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**Date:** 1/21/2016 10:13:36 AM  
**Subject:** Re: Unsafe Used Tires

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Holly,

This section may also be useful.

**SUBPART G**  
**Miscellaneous Parts and Accessories**

**38–393.75. Tires.**

- (a) No motor vehicle shall be operated on any tire that (1) has body ply or belt material exposed through the tread or sidewall, (2) has any tread or sidewall separation, (3) is flat or has an audible leak, or (4) has a cut to the extent that the ply or belt material is exposed.
- (b) Any tire on the front wheels of a truck, or truck tractor shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.
- (c) Except as provided in paragraph (b), tires shall have a tread groove pattern depth of at least 2/32 of an inch when measured in a major tread groove. The measurement shall not be made where tie bars, humps or fillets are located.
- (d) [Reserved]
- (e) No truck or truck tractor shall be operated with re-grooved tires on the front wheels which have a load carrying capacity equal to or greater than that of 8.25 20 8 ply rating tires.
- (f) Tire loading restrictions. No motor vehicle (except manufactured homes, which are governed by paragraph (g)) shall be operated with tires that carry a weight greater than that marked on the sidewall of the tire or, in the absence of such a marking, a weight greater than that specified for the tires in any of the publications of any of the organizations listed in Federal Motor Vehicle Safety Standard No. 119 (49 CFR 571.119, S5.1(b)) unless:
- (1) The vehicle is being operated under the terms of a special permit issued by the State: and
- (2) The vehicle is being operated at a reduced speed to compensate for the tire loading in excess of the manufacture's rated capacity for the tire. In no case shall the speed exceed 80 km/hr (50

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**From:** April Allen/usr/cag  
**To:** hollypisarik@gov.sc.gov,  
**Cc:** katherineveldran@gov.sc.gov, "Lewis Gossett" <lewis@mjscma.com>, sara@mjscma.com  
**Date:** 01/20/2016 06:49 PM  
**Subject:** Unsafe Used Tires

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Holly,

I'm following up on a conversation you had today with Lewis Gossett regarding the Unsafe Used Tire bill.

H 3430 is simply a bill that sets a standard for a used tire that can be sold in South Carolina. Any knowledgeable tire dealer would be

able to find these defects upon inspection. Regulations that prevent unsafe used tires from being sold to the public and being on the roads is a priority for the National Rubber Manufacturers Association and the SC Tire Council (SCTC), Bridgestone, Continental and Michelin. At the inception of the SCTC it was decided that SC as the leading tire production state would be the right environment to advocate for such responsible safety driven legislation. Each of our companies stand behind the products that we manufacture but tires like all things have a useable life. Any product that is beyond its useable life, been repaired improperly or has been recalled is not safe to the driving public.

H 3430 passed the House and is up for third reading in the Senate.

Three amendments to the bill are still on the desk

- a. Two of the three are no longer germane as written because of the adoption of the amendment deleting the penalties section
- b. The only viable amendment (by Malloy) is attached, which deletes the section intended to mitigate negligence per se claims (39-77-50).

Additionally, Senator Sheheen has put his name on the bill and appears unwilling to remove it to allow debate.

During a recent meeting of the SC Tire Council, we began to explore other alternatives to legislation. Our research found that the DMV already has the ability to determine the equipment that is on a vehicle. Section 56-5-040 specifically deals with tires and covers a great many of our objectives. I am attaching below the section for your review. While this section does not address the sale of tires it does define the condition of tires that can be on SC roads. As Lewis mentioned we are seeking an administrative way to prevent tires that are no longer suitable for use from being on our roads.

#### **LINK TO H3430**

[http://www.scstatehouse.gov/query.php?](http://www.scstatehouse.gov/query.php?search=DOC&searchtext=3430&category=LEGISLATION&session=121&conid=8079065&result_pos=&keyval=1213430&numrows=10)

[search=DOC&searchtext=3430&category=LEGISLATION&session=121&conid=8079065&result\\_pos=&keyval=1213430&numrows=10](http://www.scstatehouse.gov/query.php?search=DOC&searchtext=3430&category=LEGISLATION&session=121&conid=8079065&result_pos=&keyval=1213430&numrows=10)

#### **SECTION 56-5-5040. Tires.**

Every motor vehicle, trailer or semitrailer operated upon the highways shall be equipped with tires of sufficient size and in sufficient number to distribute the wheel loads on the road surface so as to avoid damage to the highway, and all such tires shall be in a safe operating condition. Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery. No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway. No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber (or other resilient material) which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety, because of snow, ice or other conditions tending to cause a vehicle to skid. It shall also be permissible to use upon any vehicle for increased safety, regular and snow tires with studs which project beyond the tread of the traction surface of the tire not more than one sixteenth of an inch when compressed.

[attachment "H.3430 Myth vs. Fact.docx" deleted by April Allen/usr/cag]

You will notice that I've Katherine because of a brief discussion of this today in the lobby.

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