

SENATE BILL 366

M3

71r1896
CF HB 418

By: **Senators Dyson, Conway, Frosh, ~~and Gladden~~ Gladden, and Lenett**

Introduced and read first time: February 1, 2007

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2007

CHAPTER _____

1 AN ACT concerning

2 **Mercury Switch Removal from Vehicles**

3 FOR the purpose of requiring motor vehicle manufacturers to develop a mercury
4 minimization plan that includes information on mercury switch removal from
5 motor vehicles; requiring certain manufacturers to submit a certain plan to the
6 Department of the Environment within a certain number of days after the
7 enactment date of this Act; establishing certain requirements for a mercury
8 minimization plan; requiring vehicle manufacturers to pay certain costs
9 associated with mercury switch removal; requiring the Department to review
10 the plan and make a determination about the status of the plan within a certain
11 number of days; authorizing the Department to impose certain penalties for
12 violators of a mercury minimization plan; authorizing a scrap recycling facility
13 to accept end-of-life vehicles that contain mercury switches under certain
14 circumstances; defining certain terms; authorizing the Department to adopt
15 rules and regulations to administer the program; requiring an annual report
16 containing certain information to be submitted to the Department; and
17 generally relating to mercury switch removal from motor vehicles.

18 BY repealing and reenacting, without amendments,
19 Article – Environment
20 Section 6–904

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.



1 Annotated Code of Maryland
2 (1996 Replacement Volume and 2006 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Environment
5 Section 6–905
6 Annotated Code of Maryland
7 (1996 Replacement Volume and 2006 Supplement)

8 BY adding to
9 Article – Environment
10 Section 6–905.4 through 6–905.6
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 2006 Supplement)

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

15 **Article – Environment**

16 6–904.

17 The General Assembly finds that:

- 18 (1) Mercury is a persistent and toxic pollutant that bioaccumulates in
19 the environment;
- 20 (2) Consumption of mercury–contaminated fish poses a significant
21 health threat;
- 22 (3) Combustion of municipal and other solid waste is a source of
23 mercury pollution;
- 24 (4) Both industry and government are working to reduce the content
25 of mercury in products and to control the release of mercury into the environment;
- 26 (5) Accidental mercury spills, breakages, and releases have occurred
27 at schools in the United States, exposing students, teachers, and administrators to
28 mercury emissions; and
- 29 (6) Removal of mercury and mercury containing products from the
30 waste stream prior to combustion or disposal is an effective way to reduce mercury
31 pollution.

1 6-905.

2 (a) In this part the following words have the meanings indicated.

3 (B) **“CAPTURE RATE” MEANS THE ANNUAL REMOVAL, COLLECTION,**
4 **AND RECOVERY OF MERCURY SWITCHES AS A PERCENTAGE OF TOTAL NUMBER**
5 **OF MERCURY SWITCHES AVAILABLE FROM END-OF-LIFE VEHICLES.**

6 (C) **“END-OF-LIFE VEHICLE” MEANS A MOTOR VEHICLE THAT IS SOLD,**
7 **GIVEN, OR OTHERWISE CONVEYED TO A VEHICLE RECYCLER OR SCRAP**
8 **RECYCLING FACILITY FOR THE PURPOSE OF RECYCLING.**

9 [(b)] (D) “Manufacturer” means a person that:

10 (1) Produces a product;

11 (2) For a multicomponent product, produces or assembles the final
12 product; or

13 (3) Serves as an importer or domestic distributor of a product
14 produced outside of the United States.

15 [(c)] (E) “Marketer” means a person who manufactures, assembles, sells,
16 distributes, affixes a brand name or private label to, or licenses the use of a brand
17 name on a fever thermometer containing mercury.

18 [(d)] (F) “Mercury-added product” means any of the following products if
19 containing elemental mercury or a mercury compound that has been added to the
20 product for any reason:

21 (1) Dyes or pigments;

22 (2) Electric switches;

23 (3) Fluorescent lamps; and

24 (4) Thermostats.

