

ACT No. 427

2015 Regular Session

HOUSE BILL NO. 746

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§2412. Definitions

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

* * *

(4) "Medium truck tire" means a tire weighing one hundred pounds 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.

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 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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____