

2015 Regular Session

HOUSE BILL NO. 746

BY REPRESENTATIVES MIGUEZ, STUART BISHOP, ARMES, HENRY BURNS,  
NANCY LANDRY, MONTOUCET, NORTON, ORTEGO, AND ST. GERMAIN

1 AN ACT

2 To amend and reenact R.S. 30:2412(4), (5), (5.1),(5.2), and (6.1) and Section 3 of Act No.  
3 323 of the 2013 Regular Session of the Legislature and to enact R.S. 30:2412(5.3),  
4 (16.1), (24.2), and (31) and 2418(H)(10), relative to waste tires; to provide for the  
5 waste tire program; to provide for definitions; to provide for expedited approval of  
6 certain customary end-market uses; to provide for the authority of the Department  
7 of Environmental Quality; to provide for the Department of Environmental Quality's  
8 rules and regulations; to provide for the Waste Tire Program Task Force; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 30:2412(4), (5), (5.1), (5.2), and (6.1) are hereby amended and  
12 reenacted and R.S. 30:2412(5.3), (16.1), (24.2), and (31) and 2418(H)(10) are hereby  
13 enacted to read as follows:

14 §2412. Definitions

15 As used in this Chapter, unless the context clearly indicates otherwise, the  
16 term:

17 \* \* \*

18 (4) "Medium truck tire" means a tire weighing one hundred pounds or more  
19 and normally used on semitrailers, truck-tractor, semitrailer combinations or other  
20 like vehicles used primarily to commercially transport persons or property on the  
21 roads of this state or any other vehicle regularly used on the roads of this state.

1 (5) "Motor vehicle" means an automobile, motorcycle that is operated either  
2 on-road or off-road, truck, trailer, semitrailer, truck-tractor and semitrailer  
3 combination, or any other vehicle operated in this state, and propelled by power  
4 other than muscular power; but the term does not include bicycles and mopeds.

5 (5.1) "Motor vehicle dealer" means any person that sells or leases new motor  
6 vehicles that are required to be registered in or are intended for use in the state of  
7 Louisiana.

8 (5.2) "Off-road tire" means a tire weighing one hundred pounds or more and  
9 that is normally used on off-road vehicles.

10 ~~(5.2)~~ (5.3) "Off-road vehicle" means construction, farming, industrial,  
11 mining, and other vehicles not normally operated on the roads of this state. This term  
12 does not include vehicles propelled solely by muscular power.

13 \* \* \*

14 (6.1) "Passenger/light truck/small farm service tire" means a tire weighing  
15 less than one hundred pounds and normally used on automobiles, motorcycles that  
16 are operated either on-road or off-road, pickup trucks, sport utility vehicles, front  
17 steer tractors, and farm implement service vehicles.

18 \* \* \*

19 (16.1) "Sale of a motor vehicle" means any sale or lease of a new motor  
20 vehicle that would be required to be registered in or intended for use in the state of  
21 Louisiana.

22 \* \* \*

23 (24.2) "Waste tire material" means recovered material produced from whole  
24 waste tires which have been processed, unless abandoned or otherwise improperly  
25 disposed of in a manner that subjects the material to solid waste regulations.

26 \* \* \*

27 (31) "Processed" means any method or activity that alters whole waste tires  
28 so that they are no longer whole; such as, cutting, slicing, chipping, shredding,  
29 distilling, freezing, or other processes as determined by the administrative authority.

1 At a minimum, a tire is considered processed only if its volume has been reduced by  
2 more than half.

3 \* \* \*

4 §2418. Waste tires

5 \* \* \*

6 H. The secretary shall promulgate rules, regulations, and guidelines for the  
7 administration and enforcement of the waste tire program provided for in this  
8 Chapter, which shall be subject to legislative review and approval by the Senate  
9 Committee on Environmental Quality and the House Committee on Natural  
10 Resources and Environment. The rules, regulations, and guidelines shall provide for  
11 but not be limited to:

12 \* \* \*

13 (10) Establishing standards and requirements for expedited approval of  
14 customary end-market uses including but are not limited to those recognized by the  
15 Environmental Protection Agency, the Rubber Manufacturers Association, or  
16 previously approved by the department. Such standards and requirements shall not  
17 include disposal as an end market use of eligible waste tire material. No such  
18 standard or requirement shall contravene Subsection C or E of this Section.

19 \* \* \*

20 Section 2. Section 3 of Act No. 323 of the 2013 Regular Session of the Legislature  
21 is hereby amended and reenacted to read as follows:

22 Section 3.A. The Waste Tire Program Task Force is hereby created and  
23 charged with the responsibilities to study, report, and make recommendations on the  
24 Department of Environmental Quality's waste tire program, including the laws, rules,  
25 and regulations governing the program and the fee structure and financial obligations  
26 of the program, and to submit a report of its findings and recommendations to the  
27 House Committee on Natural Resources and Environment and the Senate Committee  
28 on Environmental Quality annually on or before February 15, 2014. Additionally,  
29 recommendations for any changes to the fee structure of the program shall be

1           submitted to the committees on or before February 15, 2016, and thereafter, such  
 2           recommendations shall be submitted with the annual report.

3           B. The Waste Tire Program Task Force shall be composed of the following  
 4           members:

5           (1) The secretary of the Department of Environmental Quality, or her  
 6           designee.

7           (2) The chairman of the House Committee on Natural Resources and  
 8           Environment, or his designee.

9           (3) The chairman of the Senate Committee on Environmental Quality, or his  
 10          designee.

11          (4) A representative appointed by the governor.

12          (5) A representative appointed by the Louisiana Motor Transport  
 13          Association.

14          (6) A representative appointed by the Louisiana Independent Tire Dealers  
 15          Association.

16          (7) A representative appointed by each of the waste tire processors permitted  
 17          as of May 1, 2013.

18          (8) A representative appointed by the Louisiana Marine and Motorcycle  
 19          Dealers Association.

20          (9) A representative appointed by the Louisiana Farm Bureau.

21          C. Task force members shall serve without compensation, except per diem  
 22          or expense reimbursement to which they may be individually entitled as members  
 23          of their constituent organizations. The secretary of the Department of Environmental  
 24          Quality, or her designee, shall serve as chairman of the task force and at the first  
 25          meeting, the task force shall elect a vice chairman. The task force ~~shall hold its first~~  
 26          ~~meeting by August 31, 2013,~~ shall meet as necessary to complete its responsibilities,  
 27          ~~and shall disband upon submitting the report as provided in this Section.~~

28          Section 3. The secretary shall bring any rule, regulation, or guideline required by  
 29          R.S. 30:2418(H) in conformity with current law by March 31, 2016.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1           Section 4. The department shall use the emergency rulemaking process of the  
2           Administrative Procedure Act to promulgate and adopt the rules, regulations, or guidelines  
3           necessary to implement the provisions of R.S. 30:2418(H). These rules, regulations, or  
4           guidelines shall be adopted by October 1, 2015. After October 1, 2015, if the department  
5           amends or repeals any rules, regulations, or guidelines adopted pursuant to R.S. 30:2418(H)  
6           then the department shall use the normal rulemaking process of the Administrative  
7           Procedure Act. However, if the department finds an imminent peril to the public health,  
8           safety, or welfare requires adoption of a rule, regulation, or guideline upon shorter notice,  
9           then the agency may use the emergency rulemaking process.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_