1 **(G) “MERCURY MINIMIZATION PLAN” MEANS A PLAN FOR REMOVING,**
2 **COLLECTING, AND RECOVERING MERCURY SWITCHES FROM AN END-OF-LIFE**
3 **VEHICLE.**

4 **(H) “MERCURY SWITCH” MEANS ANY LIGHT SWITCH OR ANTILOCK**
5 **BRAKING SYSTEM SWITCH THAT CONTAINS MERCURY AND THAT IS INSTALLED**
6 **BY A MANUFACTURER IN A MOTOR VEHICLE.**

7 **(I) “MERCURY SWITCH ASSEMBLY” MEANS A LIGHT, ANTILOCK**
8 **BRAKING SYSTEM, OR OTHER SWITCH ASSEMBLY THAT CONTAINS A MERCURY**
9 **SWITCH.**

10 **[(e)] (J) “Motor vehicle” has the meaning stated in § 11–135 of the**
11 **Transportation Article.**

12 **[(f)] (K) “Reclamation facility” means a site:**

13 (1) Where equipment is used to recapture mercury from
14 mercury–added fluorescent lamps for the purpose of recycling or reusing the mercury;
15 or

16 (2) That collects mercury containing components from mercury–added
17 fluorescent lamps for the eventual recapture and recycling or reuse of the mercury.

18 **(L) “SCRAP RECYCLING FACILITY” MEANS A FIXED LOCATION WHERE**
19 **MACHINERY AND EQUIPMENT ARE USED FOR PROCESSING AND**
20 **MANUFACTURING SCRAP METAL INTO PREPARED GRADES AND THE PRINCIPAL**
21 **PRODUCT IS SCRAP IRON, STEEL, OR NONFERROUS METALLIC SCRAP FOR SALE**
22 **AND REMELTING PURPOSES.**

23 **(M) “VEHICLE MANUFACTURER” MEANS A PERSON THAT:**

24 (1) **IS THE LAST PERSON IN THE PRODUCTION OR ASSEMBLY**
25 **PROCESS OF A NEW MOTOR VEHICLE THAT USES MERCURY SWITCHES; OR**

26 (2) **SERVES AS AN IMPORTER OR DOMESTIC DISTRIBUTOR OF A**
27 **MOTOR VEHICLE THAT USES MERCURY SWITCHES PRODUCED OUTSIDE OF THE**
28 **UNITED STATES.**

1 (N) **“VEHICLE RECYCLER” MEANS A PERSON ENGAGED IN THE**
2 **BUSINESS OF ACQUIRING, DISMANTLING, OR DESTROYING SIX OR MORE**
3 **END-OF-LIFE VEHICLES IN A CALENDAR YEAR FOR THE PRIMARY PURPOSE OF**
4 **RESALE AND PARTS.**

5 **6-905.4.**

6 (A) **THIS SECTION APPLIES TO A VEHICLE MANUFACTURER THAT SELLS**
7 **MOTOR VEHICLES WITHIN THE STATE.**

8 (B) **ON OR BEFORE DECEMBER 31, 2007, A VEHICLE MANUFACTURER**
9 **SHALL DEVELOP A MERCURY MINIMIZATION PLAN AND SUBMIT IT TO THE**
10 **DEPARTMENT FOR REVIEW AND APPROVAL.**

11 (C) **THE PLAN SHALL CONTAIN:**

12 (1) **INFORMATION IDENTIFYING THE MAKE, MODEL, AND YEAR OF**
13 **VEHICLES THAT MAY CONTAIN A MERCURY SWITCH, INCLUDING:**

14 (I) **LOCATION OF THE SWITCH;**

15 (II) **LOCATION OF A MERCURY SWITCH ASSEMBLY; AND**

16 (III) **INFORMATION REGARDING THE SAFE AND**
17 **ENVIRONMENTALLY SOUND METHOD FOR REMOVING THE SWITCH FROM**
18 **END-OF-LIFE VEHICLES;**

