

SENATE BILL NO. 96

BY SENATOR LAMBERT

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

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AN ACT

To amend and reenact R.S. 30:2418(H)(1) and to enact R.S. 30:2418.1 and 2418.2, relative to the waste tire program in the Department of Environmental Quality; to authorize the establishment of standards, requirements, and permitting procedures; to provide for waste tire generators; to authorize the promulgation of rules, regulations, and guidelines; to require certain generators of waste tires to obtain generator identification numbers; to require certain transporters to obtain a certificate; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2418(H)(1) is hereby amended and reenacted and R.S. 30:2418.1 and 2418.2 are hereby enacted to read as follows:

§2418. Waste tires

* * *

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

(1) Establishing standards, requirements, and permitting procedures for waste tire transporters, collection sites, **generators**, and processors. ~~Requirements~~ **The requirements for waste tire transporters, collection sites, and processors** shall include proof of commercial liability insurance in a sufficient amount and other evidence of financial responsibility as determined by the secretary. For waste tire

1 transporters, financial responsibility shall include a surety bond in a minimum
2 amount of ten thousand dollars, as determined by the secretary.

3 * * *

4 **§2418.1. Failure to obtain a generator identification number**

5 **A. No person shall store more than twenty whole waste tires nor sell tires**
6 **without holding a valid generator identification number or other authorization**
7 **issued by the department.**

8 **B. No person subject to Subsection A of this Section shall allow the waste**
9 **tires generated by his activities to be transported by a person without a valid**
10 **transporter authorization certificate and a manifest satisfying the requirements**
11 **of the department.**

12 **C. Any person who willfully or knowingly violates this Section shall,**
13 **upon conviction, be subject to a fine of not less than three hundred dollars but**
14 **not more than five hundred dollars, or imprisonment for six months, or both.**

15 **D. The provisions of this Section shall not apply to a commercial farmer**
16 **as defined in R.S. 47:301(30).**

17 **E. The provisions of this Section shall not apply to persons operating a**
18 **vehicle fleet, and performing on-site maintenance exclusively on their own**
19 **vehicles, until such time as the department promulgates regulations governing**
20 **such maintenance activities.**

21 **§2418.2. Failure to obtain a waste tire transporter authorization certificate**

22 **A. No person shall transport more than twenty whole waste tires without**
23 **a valid transporter authorization certificate or other authorization issued by the**
24 **department and a manifest satisfying the requirements of the department.**

25 **B. A transporter of waste tires shall only accept and transport waste tires**
26 **from a person who has obtained a valid generator identification number from**
27 **the department.**

28 **C. Any person who willfully or knowingly violates this Section shall,**
29 **upon conviction, be subject to a fine of not less than three hundred dollars but**
30 **not more than five hundred dollars, or imprisonment for six months, or both.**

1 **D. The provisions of this Section shall not apply to a commercial farmer**
2 **as defined in R.S. 47:301(30).**

3 **E. The provisions of this Section shall not apply to persons operating a**
4 **vehicle fleet, and performing on-site maintenance exclusively on their own**
5 **vehicles, until such time as the department promulgates regulations governing**
6 **such maintenance activities.**

7 Section 2. Any requirement provided for in this Act shall be promulgated by the
8 department in rules and regulation in accordance with the Administrative Procedure Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____