

AMENDED IN ASSEMBLY MAY 26, 2009
AMENDED IN ASSEMBLY APRIL 23, 2009
AMENDED IN ASSEMBLY APRIL 20, 2009
AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Davis

February 24, 2009

An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Davis. Tire age degradation: consumer disclosure.

Existing law provides for the establishment and enforcement of various product safety standards for consumer products, including, among others, requiring specified warning labels for water heaters, and prohibiting the sale of contaminated toys and lead-tainted tableware.

This bill would require a tire dealer to disclose the date of manufacture of each ~~automobile~~ *passenger or light truck* tire in writing prior to, *or at the point of*, the sale or *prior to the* installation of that tire. The bill would require sale documents for tires to include a statement as to the date of manufacture of the tires, next to which the customer would be required to initial ~~prior to purchase~~ *and date prior to, or at the point of, the sale*. The bill would require a tire dealer to provide a written disclosure to the customer prior to, *or at the point of*, the sale or *prior*

to the installation of any tire about the risk associated with tire age. *The bill's provisions would not apply to the private sale of used tires, the sale or lease of any new or used vehicle, or the sale of tires by a motor vehicle dealer whose primary business is the sale or service of motor vehicles.* The bill would provide that any violation of its provisions is subject to a civil penalty of \$250 per violation.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
 2 following:
- 3 (a) In a 2007 report to Congress, the National Highway Traffic
 4 Safety Administration (NHTSA) acknowledged that “tire aging is
 5 a serious safety issue.” NHTSA also reported that insurance
 6 statistics from a number of states, including California, showed
 7 that 84 percent of tire-related claims were for “tires over 6 years
 8 old.”
- 9 (b) Since 2005, major *passenger or light truck* tire manufacturers
 10 have issued technical bulletins advising against the use of tires
 11 that are ~~six~~ 6 to 10 years old. However, most defer to vehicle
 12 manufacturers’ guidelines, which ~~are predominantly six years~~
 13 *predominantly advise against the use of tires that are six years*
 14 *old.* These bulletins were preceded by others overseas, like the
 15 2001 British Rubber Manufacturers Association, which includes
 16 all of the major ~~tire makers~~ *tiremakers* or their subsidiaries.
- 17 (c) The tire industry, vehicle manufacturers, and NHTSA
 18 recognize that *passenger or light truck* tire age degradation presents
 19 a hazard.
- 20 (d) Vehicle and tire manufacturers have recommended light
 21 truck and passenger tires older than six years from the date of
 22 manufacture should not be used, particularly spares. Currently,
 23 nearly all vehicle manufacturers have adopted a six-year policy
 24 warning that tires should be removed from service after six years,
 25 regardless of tread depth or use. Unfortunately, these warnings are
 26 often inconspicuously buried in the depths of a several hundred
 27 page owner’s manual.
- 28 (e) The date of manufacture of *passenger or light truck* tires
 29 can be determined by checking the identification number on the

1 sidewall that begins with the letters “DOT.” The last four digits
2 represent the week and year the tire was manufactured. However,
3 this code is inconspicuously positioned on the tire, and a consumer
4 would not likely be able to understand the DOT number unless he
5 or she had prior knowledge about how to decode it.

6 (f) Consumer disclosure is an important step to prevent tragedies
7 that continue to occur when aged *passenger or light truck* tires fail
8 catastrophically.

9 SEC. 2. Chapter 12 (commencing with Section 108950) is
10 added to Part 3 of Division 104 of the Health and Safety Code, to
11 read:

12
13 CHAPTER 12. TIRE AGE DEGRADATION
14

15 108950. (a) A tire dealer shall disclose the date of manufacture
16 of each ~~automobile~~ *passenger or light truck* tire in writing prior
17 to ~~the sale or, or at the point of, the sale or prior to the~~ installation
18 of that tire. Sale documents for tires shall include a statement as
19 to the date of manufacture of the tires, next to which the customer
20 shall initial ~~prior to purchase and date prior to, or at the point of,~~
21 *the sale.*

22 (b) (1) A tire dealer shall provide a written disclosure to the
23 customer prior to ~~the sale or, or at the point of, the sale or prior~~
24 *to the* installation of any tire about the risk associated with tire
25 age, as follows:

26 “Tires

27 “*Passenger or light truck tires* deteriorate with age, even if they
28 have never or seldom been used. As tires age they are more prone
29 to sudden failure that can cause a vehicle to crash. This applies
30 also to the spare tire and tires that are stored for future use. Heat
31 caused by hot climates or frequent ~~high-loading~~ *high-loading*
32 conditions can accelerate the aging process. Most vehicle
33 manufacturers recommend that *passenger or light truck* tires be
34 replaced after six years, regardless of the remaining tread depth.”

35 (2) Nothing in this section affects any rights or duties under any
36 other applicable statute or law.

37 (c) For purposes of this chapter, both of the following shall
38 apply:

39 (1) “Tire dealer” shall include any retail tire outlet and any
40 commercial retailer of any vehicle equipped with tires.

- 1 (2) ~~“Tire”~~ “*Passenger or light truck tire*” shall include both
- 2 new and used tires.
- 3 ~~(d) This chapter shall not apply to the private sale of used tires~~
- 4 ~~or any used vehicle.~~
- 5 *(d) This chapter shall not apply to any of the following:*
- 6 *(1) The private sale of used tires.*
- 7 *(2) The sale or lease of any new or used vehicle.*
- 8 *(3) The sale of tires by a motor vehicle dealer whose primary*
- 9 *business is the sale or service of motor vehicles.*
- 10 *(e) A tire dealer shall be deemed to be compliant with the*
- 11 *requirements of paragraph (1) if the customer has initialed and*
- 12 *dated the statement prior to, or at the point of, the sale.*
- 13 108952. Any violation of this chapter is subject to a civil
- 14 penalty of two hundred fifty dollars (\$250) per violation.