

2016 Regular Session

HOUSE BILL NO. 631

BY REPRESENTATIVE MIGUEZ

ENVIRONMENT/WASTE TIRES: Provides for types of tires and penalties for failure to comply with the Waste Tire Program

1 AN ACT

2 To amend and reenact R.S. 30:2412(5), (6.1), and (19) and to enact R.S. 30:2418(O)(5),
3 relative to waste tires; to provide for definitions; to provide for fees levied on certain
4 tires; to provide for delinquent fees for failing to timely remit fees and to report; to
5 dedicate revenue collected; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 30:2412(5), (6.1), and (19) are hereby amended and reenacted and
9 R.S. 30:2418(O)(5) is hereby enacted to read as follows:

10 §2412. Definitions

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

13 * * *

14 (5) "Motor vehicle" means an automobile, motorcycle, all-terrain vehicle,
15 and utility terrain vehicle that is operated either on-road or off-road, truck, trailer,
16 semitrailer, truck-tractor and semitrailer combination, or any other vehicle operated
17 in this state, and propelled by power other than muscular power; but the term does
18 not include bicycles and mopeds.

19 * * *

1 (6.1) "Passenger/light truck/small farm service tire" means a tire weighing
2 less than one hundred pounds and normally used on automobiles, motorcycles, all-
3 terrain vehicles, and utility terrain vehicles that are operated either on-road or off-
4 road, pickup trucks, sport utility vehicles, front steer tractors, and farm implement
5 service vehicles.

6 * * *

7 (19) "Tire" means a continuous solid or pneumatic rubber covering
8 encircling the wheel of a motor vehicle or off-road vehicle, including the spare tire
9 of such vehicles.

10 * * *

11 §2418. Waste tires

12 * * *

13 O.

14 * * *

15 (5) In addition to the authority and collection procedure provided for in this
16 Subsection, the secretary has the authority to impose upon any person failing to
17 timely remit fees imposed by this Section, a delinquent fee of ten percent of the
18 unpaid fee or twenty-five dollars, whichever is greater. A delinquent fee of twenty-
19 five dollars may also be imposed upon any person failing to timely submit a monthly
20 waste tire fee report required by any rule or regulation promulgated pursuant to this
21 Section. Proceeds from the collection of the fees authorized by this Paragraph shall
22 be used for special waste tire projects as determined by the secretary. Any such
23 proceeds remaining at the end of the fiscal year that have not been used for special
24 projects shall be deposited in the Waste Tire Management Fund.

25 Section 2. This Act shall become effective on October 1, 2016.

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 631 Engrossed

2016 Regular Session

Miguez

Abstract: Adds all-terrain vehicle and utility terrain vehicle tires and spare tires into the Waste Tire Program and authorizes charges for delinquent submission of collected fees and reports.

Present 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. One aspect of that program is to reimburse waste tire processors from the fund for scrapping waste tires generated within the state.

Present law defines "tire" as a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle. Proposed law retains present law and adds spare tires to the definition of tire.

Present law defines "motor vehicle" as an automobile or motorcycle that is operated either on-road or off-road, truck, trailer, semitrailer, truck-tractor and semitrailer combination, or any other vehicle operated in this state, and propelled by power other than muscular power, but the term does not include bicycles and mopeds.

Proposed law retains present law and adds all-terrain vehicle and utility terrain vehicle to the definition.

Present law defines a "passenger/light truck/small farm service tire" as a tire weighing less than 100 lbs. and normally used on automobiles and motorcycles that are operated either on-road or off-road, pickup trucks, sport utility vehicles, front steer tractors, and farm implement service vehicles.

Proposed law adds tires used on all-terrain vehicles and utility terrain vehicles to the definition.

Present law provides for a judicial process to collect delinquent fees that may result in a court order to cease further pursuit of business.

Proposed law retains present law and authorizes the secretary to impose a delinquent fee of 10% of the unpaid fee or \$25, whichever is greater, on any person failing to timely remit waste tire fees. Proposed law also imposes a delinquent fee of \$25 upon any person failing to timely submit a required monthly waste tire fee report.

Proposed law dedicates the proceeds from the delinquent fee provided for in proposed law to special waste tire projects as determined by the secretary. Proposed law requires any such proceeds remaining at the end of the fiscal year that have not been used for special projects be deposited in the Waste Tire Management Fund.

Effective Oct. 1, 2016.

(Amends R.S. 30:2412(5), (6.1), and (19); Adds R.S. 30:2418(O)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Add spare tires to the definition of tire.
2. Dedicate proceeds from the delinquent fee provided for in proposed law to special waste tire projects.
3. Require any proceeds that have not been used for special projects by the end of the fiscal year be deposited in the Waste Tire Management Fund.
4. Add an effective date of Oct. 1, 2016.
5. Make technical changes.