

HOUSE BILL 763

M3

9lr1172

By: **Delegates Hubbard, Frush, and Morhaim**

Introduced and read first time: February 11, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Lead Wheel Weights – Prohibited**

3 FOR the purpose of prohibiting certain persons from using, allowing to be used, or
4 selling certain lead wheel weights after certain dates; requiring the State to
5 ensure that no vehicle in the State fleet is equipped with certain lead wheel
6 weights after a certain date; requiring the Department of the Environment to
7 adopt certain regulations that at a minimum list environmentally safe lead-free
8 wheel weights; requiring the Department to update the regulations over a
9 certain period of time; requiring the Department to inform certain persons, to
10 the maximum extent practicable, regarding the requirements under the
11 regulations; requiring the regulations to provide a certain phase-in period for
12 the prohibition against the use or sale of certain wheel weights; requiring lead
13 wheel weights removed and collected to be properly recycled; providing for the
14 enforcement of this Act, including the required issuance of a warning for an
15 initial violation; and generally relating to the prohibition against the use or sale
16 of lead wheel weights in the State.

17 BY adding to

18 Article – Environment

19 Section 6–3A–01 to be under the new subtitle “Subtitle 3A. Lead Wheel
20 Weights”

21 Annotated Code of Maryland

22 (2007 Replacement Volume and 2008 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Environment**

26 **SUBTITLE 3A. LEAD WHEEL WEIGHTS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-3A-01.**

2 (A) (1) SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION, A MOTOR
3 VEHICLE OR TIRE MANUFACTURER, WHOLESALER, OR RETAILER, MOTOR
4 VEHICLE REPAIR FACILITY, OR ANY OTHER PERSON WHO INSTALLS WHEEL
5 WEIGHTS MAY NOT USE, ALLOW TO BE USED, OR SELL AN EXTERNALLY
6 ATTACHED LEAD WHEEL WEIGHT THAT IS COMPOSED OF GREATER THAN 0.1%
7 LEAD BY WEIGHT DURING THE FIRST TIRE INSTALLATION, REPLACEMENT, OR
8 BALANCING AFTER:

9 (I) JANUARY 1, 2012, FOR ALL USED VEHICLES
10 REGISTERED IN THE STATE; AND

11 (II) JANUARY 1, 2013, FOR ALL NEW VEHICLES REGISTERED
12 IN THE STATE.

13 (2) AFTER JANUARY 1, 2011, THE STATE SHALL ENSURE THAT NO
14 VEHICLE IN THE STATE FLEET IS EQUIPPED WITH AN EXTERNALLY ATTACHED
15 LEAD WHEEL WEIGHT THAT IS COMPOSED OF GREATER THAN 0.1% LEAD BY
16 WEIGHT.

17 (B) (1) BY JANUARY 1, 2010, THE DEPARTMENT, IN CONSULTATION
18 WITH OTHER APPROPRIATE UNITS OF STATE GOVERNMENT, SHALL:

19 (I) ADOPT REGULATIONS THAT AT A MINIMUM ESTABLISH
20 A LIST OF APPROVED ENVIRONMENTALLY SAFE LEAD-FREE WHEEL WEIGHTS
21 THAT ARE AVAILABLE FOR PURCHASE;

22 (II) BEGINNING JULY 1, 2010, UPDATE THE REGULATIONS
23 AND LIST AT LEAST EVERY 2 YEARS; AND

24 (III) INFORM MOTOR VEHICLE AND TIRE MANUFACTURERS,
25 WHOLESALERS, AND RETAILERS, MOTOR VEHICLE REPAIR FACILITIES, AND ANY
26 OTHER PERSON WHO INSTALLS WHEEL WEIGHTS, TO THE MAXIMUM EXTENT
27 PRACTICABLE, REGARDING THE REQUIREMENTS UNDER THE REGULATIONS.

28 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION
29 SHALL PROVIDE THAT, IF A PARTICULAR TYPE OF WHEEL WEIGHT IS REMOVED
30 FROM THE LIST OF APPROVED WHEEL WEIGHTS, THE PROHIBITION AGAINST
31 THE USE OR SALE OF THAT TYPE OF WHEEL WEIGHT SHALL BE PHASED IN OVER
32 A 2-YEAR PERIOD.

33 (C) LEAD WHEEL WEIGHTS REMOVED AND COLLECTED SHALL BE
34 PROPERLY RECYCLED.

1 **(D) (1) THE DEPARTMENT SHALL:**

2 **(I) SEND A WARNING NOTICE TO A PERSON WHO VIOLATES**
3 **THIS SECTION; AND**

4 **(II) OFFER THE PERSON ANY APPROPRIATE ASSISTANCE**
5 **NEEDED TO COMPLY WITH THIS SECTION.**

6 **(2) IF THE PERSON CONTINUES TO FAIL TO COMPLY WITH THIS**
7 **SECTION 1 YEAR AFTER RECEIPT OF THE WARNING NOTICE, THE PERSON IS**
8 **SUBJECT TO A CIVIL FINE NOT EXCEEDING \$1,000 FOR EACH SUBSEQUENT**
9 **OFFENSE AFTER THE WARNING PERIOD.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2009.