

RÉSUMÉ DIGEST

ACT 427 (HB 746)

2015 Regular Session

Miguez

Existing law provides that \$2 per passenger/light truck tire, \$5 per medium truck tire, and \$10 per off-road tire be collected for every tire sold. These fees are deposited into the Waste Tire Management Fund which is used to operate the waste tire program in the Dept. of Environmental Quality (DEQ). One aspect of that program is to reimburse waste tire processors from the fund for scrapping waste tires generated within the state.

Existing law requires a permitted waste tire processing facility to be paid a minimum of .075¢ per pound of waste tire material that is recycled or that reaches end market uses or per pound of whole waste tires that are recycled or reaches end market uses.

Existing law defines a "passenger/light truck/small farm service tire" as a tire weighing less than 100 lbs. and normally used on automobiles, pickup trucks, sport utility vehicles, front steer tractors, and farm implement service vehicles. New law adds on-road and off-road motorcycles tires to the definition.

Existing law defines a "medium truck tire" as a tire weighing 100 lbs. or more and normally used on semitrailers, truck-tractor, semitrailer combinations or other like vehicles used primarily to commercially transport persons or property on the roads of this state or any other vehicle regularly used on the roads of this state.

Existing law defines an "off-road tire" as a tire weighing 100 lbs. or more and that is normally used on off-road vehicles.

New law defines "processed" as any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, the tire must be cut more than half to be considered processed.

New law adds definitions of "motor vehicle dealer", "sale of a motor vehicle", and "waste tire material".

Existing law requires the secretary of DEQ to promulgate rules, regulations, and guidelines for the administration and enforcement of a waste tire program.

New law requires the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses including but not limited to those recognized by the EPA, the Rubber Manufacturers Association, or previously approved by DEQ.

New law prohibits the standards and requirements from including disposal as an end market use of eligible waste tire material and shall not contravene existing law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.

Existing law creates the Waste Tire Program Task Force charged with the responsibilities to study, report, and make recommendations on the waste tire program to the oversight committees.

Prior law required the task force to hold its first meeting by Aug. 31, 2013 and to report on or before Feb. 15, 2014. New law removes the required dates for the report and holding its first meeting and requires annual recommendations. Further, requires the task force to submit recommendations for fee structure changes to the oversight committees on or before Feb. 15, 2016.

Existing law provides for the membership of the task force as follows:

- (1) The secretary of the DEQ, or her designee.
- (2) The chairman of the House Committee on Natural Resources and Environment, or his designee.

- (3) The chairman of the Senate Committee on Environmental Quality, or his designee.
- (4) A representative appointed by the governor.
- (5) A representative appointed by the La. Motor Transport Association.
- (6) A representative appointed by the La. Independent Tire Dealers Association.
- (7) A representative appointed by each of the waste tire processors permitted as of May 1, 2013.

New law adds to the membership in existing law a representative appointed by the Louisiana Marine and Motorcycle Dealers Association and a representative appointed by the Louisiana Farm Bureau as members.

New law requires the secretary to bring any rule, regulation, or guideline required by existing law in conformity with current law by March 31, 2016.

New law requires the secretary to use the emergency rulemaking process to adopt certain rules by Oct. 1, 2015.

Effective Aug. 1, 2015.

(Amends R.S. 30:2412(4), (5), (5.1), (5.2), and (6.1) and §3 of Act No. 323 of the 2013 R.S.; Adds R.S. 30:2412(5.3), (16.1), (24.2), and (31) and 2418(H)(10))