

# HOUSE BILL 1328

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6lr3218

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By: **Delegates Lam, Tarlau, and S. Robinson**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

17 BY adding to

18 Article – Environment

19 Section 6–501 to be under the new subtitle “Subtitle 5. Lead and Mercury Wheel  
20 Weights”

21 Annotated Code of Maryland

22 (2013 Replacement Volume and 2015 Supplement)

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

**Article – Environment**

**SUBTITLE 5. LEAD AND MERCURY WHEEL WEIGHTS.**

**6-501.**

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

(I) JANUARY 1, ~~2019~~ 2018, FOR ALL USED VEHICLES REGISTERED IN THE STATE; AND

(II) JANUARY 1, ~~2020~~ 2019, FOR ALL NEW VEHICLES REGISTERED IN THE STATE.

(2) THE STATE SHALL ENSURE THAT NO VEHICLE IN THE STATE FLEET IS EQUIPPED WITH AN EXTERNALLY ATTACHED LEAD WHEEL WEIGHT THAT IS COMPOSED OF GREATER THAN 0.1% LEAD BY WEIGHT OR GREATER THAN 0.1% MERCURY ~~WHEEL~~ BY WEIGHT AFTER JANUARY 1, 2018.

~~(B) (1) THE DEPARTMENT, IN CONSULTATION WITH OTHER APPROPRIATE UNITS OF STATE GOVERNMENT, SHALL:~~

~~(i) ON OR BEFORE JANUARY 1, 2017, ADOPT REGULATIONS THAT AT A MINIMUM ESTABLISH A LIST OF APPROVED ENVIRONMENTALLY SAFE LEAD AND MERCURY FREE WHEEL WEIGHTS THAT ARE AVAILABLE FOR PURCHASE;~~

~~(ii) ON OR AFTER JULY 1, 2017, UPDATE THE REGULATIONS AND LIST AT LEAST ONCE EVERY 2 YEARS; AND~~

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

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

~~(C)~~ (B) LEAD AND MERCURY WHEEL WEIGHTS REMOVED AND COLLECTED SHALL BE PROPERLY RECYCLED.

~~(D)~~ (C) (1) THE DEPARTMENT SHALL:

~~(I)~~ SEND SEND A WARNING NOTICE TO A PERSON THAT VIOLATES THIS SECTION; AND

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.