1

ACT No. 427

HOUSE BILL NO. 746

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

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

members: (1) The secretary of the Department of Environmental Quality, designee. (2) The chairman of the House Committee on Natural Resource Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire Description. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environm Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013; shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section:	1	submitted to the committees on or before February 15, 2016, and thereafter, such
members: (1) The secretary of the Department of Environmental Quality, designee. (2) The chairman of the House Committee on Natural Resource Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Transacciation. (6) A representative appointed by the Louisiana Independent Tire Environmental Quality, designee. (7) A representative appointed by the Louisiana Independent Tire Environmental Quality, as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Motor Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as meeting, the task force shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold: meeting by August 31, 2013; shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section: Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	2	recommendations shall be submitted with the annual report.
designee. (2) The chairman of the House Committee on Natural Resource Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire E Association. (7) A representative appointed by the Louisiana Marine and Moto Dealers Association. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section: Section 3. The secretary shall bring any rule, regulation, or guideline requi	3	B. The Waste Tire Program Task Force shall be composed of the following
designee. (2) The chairman of the House Committee on Natural Resource Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire D Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force and at the meeting by August 31, 2013, shall meet as necessary to complete its responsib y and shall disband upon submitting the report as provided in this Section: Section 3. The secretary shall bring any rule, regulation, or guideline requi	4	members:
(2) The chairman of the House Committee on Natural Resource Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire D Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at th meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requi	5	(1) The secretary of the Department of Environmental Quality, or her
Environment, or his designee. (3) The chairman of the Senate Committee on Environmental Quality, designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire Description. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environm Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold is meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section: Section 3. The secretary shall bring any rule, regulation, or guideline requi	6	designee.
designee. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire D Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Motor Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environe Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requi	7	(2) The chairman of the House Committee on Natural Resources and
designce. (4) A representative appointed by the governor. (5) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire D Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section: Section 3. The secretary shall bring any rule, regulation, or guideline requi-	8	Environment, or his designee.
(4) A representative appointed by the Louisiana Motor Tra Association. (6) A representative appointed by the Louisiana Independent Tire D Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requi-	9	(3) The chairman of the Senate Committee on Environmental Quality, or his
Association. (6) A representative appointed by the Louisiana Motor Tra Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsib y and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	10	designee.
Association. (6) A representative appointed by the Louisiana Independent Tire E Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at th meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013; shall meet as necessary to complete its responsib ; and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requi	1	(4) A representative appointed by the governor.
Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environm Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsible parts and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	12	(5) A representative appointed by the Louisiana Motor Transport
Association. (7) A representative appointed by each of the waste tire processors per as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environal Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	13	Association.
as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as mere of their constituent organizations. The secretary of the Department of Environment Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	14	(6) A representative appointed by the Louisiana Independent Tire Dealers
as of May 1, 2013. (8) A representative appointed by the Louisiana Marine and Moto Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except pe or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environa Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requi	15	Association.
18 (8) A representative appointed by the Louisiana Marine and Motor Dealers Association. 20 (9) A representative appointed by the Louisiana Farm Bureau. 21 C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as mere of their constituent organizations. The secretary of the Department of Environman Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. 28 Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	16	(7) A representative appointed by each of the waste tire processors permitted
Dealers Association. (9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except perorecept or expense reimbursement to which they may be individually entitled as merorecept of their constituent organizations. The secretary of the Department of Environmy Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline requirements.	17	as of May 1, 2013.
(9) A representative appointed by the Louisiana Farm Bureau. C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as mere of their constituent organizations. The secretary of the Department of Environman Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in the meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline required.	18	(8) A representative appointed by the Louisiana Marine and Motorcycle
C. Task force members shall serve without compensation, except per or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environary Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold in meeting by August 31, 2013, shall meet as necessary to complete its responsibly and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline required.	19	Dealers Association.
or expense reimbursement to which they may be individually entitled as me of their constituent organizations. The secretary of the Department of Environ Quality, or her designee, shall serve as chairman of the task force and at th meeting, the task force shall elect a vice chairman. The task force shall hold i meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline require	20	(9) A representative appointed by the Louisiana Farm Bureau.
of their constituent organizations. The secretary of the Department of Environary Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold is meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline require	21	C. Task force members shall serve without compensation, except per diem
Quality, or her designee, shall serve as chairman of the task force and at the meeting, the task force shall elect a vice chairman. The task force shall hold is meeting by August 31, 2013, shall meet as necessary to complete its responsibly, and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline required.	22	or expense reimbursement to which they may be individually entitled as members
meeting, the task force shall elect a vice chairman. The task force shall hold is meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline require	23	of their constituent organizations. The secretary of the Department of Environmental
meeting by August 31, 2013, shall meet as necessary to complete its responsib , and shall disband upon submitting the report as provided in this Section. Section 3. The secretary shall bring any rule, regulation, or guideline require	24	Quality, or her designee, shall serve as chairman of the task force and at the first
77 , and shall disband upon submitting the report as provided in this Section. 28 Section 3. The secretary shall bring any rule, regulation, or guideline requires	25	meeting, the task force shall elect a vice chairman. The task force shall hold its first
Section 3. The secretary shall bring any rule, regulation, or guideline requi	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.
R.S. 30:2418(H) in conformity with current law by March 31, 2016.	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.

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

1

2

3

4

5

6

7

8

9