

# HOUSE BILL 1328

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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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## A BILL ENTITLED

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)

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

25 **Article – Environment**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-501.**

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

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

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

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

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

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

22 (II) ON OR AFTER JULY 1, 2017, UPDATE THE REGULATIONS  
23 AND LIST AT LEAST ONCE 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 SHALL  
29 PROVIDE THAT, IF A PARTICULAR TYPE OF WHEEL WEIGHT IS REMOVED FROM THE  
30 LIST OF APPROVED WHEEL WEIGHTS, THE PROHIBITION AGAINST THE USE OR SALE  
31 OF THAT TYPE OF WHEEL WEIGHT SHALL BE PHASED IN OVER A 2-YEAR PERIOD.

1           **(C) LEAD AND MERCURY WHEEL WEIGHTS REMOVED AND COLLECTED**  
2 **SHALL BE PROPERLY RECYCLED.**

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

4                           **(I) SEND A WARNING NOTICE TO A PERSON THAT VIOLATES**  
5 **THIS SECTION; AND**

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

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

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