19 (2) **EDUCATIONAL MATERIAL TO ASSIST A VEHICLE RECYCLER OR**
20 **A SCRAP RECYCLING FACILITY TO UNDERTAKE A SAFE METHOD FOR REMOVAL**
21 **OF MERCURY SWITCHES AND ASSEMBLIES, INCLUDING INFORMATION ON THE**
22 **HAZARDS AND PROPER HANDLING OF MERCURY;**

23 (3) **A PROPOSAL FOR THE METHOD OF STORAGE OR DISPOSAL OF**
24 **MERCURY SWITCHES AND ASSEMBLIES, INCLUDING THE METHOD OF**
25 **PACKAGING AND SHIPPING;**

26 (4) **A PROPOSAL FOR THE STORAGE OF MERCURY SWITCHES AND**
27 **MERCURY SWITCH ASSEMBLIES COLLECTED AND RECOVERED IN THE EVENT**
28 **THAT APPROPRIATE MANAGEMENT TECHNOLOGIES ARE NOT AVAILABLE;**

1 **(5) A PLAN FOR IMPLEMENTING AND FINANCING THE SYSTEM, IN**
2 **ACCORDANCE WITH ITEM (6) OF THIS SUBSECTION; AND**

3 **(6) INFORMATION THAT ESTABLISHES THE FINANCING OF THE**
4 **REMOVAL, COLLECTION, AND RECOVERY SYSTEM FOR MERCURY SWITCHES,**
5 **INCLUDING:**

6 **(I) PAYMENT BY A VEHICLE MANUFACTURER FOR THE**
7 **COSTS ASSOCIATED WITH THE REMOVAL, COLLECTION, AND RECOVERY FOR**
8 **MERCURY SWITCHES;**

9 **(II) ESTABLISHMENT BY A VEHICLE MANUFACTURER OF A**
10 **METHOD TO ENSURE THE PROMPT PAYMENT TO A VEHICLE RECYCLER, A SCRAP**
11 **RECYCLING FACILITY, AND THE DEPARTMENT;**

12 **(III) PAYMENT BY A MANUFACTURER OF THE FOLLOWING**
13 **COSTS:**

14 **1. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH**
15 **OR MERCURY SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER IN**
16 **ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS PARTIAL COMPENSATION**
17 **FOR THE LABOR AND OTHER COSTS INCURRED BY A VEHICLE RECYCLER IN THE**
18 **REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY;**

19 **2. A MINIMUM OF \$3 FOR EACH MERCURY SWITCH**
20 **OR MERCURY SWITCH ASSEMBLY REMOVED BY A SCRAP RECYCLING FACILITY IN**
21 **ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS PARTIAL COMPENSATION**
22 **FOR THE LABOR AND OTHER COSTS INCURRED BY A SCRAP RECYCLING**
23 **FACILITY IN THE REMOVAL OF THE MERCURY SWITCH OR MERCURY SWITCH**
24 **ASSEMBLY; AND**

25 **3. \$1 FOR EACH MERCURY SWITCH OR MERCURY**
26 **SWITCH ASSEMBLY REMOVED BY A VEHICLE RECYCLER OR BY A SCRAP**
27 **RECYCLING FACILITY IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE AS**
28 **PARTIAL COMPENSATION FOR THE DEPARTMENT FOR COSTS INCURRED IN**
29 **ADMINISTERING AND ENFORCING THE PROVISIONS OF THIS SUBTITLE;**

1 (IV) PACKAGING FOR TRANSPORTING MERCURY SWITCHES
2 AND MERCURY SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL
3 FACILITIES;

4 (V) SHIPPING OF MERCURY SWITCHES AND MERCURY
5 SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

6 (VI) RECYCLING, STORAGE, OR DISPOSAL OF THE MERCURY
7 SWITCH ASSEMBLIES TO RECYCLING, STORAGE, OR DISPOSAL FACILITIES;

8 (VII) PREPARATION AND DISTRIBUTION TO VEHICLE
9 RECYCLERS AND SCRAP RECYCLING FACILITIES OF THE EDUCATIONAL
10 MATERIALS REQUIRED IN ACCORDANCE WITH PARAGRAPH (2) OF THIS
11 SUBSECTION; AND

12 (VIII) MAINTENANCE OF ALL APPROPRIATE
13 RECORD-KEEPING SYSTEMS.

