defaced or removed;

(F) The used tire is a recalled tire the sale of which is prohibited by federal law;

(G) The used tire shows evidence of damage to the inner liner or bead damage; or

(H) The used tire shows evidence of internal separation, such as bulges or localized areas of irregular tread wear, indicating possible tread or belt separation; and

(6) "Used tire" means a tire that:

(A) Is offered for installation on a motor vehicle for consideration;

and

(B) Has been previously used on another motor vehicle before the installation.

(b) No supplier shall install or offer to install an unsafe used tire on a motor vehicle.

(c)

(1) A violation of this section is an unfair and deceptive act or practice in violation of the Tennessee Consumer Protection Act of 1977, compiled in this part.

(2) In addition to all other remedies provided by law, any person who knowingly violates this section is subject to a civil penalty of five hundred dollars (\$500) for each violation.

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

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to sales of used tires occurring on or after that date.