

ACT 209

H.B. NO. 2028

A Bill for an Act Relating to Motor Vehicle Tire Recovery.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 342I, Hawaii Revised Statutes, is amended by amending the title to read as follows:

“[LEAD ACID BATTERY] SPECIAL WASTES RECYCLING”

SECTION 2. Chapter 342I, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . USED MOTOR VEHICLE TIRE RECOVERY

§342I- Definitions. As used in this part unless the context otherwise requires:

“Authorized tire collection facility” means any facility permitted by the department under chapter 342H as a tire collection facility which may collect and temporarily hold tires before transporting them to an authorized tire recycler.

“Authorized tire recycler” means any processor, shredder, or manufacturer permitted by the department under chapter 342H as a tire recycling facility.

“County” means any county of the State.

“Motor vehicle tire” means any tire that is used or designed for use on a motorized vehicle including but not limited to an automobile, bus, motorcycle, truck or heavy equipment.

“Tire retailer” means any person who sells or offers to sell tires to the public.

“Tire wholesaler” means any person who sells or offers to sell tires to tire retailers or other volume buyers of tires.

§342I- Motor vehicle tires; disposal in landfill or municipal solid waste incinerator prohibited. (a) No person shall place a whole motor vehicle tire in mixed municipal solid waste, or shall discard or otherwise dispose of a motor

vehicle tire except by delivery to any motor vehicle tire retailer, tire wholesaler, or to an authorized tire collection or authorized tire recycler.

(b) No motor vehicle tire retailer shall dispose of a motor vehicle tire except by delivery to the agent of a motor vehicle tire wholesaler or to a motor vehicle tire manufacturer, or to an authorized motor vehicle tire recycler.

(c) Each tire improperly disposed of shall constitute a separate offense.

(d) For each violation of this section a violator shall be subject to the penalties and remedies provided under sections 342H-9 Penalties; 342H-10 Administrative penalties; and 342H-11 Injunctive Relief.

(e) Variances to these provisions may be granted by the director based on written requests submitted by a permitted disposal facility.

§342I- Motor vehicle tires; collection for recycling. (a) Each tire retailer shall:

(1) Accept, at the point of transfer, in a quantity at least equal to the number of new motor vehicle tires purchased by a customer, motor vehicle tires offered by the customer.

(2) Post written notice which shall be at least five inches by seven inches in size and easily visible to customers and shall contain the universal recycling symbol and the following language:

(A) "It is illegal to discard a motor vehicle tire";

(B) "Recycle your used tires";

(C) "State law requires us to accept used motor vehicle tires for recycling or disposal, in exchange for new tires purchased"; and

(D) "The price of a new tire includes disposal of your old tire".

(b) The department of health shall produce, print, and distribute the notices required by subsection (a)(2) to each retailer; provided that a retailer instead may use any sign or notice that meets the requirements of that subsection.

(c) Any advertising pertaining to the price of motor vehicle tires shall include the statement "The price includes disposal of your old tire."

(d) For businesses utilizing advertising prepared out of the State a sign no smaller than three square feet, placed at the point of sale stating: "The price of tires includes disposal of your old tires" may be substituted.

§342I- Inspection of motor vehicle tire retailers. In performing its duties under this part, the department may inspect any place, building, or premise governed by this part. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirements of this part.

§342I- Motor vehicle tire wholesalers. Any person selling new motor vehicle tires at wholesale shall accept at the point of transfer, in a quantity at least equal to the number of new tires purchased by a customer, used motor vehicle tires offered by the customer. A person accepting tires in transfer from a motor vehicle tire retailer shall be allowed a period not to exceed ninety days to remove tires from the retail point of collection."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 1994.

(Approved June 10, 1993.)