14 (D) (1) WITHIN 60 DAYS AFTER RECEIVING A MERCURY
15 MINIMIZATION PLAN, THE DEPARTMENT SHALL APPROVE, DISAPPROVE, OR
16 CONDITIONALLY APPROVE THE ENTIRE MERCURY MINIMIZATION PLAN.

17 (2) THE DEPARTMENT MAY RECEIVE INPUT FROM A
18 REPRESENTATIVE OF A VEHICLE RECYCLER, SCRAP RECYCLING FACILITY, OR
19 ANY OTHER STAKEHOLDER AS THE DEPARTMENT DETERMINES NECESSARY.

20 (3) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS APPROVED,
21 THE VEHICLE MANUFACTURER SHALL BEGIN IMPLEMENTATION WITHIN 120
22 DAYS AFTER APPROVAL, OR AS OTHERWISE DETERMINED BY THE DEPARTMENT.

23 (4) (I) IF THE ENTIRE MERCURY MINIMIZATION PLAN IS
24 DISAPPROVED, THE DEPARTMENT SHALL INFORM THE VEHICLE
25 MANUFACTURER OF THE REASONS FOR THE DISAPPROVAL.

26 (II) THE MANUFACTURER HAS 30 DAYS AFTER RECEIVING
27 NOTICE OF THE DISAPPROVED PLAN TO SUBMIT A NEW MERCURY MINIMIZATION
28 PLAN.

1 **(5) (I) THE DEPARTMENT MAY APPROVE THOSE PARTS OF A**
2 **MERCURY MINIMIZATION PLAN THAT MEET THE REQUIREMENTS OF**
3 **SUBSECTION (C) OF THIS SECTION AND DISAPPROVE ANY PARTS THAT DO NOT**
4 **COMPLY WITH THE REQUIREMENTS.**

5 **(II) A MANUFACTURER SHALL:**

6 **1. IMPLEMENT THE APPROVED PARTS OF A PLAN**
7 **WITHIN 30 DAYS AFTER APPROVAL OR AS OTHERWISE DETERMINED BY THE**
8 **DEPARTMENT; AND**

9 **2. SUBMIT A REVISED MERCURY MINIMIZATION**
10 **PLAN FOR THE DISAPPROVED PARTS WITHIN 30 DAYS AFTER RECEIVING**
11 **NOTIFICATION OF THE DISAPPROVAL FROM THE DEPARTMENT.**

12 **(III) THE DEPARTMENT SHALL REVIEW AND APPROVE,**
13 **CONDITIONALLY APPROVE, OR DISAPPROVE A REVISED MERCURY**
14 **MINIMIZATION PLAN WITHIN 30 DAYS AFTER RECEIVING THE PLAN.**

15 **(6) (I) ON OR AFTER 120 DAYS FROM THE DATE THE**
16 **DEPARTMENT RECEIVES A MERCURY MINIMIZATION PLAN, IF THE**
17 **DEPARTMENT HAS NEITHER APPROVED NOR DISAPPROVED THE MERCURY**
18 **MINIMIZATION PLAN IN ACCORDANCE WITH THIS SUBSECTION, THE MERCURY**
19 **MINIMIZATION PLAN SHALL BE CONSIDERED CONDITIONALLY APPROVED.**

20 **(II) A VEHICLE MANUFACTURER SHALL IMPLEMENT A**
21 **CONDITIONALLY EFFECTIVE MERCURY MINIMIZATION PLAN WITHIN 30 DAYS**
22 **AFTER RECEIVING APPROVAL OR AS OTHERWISE DETERMINED BY THE**
23 **DEPARTMENT.**

24 **(E) THE DEPARTMENT MAY COMPLETE, ON BEHALF OF A VEHICLE**
25 **MANUFACTURER, ANY PORTION OF A MERCURY MINIMIZATION PLAN THAT HAS**
26 **NOT BEEN APPROVED BY MAY 31, 2008.**

