

2017 Regular Session

HOUSE BILL NO. 589

BY REPRESENTATIVE BAGNERIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

NUISANCE/PUBLIC: Authorizes the governing authorities of municipalities to regulate the accumulation of waste tires on residential property

1 AN ACT

2 To enact R.S. 33:4885, relative to local governing authorities; to authorize municipal
3 governing authorities to regulate the accumulation of waste tires on private property;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 33:4885 is hereby enacted to read as follows:

7 §4885. Removal of waste tires

8 The governing authority of any municipality may adopt an ordinance
9 regulating the accumulation of waste tires, as defined in R.S. 30:2412, on private
10 residential property. Such an ordinance may include fines for violations and
11 provision for employees of the municipality or of a firm contracting with the
12 municipality to enter private property for the purpose of removing waste tires that
13 are in violation of the ordinance. Any fine imposed pursuant to such ordinance shall
14 be sufficient to cover the cost for the processing of waste tires collected and such
15 amount shall be deposited into the Waste Tire Management Fund. Any tire collected
16 by a municipality in accordance with such ordinance shall not be deemed a program
17 eligible waste tire for the purposes of the Solid Waste Recycling and Reduction Law,
18 R.S. 30:2411 et seq.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 589 Reengrossed

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Proposed law authorizes the governing authority of a municipality to adopt an ordinance regulating the accumulation of waste tires on private residential property. Provides that such an ordinance may include fines for violations and provision for employees of the municipality or of a firm contracting with the municipality to enter private property for the purpose of removing waste tires that are in violation of the ordinance. Proposed law requires that fines imposed pursuant to proposed law be sufficient to cover the cost for processing the tires collected pursuant to proposed law. Proposed law further requires that the monies collected be deposited into the Waste Tire Management Fund (fund).

Present law defines "waste tire", for purposes of the Solid Waste Recycling and Reduction Law (R.S. 30:2412), to mean a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. Proposed law defines "waste tires", for purposes of proposed law, to have the same meaning as present law.

Present law authorizes the secretary of the Dept. of Environmental Quality (DEQ) to promulgate rules and regulations to administer the waste tire program. 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. Present law provides that these fees are deposited into the fund which is used to operate the waste tire program in DEQ. One aspect of that program is to reimburse waste tire processors from the fund for scrapping program eligible waste tires generated within the state.

Proposed law retains present law but provides that processing waste tires collected pursuant to proposed law is not eligible for reimbursement from the fund.

(Adds R.S. 33:4885)

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Provide a definition for "waste tire".
2. Require that fines imposed pursuant to proposed law be sufficient to cover the cost for processing tires collected pursuant to proposed law and that monies collected be deposited into the waste tire fund.
3. Prohibit reimbursement from the waste tire fund for processing tires collected pursuant to proposed law.