
A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL CRIMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. There is established within the department of
3 the attorney general an environmental crimes unit. The
4 environmental crimes unit shall be a cooperative effort between
5 the department of the attorney general and the department of
6 health to investigate and prosecute environmental crimes that
7 pose substantial risks to the environment and public health.

8 The environmental crimes unit shall investigate and
9 prosecute violations of laws relating to air and water quality,
10 solid and hazardous waste, underground storage tanks,
11 pesticides, and restricted or regulated chemicals; and related
12 regulatory requirements.

13 SECTION 2. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2023-2024 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2024-2025 for the establishment and operation of the



1 environmental crimes unit established pursuant to section 1 of
2 this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this part.

5 PART II

6 SECTION 3. Section 342I-21, Hawaii Revised Statutes, is
7 amended by adding two new definitions to be appropriately
8 inserted and to read as follows:

9 "Department" means the department of health.

10 "Director" means the director of health."

11 SECTION 4. Section 342I-22, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending its title to read:

14 **"[+]§342I-22[+] Motor vehicle tires; disposal in landfill**
15 **or municipal solid waste incinerator prohibited[-]; criminal**
16 **penalties."**

17 2. By amending subsection (d) to read:

18 "(d) [~~For each violation of this section a violator shall~~
19 ~~be subject to the penalties and remedies provided under sections~~
20 ~~342H-9 Penalties; 342H-10 Administrative penalties; and 342H-11~~
21 ~~Injunctive relief.] Notwithstanding any other law to the~~



1 "§342I- Motor vehicle tire surcharge; establishment.

2 (a) There is established a motor vehicle tire surcharge on
3 every replacement tire installed on a motor vehicle in the State
4 after September 30, 2023. The motor vehicle tire surcharge
5 shall be \$1 per tire. The surcharge shall be paid by the tire
6 retailer or tire wholesaler who installs a replacement tire
7 pursuant to section 342H-28.

8 (b) Revenues generated from the motor vehicle tire
9 surcharge shall be deposited into a special account in the
10 environmental management special fund and used by the department
11 pursuant to section 342I-29.

12 (c) As used in this section, "replacement tire" means any
13 tire installed on a motor vehicle as a replacement for a worn or
14 used tire."

15 SECTION 6. Section 342I-28, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§342I-28 Tire inventory records [and]; payment[-] of**
18 **motor vehicle tire surcharge.** (a) Payment of the motor vehicle
19 tire surcharge established in section 342I- shall be made
20 quarterly based on inventory records of the [~~importers except~~
21 ~~for these importers subject to subsection (c) or (d).~~] tire



1 retailer or tire wholesaler. The dates September 30,
 2 December 31, March 31, and June 30 represent the end of each
 3 quarter period. All [~~importers~~] tire retailers or tire
 4 wholesalers shall submit to the department documentation in
 5 sufficient detail that identifies the number of tires [~~imported~~
 6 ~~into~~] replaced in the State during the previous quarter.

7 (b) The amount due from the [~~importers~~] tire retailers or
 8 tire wholesalers for the quarter shall be equal to the number of
 9 tires [~~provided~~] replaced in subsection (a) multiplied by the
 10 motor vehicle tire surcharge of \$1. Payment shall be made by
 11 check or money order payable to the Department of Health, State
 12 of Hawaii and shall be deposited into the environmental
 13 management special fund as provided in section 342I-29. All
 14 subsequent inventory reports and payments shall be made no later
 15 than the last day of the month following the end of the previous
 16 calendar quarter[, ~~except for those importers subject to~~
 17 ~~subsection (c) or (d).~~

18 ~~(c) An importer who imports fewer than fifty tires within~~
 19 ~~a one-year period shall be exempt from payment of the surcharge.~~

20 ~~(d) An importer who imports fifty or more tires, but fewer~~
 21 ~~than or equal to two hundred tires, or a motor vehicle rental~~



1 ~~company shall be permitted to provide a report and payment of~~
2 ~~the surcharge annually, with year ending December 31]."~~

3 SECTION 7. Section 342I-29, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~§~~342I-29] **Deposit into environmental management**
6 **special fund.** The surcharge collected pursuant to this part
7 shall be deposited into a special account in the environmental
8 management special fund established by section 342G-63. All
9 interest earned or accrued on moneys deposited in the fund
10 pursuant to this section shall become part of the account.
11 Moneys from this special account may be used by the department
12 to:

- 13 (1) Support permitting, monitoring, and enforcement
14 activities, including personnel costs regarding used
15 tire management, collection, recycling, and disposal
16 facilities;
- 17 (2) Promote improved market development and reuse
18 opportunities for recovered motor vehicle tires;
- 19 (3) Promote tire recovery, recycling, and reuse in the
20 State through education, research, and demonstration
21 projects;



- 1 (4) Implement the surcharge program under this part;
- 2 (5) Support programs to prevent illegal dumping; [~~and~~]
- 3 (6) Clean up improper tire disposal sites including
- 4 conducting related environmental assessments and
- 5 remediation[~~-~~]; and
- 6 (7) Fund the environmental crimes unit."

7 PART IV

8 SECTION 8. If any provision of this Act, or the
9 application thereof to any person or circumstance, is held
10 invalid, the invalidity does not affect other provisions or
11 applications of the Act that can be given effect without the
12 invalid provision or application, and to this end the provisions
13 of this Act are severable.

14 SECTION 9. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 10. This Act shall take effect on June 30, 3000.



Report Title:

Environmental Crimes Unit; Motor Vehicle Tire Disposal; Petty Misdemeanor; Motor Vehicle Tire Surcharge; Environmental Management Special Fund; Department of Health; Department of the Attorney General; Appropriation

Description:

Establishes the Environmental Crimes Unit within the Department of the Attorney General. Makes the disposal of motor vehicle tires in violation of State law governing recovery of used motor vehicle tire recovery a petty misdemeanor. Establishes a \$1 motor vehicle tire surcharge to be imposed on every replacement tire installed on a motor vehicle in the State after 9/30/2023. Requires tire retailers and tire wholesalers who install replacement tires to pay the surcharge to the Department of Health. Requires the Department of Health to deposit the revenues into the Environmental Management Special Fund. Allows the Department of Health to use the Environmental Management Special Fund to fund the Environmental Crimes Unit. Appropriates funds. Effective 6/30/3000. (HD1)

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