27 **(F) THE DEPARTMENT MAY REVIEW A MERCURY MINIMIZATION PLAN**
28 **APPROVED IN ACCORDANCE WITH THIS SECTION AND RECOMMEND**
29 **MODIFICATIONS IT CONSIDERS NECESSARY AT ANY TIME IF THE DEPARTMENT**
30 **DETERMINES THAT THE APPROVED MERCURY MINIMIZATION PLAN IS**
31 **DEFICIENT.**

1 **(G) THE DEPARTMENT MAY ADOPT REGULATIONS TO ADMINISTER THE**
2 **PROVISIONS OF THIS SECTION.**

3 **6-905.5.**

4 **(A) THIS SECTION APPLIES TO ANY PERSON THAT HAS ANY PART OF**
5 **THE IMPLEMENTATION OF A MERCURY MINIMIZATION PLAN IN ACCORDANCE**
6 **WITH § 6-905.4 OF THIS SUBTITLE.**

7 **(B) (1) UNLESS A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY**
8 **IS INACCESSIBLE DUE TO SIGNIFICANT DAMAGE TO THE VEHICLE IN THE AREA**
9 **SURROUNDING THE LOCATION OF THE MERCURY SWITCH, WITHIN 120 DAYS**
10 **AFTER THE APPROVAL OR CONDITIONAL APPROVAL OF A MERCURY**
11 **MINIMIZATION PLAN, A VEHICLE RECYCLER THAT SELLS, GIVES, OR OTHERWISE**
12 **CONVEYS OWNERSHIP OF AN END-OF-LIFE VEHICLE TO A SCRAP RECYCLING**
13 **FACILITY FOR RECYCLING SHALL REMOVE ALL MERCURY SWITCHES OR**
14 **MERCURY SWITCH ASSEMBLIES IDENTIFIED IN THE APPROVED MERCURY**
15 **MINIMIZATION PLAN FROM THE END-OF-LIFE VEHICLE BEFORE DELIVERY TO A**
16 **SCRAP RECYCLING FACILITY.**

17 **(2) THE CAPTURE RATE GOAL FOR A MERCURY SWITCH OR**
18 **MERCURY SWITCH ASSEMBLY SHALL BE AT LEAST 90%.**

19 **(3) IF THE MOTOR VEHICLE IS DAMAGED, THE DAMAGE SHALL BE**
20 **NOTED ON THE NORMAL BUSINESS RECORDS OF THE VEHICLE RECYCLER THAT**
21 **DELIVERED THE END-OF-LIFE VEHICLE TO THE SCRAP RECYCLING FACILITY.**

22 **(4) IF THE MERCURY SWITCH ASSEMBLY IS CORRODED,**
23 **DAMAGED, OR MOLDED IN A WAY AS TO MAKE REMOVAL OF THE MERCURY**
24 **PELLET FROM THE MERCURY SWITCH ASSEMBLY IMPRACTICAL OR POSE A**
25 **DANGER OF DAMAGE TO THE PELLET, THE ENTIRE MERCURY SWITCH ASSEMBLY**
26 **SHALL BE REMOVED.**

27 **(C) (1) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, A**
28 **SCRAP RECYCLING FACILITY MAY AGREE TO ACCEPT AN END-OF-LIFE VEHICLE**
29 **CONTAINING MERCURY SWITCHES THAT HAS NOT BEEN INTENTIONALLY**
30 **FLATTENED, CRUSHED, OR BALED.**

1 (2) A SCRAP RECYCLING FACILITY SHALL BE RESPONSIBLE FOR
2 REMOVING THE MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES
3 IDENTIFIED IN THE MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE
4 WITH § 6-905.4 OF THIS SUBTITLE BEFORE THE END-OF-LIFE VEHICLE IS
5 INTENTIONALLY FLATTENED, CRUSHED, BALED, OR SHREDDED.

