

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) and (6.1) and 2418(I)(1) and to enact R.S.
3 30:2418(O)(5), relative to waste tires; to provide for definitions; to provide for fees
4 levied on certain tires; to provide for delinquent fees for failing to timely remit fees
5 and to report; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §2412. Definitions

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

12 * * *

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

18 * * *

19 (6.1) "Passenger/light truck/small farm service tire" means a tire weighing
20 less than one hundred pounds and normally used on automobiles, motorcycles, all-

1 terrain vehicles, and utility terrain vehicles that are operated either on-road or off-
2 road, pickup trucks, sport utility vehicles, front steer tractors, and farm implement
3 service vehicles.

4 * * *

5 §2418. Waste tires

6 * * *

7 I.(1) The fee on tires authorized to be levied pursuant to R.S. 30:2413(A)(8)
8 shall not exceed two dollars per passenger/light truck/small farm service tire, five
9 dollars per medium truck tire, and ten dollars per off-road tire, including spare tires.

10 The secretary may provide for exemptions from the fees levied on the sale of tires
11 pursuant to this Chapter in the regulations provided for in Subsection H of this
12 Section for the sale of tires sold at wholesale and certain tires which are de minimis
13 in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart
14 tires. After June 1, 2004, the secretary may provide for the exemption of certain tire
15 sales from the fee which tires were not previously exempted only through the
16 department's rulemaking authority, including legislative oversight as provided in
17 R.S. 30:2413(A)(8).

18 * * *

19 O.

20 * * *

21 (5) In addition to the authority and collection procedure provided for in this
22 Subsection, the secretary has the authority to impose upon any person failing to
23 timely remit fees imposed by this Section, a delinquent fee of ten percent of the
24 unpaid fee or twenty-five dollars, whichever is greater. A delinquent fee of twenty-
25 five dollars may also be imposed upon any person failing to timely submit a monthly
26 waste tire fee report required by any rule or regulation promulgated pursuant to this
27 Section.

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 Original

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

Proposed law retains present law and levies the waste tire fee on the sale of spare tires.

Present law authorizes the secretary of the Dept. of Environmental Quality to exempt from the fees tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires. Further exemptions after June 1, 2004, may only be given through the department's rulemaking authority.

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.

(Amends R.S. 30:2412(5) and (6.1) and 2418(I)(1); Adds R.S. 30:2418(O)(5))