

ACT 191

H.B. NO. 2006

A Bill for an Act Relating to Special Wastes Recycling.

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

SECTION 1. Section 342I-8, Hawaii Revised Statutes, is amended to read as follows:

“~~[§342I-8]~~ **Penalties.** (a) ~~[Civil.]~~ Any person who violates this part shall be fined not more than \$10,000 for each separate offense; provided that the failure to post the notice required under section 342I-2, following a warning issued by the director of health, shall be subject to a fine of \$2,000 for each separate offense. Each

battery improperly disposed of or accepted shall constitute a separate offense. The fines imposed pursuant to this subsection shall be cumulative. Remedies shall be by citation, administrative action, or civil action.

(b) ~~[Criminal.]~~ Any person who knowingly or wilfully violates this part shall be guilty of a misdemeanor.

(c) The director may institute a civil action in any court of competent jurisdiction for injunctive and other relief to:

- (1) Prevent any violation of this chapter, any rule adopted pursuant to this chapter, or any condition of a permit or variance issued pursuant to this chapter, without the necessity of a prior revocation of the permit or variance;
- (2) Impose and collect civil penalties;
- (3) Collect administrative penalties; or
- (4) Obtain other relief.

The court may grant relief in accordance with the Hawaii rules of civil procedure.”

SECTION 2. Section 342I-23, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]~~**§342I-23**~~[H]~~ **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”;
 - (D) “The final price of a new tire includes disposal of your old tire^[2]. The disposal fee is not subject to reduction or refund.”

(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.”~~ disclose whether a separate disposal fee may be added to the final price of the tire and the actual cost of the disposal fee.

(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.

(e) Motor vehicle rental companies shall be permitted to provide a report and payment of the surcharge annually, with the year ending December 31, rather than quarterly.”

SECTION 3. Section 342I-25, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]~~**§342I-25**~~[H]~~ **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]~~ motor vehicle tire wholesaler accepting

used tires in transfer from a motor vehicle tire retailer shall be allowed a period not to exceed ninety days to remove used tires from the retail point of collection. Accumulation of those tires at the retail point of collection shall not exceed two hundred fifty tires, unless the retail point of collection is an authorized tire collection facility, and the tires shall be stored in a manner consistent with fire prevention and vector control.”

SECTION 4. Section 342I-27, Hawaii Revised Statutes, is amended to read as follows:

“[[§342I-27]] Motor vehicle tire surcharge. (a) There is established a motor vehicle tire surcharge on tires imported into the State after September 30, 2000, and before January 1, 2006. The motor vehicle tire surcharge shall be \$1 per tire imported into the State and shall include those tires imported on motor vehicles, and their associated spare tires. Motor vehicle rental companies and companies that sell vehicles to motor vehicle rental companies may subtract the number of tires on motor vehicles that are exported from the State when calculating the motor vehicle tire surcharge. Upon approval of the director, a motor vehicle rental company that purchases new motor vehicles, within the State, may be designated as the importer of motor vehicles. No demand shall be made on the State for payment of surcharge credit if the number of exported motor vehicles exceeds the number of imported motor vehicles in any reporting period. The surcharge shall be paid by the person or entity who imports the tires, including importers of motor vehicles.

(b) The director shall waive the \$1 per tire surcharge requirement on Hawaii tire importers when the amount of the collected surcharge to be deposited into the special account in the environmental management special fund established pursuant to section 342G-63 has reached a total of between \$2,750,000 and \$3,000,000. If the remaining balance in the special account in the environmental management special fund is less than \$100,000 in unencumbered funds and there is a need for additional tire cleanup and associated environmental assessments and remediation, the director may reinstate the \$1 per tire surcharge with ninety days written notice to tire importers.

SECTION 5. Section 342I-28, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) An importer who imports fifty or more tires, but fewer than or equal to two hundred tires, or a motor vehicle rental company shall be permitted to provide a report and payment of the surcharge annually, with year ending December 31[; rather than quarterly].”

SECTION 6. The Department of Health shall submit a report on the status of the special account in the environmental management special fund established pursuant to section 342G-63 and on the status of tire cleanup projects for tire cleanup and associated environmental assessments and remediation.

The Department of Health shall submit annual reports of its findings and recommendations, including proposed legislation if applicable, to the Legislature no later than twenty days prior to the beginning of each legislative session.

SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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SECTION 8. This Act shall take effect on July 1, 2002, and section 4 shall be repealed on January 1, 2006.

(Approved June 25, 2002.)