

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 416  
Second Edition Engrossed 3/31/11

Short Title: School Buses/State Vehicles/Tires. (Public)

Sponsors: Senators Harrington, Rabon, Forrester; Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Mansfield, McKissick, Meredith, Pate, Preston, Soucek, Stevens, Tillman, and Tucker.

Referred to: Transportation.

March 24, 2011

A BILL TO BE ENTITLED

AN ACT PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY.

Whereas, on April 1, 2007, the Joint Legislative Transportation Oversight Committee contracted with Smithers Scientific Services of Akron, Ohio, to conduct a comparative analysis of quality, safety, and cost-effectiveness for the types of retread processes purchased through the State's statewide contract; and

Whereas, the final Smithers report, which was delivered on April 10, 2008, indicated that approximately 80% to 85% of the U.S. market for tire retreads is of the pre-cure type and approximately 15% to 20% is of the mold-cure type; and

Whereas, the final Smithers report indicated that the percentage of the bead-to-bead type of tire retread, which is a subset of the mold-cure type, in the U.S. market is "very small" and "unusual"; and

Whereas, the final Smithers report indicated that the retread tires with the lowest cost per mile is the pre-cure type and not the mold-cure type; and

Whereas, the bead-to-bead retread process removes critical tire information from the original tire sidewall, including tire brand name, tire line name, tire identification numbers, load and pressure markings, tire size designation, service descriptions such as load and speed ratings, and other specifications placed by the original manufacturer on the original tire sidewall; and

Whereas, the removal of critical tire information from the original tire sidewall can void the tire warranty, disallow identification of original tires in the case of a manufacturer recall, or disallow the identification of original tires in case of a tire-related accident; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 143 of the General Statutes is amended by adding a new section to read as follows:

**"§ 143-63.2. Purchase of tires for State vehicles; repair or refurbishment of tires for State vehicles.**

(a) Definitions. – The following terms apply in this section:



1           (1) State vehicle. – Any vehicle owned, rented, or leased by the State, or an  
2           institution, department, or agency of the State, that is driven on a public road  
3           consistently at speeds greater than 30 miles per hour.

4           (2) Critical tire information. – Tire brand name, tire line name, tire identification  
5           numbers, load and pressure markings, tire size designation, service  
6           descriptions such as load and speed ratings, and other information and  
7           specifications placed on the original tire sidewall by the original tire  
8           manufacturer.

9           (b) Forensic Tire Standards. – In order to preserve critical tire information, the  
10          Secretary of Administration and any institution, department, or agency of the State shall only  
11          procure and install tires for State vehicles that possess the original, unaltered, and uncovered  
12          tire sidewall. Furthermore, neither the Secretary of Administration nor any institution,  
13          department, or agency of the State shall execute a contract for the repair or refurbishment of  
14          tires for State vehicles that provides for the removal, covering, or other alteration in any  
15          manner of the critical tire information contained on the original tire sidewall.

16          (c) Tire Purchase and Contract Standards Applicability. – All contracts for the  
17          purchase, repair, or refurbishment of tires for State vehicles, or contracts for the purchase of  
18          products or services related to the repair or refurbishment of tires for State vehicles, executed  
19          on or after the date this section becomes effective shall comply with the provisions of this  
20          section.

21          (d) Exemption. – Notwithstanding the provisions of this section, the State or any  
22          institution, department, or agency of the State that owns or has a legally binding contract in  
23          place for the future purchase of tires having altered or covered sidewalls prior to the date that  
24          this section becomes effective shall perform its existing contractual obligations related thereto  
25          and may continue to use those tires on State vehicles for the useful life of the retreaded tire."

26          **SECTION 2.** Article 17 of Chapter 115C of the General Statutes is amended by  
27 adding a new section to read as follows:

28          "**§ 115C-249.1. Purchase of tires for school buses; repair or refurbishment of tires for**  
29          **school buses.**

30          (a) Definitions. – The following terms apply in this section:

31               (1) School bus. – A vehicle as defined in G.S. 20-4.01(27)d3. and  
32               G.S. 20-4.01(27)d4. that is owned, rented, or leased by a local board of  
33               education.

34               (2) Critical tire information. – Tire brand name, tire line name, tire  
35               identification numbers, load and pressure markings, tire size designation,  
36               service descriptions such as load and speed ratings, and other information  
37               and specifications placed on the original tire sidewall by the original tire  
38               manufacturer.

39          (b) Forensic Tire Standards. – In order to preserve critical tire information, a local  
40          board of education shall only procure and install tires for school buses that possess the original,  
41          unaltered, and uncovered tire sidewall. Furthermore, a local board of education shall not  
42          execute a contract for the repair or refurbishment of tires for school buses that provides for the  
43          removal, covering, or other alteration in any manner of the critical tire information contained  
44          on the original tire sidewall.

45          (c) Tire Purchase and Contract Standards Applicability. – All contracts for the  
46          purchase, repair, or refurbishment of tires for school buses, or contracts for the purchase of  
47          products or services related to the repair or refurbishment of tires for school buses, executed on  
48          or after the date this section becomes effective shall comply with the provisions of this section.

49          (d) Exemption. – Notwithstanding the provisions of this section, a local board of  
50          education that owns or has a legally binding contract in place for the future purchase of tires  
51          having altered or covered sidewalls prior to the date that this section becomes effective shall

1 perform its existing contractual obligations related thereto and may continue to use those tires  
2 on school buses for the useful life of the retreaded tire."

3 **SECTION 3.** This act is effective when it becomes law.