6 (D) (1) A VEHICLE RECYCLER OR SCRAP RECYCLING FACILITY THAT
7 REMOVES A MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY IN
8 ACCORDANCE WITH THIS SECTION SHALL MAINTAIN RECORDS DOCUMENTING
9 THE NUMBER OF MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES
10 COLLECTED, THE NUMBER OF END-OF-LIFE VEHICLES CONTAINING MERCURY
11 SWITCHES, AND THE NUMBER OF END-OF-LIFE VEHICLES PROCESSED FOR
12 RECYCLING.

13 (2) THE RECORDS REQUIRED BY PARAGRAPH (1) OF THIS
14 SUBSECTION SHALL BE MADE AVAILABLE FOR REVIEW BY THE DEPARTMENT ON
15 THE REQUEST OF THE DEPARTMENT.

16 (E) A PERSON MAY NOT FALSELY REPRESENT THAT MERCURY
17 SWITCHES OR MERCURY SWITCH ASSEMBLIES HAVE BEEN REMOVED FROM AN
18 END-OF-LIFE VEHICLE BEING SOLD, GIVEN, OR OTHERWISE CONVEYED FOR
19 RECYCLING IF THAT PERSON HAS NOT REMOVED THE MERCURY SWITCHES OR
20 MERCURY SWITCH ASSEMBLIES, OR ARRANGED WITH ANOTHER PERSON TO
21 REMOVE THE MERCURY SWITCHES OR MERCURY SWITCH ASSEMBLIES.

22 (F) ON REMOVAL, MERCURY SWITCHES AND MERCURY SWITCH
23 ASSEMBLIES SHALL BE COLLECTED, STORED, TRANSPORTED, AND OTHERWISE
24 HANDLED AS REQUIRED BY THE MERCURY MINIMIZATION PLAN APPROVED IN
25 ACCORDANCE WITH § 6-905.4 OF THIS SUBTITLE AND WITH ANY PROVISIONS OR
26 REGULATIONS CONCERNING WASTE IN ACCORDANCE WITH TITLE 9 OF THIS
27 ARTICLE.

28 (G) (1) ON OR AFTER 1 YEAR OF THE IMPLEMENTATION OF A
29 MERCURY MINIMIZATION PLAN APPROVED IN ACCORDANCE WITH § 6-905.4 OF
30 THIS SUBTITLE, A MANUFACTURER SHALL REPORT TO THE DEPARTMENT
31 CONCERNING THE IMPLEMENTATION OF THE MERCURY MINIMIZATION PLAN.

32 (2) THE REPORT SHALL INCLUDE:

1 (I) A DETAILED DESCRIPTION AND DOCUMENTATION OF
2 THE CAPTURE RATE ACHIEVED, IN ACCORDANCE WITH SUBSECTION (B) OF THIS
3 SECTION;

4 (II) A DESCRIPTION OF ADDITIONAL OR ALTERNATIVE
5 ACTIONS THAT MAY BE IMPLEMENTED TO IMPROVE THE MERCURY
6 MINIMIZATION PLAN AND ITS IMPLEMENTATION IN THE EVENT THAT A
7 MERCURY SWITCH OR MERCURY SWITCH ASSEMBLY CAPTURE RATE OF AT
8 LEAST 90% IS NOT ACHIEVED;

9 (III) THE NUMBERS OF MERCURY SWITCHES AND MERCURY
10 SWITCH ASSEMBLIES COLLECTED, END-OF-LIFE VEHICLES CONTAINING
11 MERCURY SWITCHES, AND END-OF-LIFE VEHICLES PROCESSED FOR
12 RECYCLING;

13 (IV) A DESCRIPTION OF HOW THE MERCURY SWITCHES AND
14 MERCURY SWITCH ASSEMBLIES WERE MANAGED; AND

15 (V) A DESCRIPTION OF THE AMOUNTS PAID TO COVER THE
16 COSTS OF IMPLEMENTING THE MERCURY MINIMIZATION PLAN.

17 (H) THE DEPARTMENT MAY DISCONTINUE THE REQUIREMENT FOR THE
18 ANNUAL REPORT IF IT DETERMINES THAT MERCURY SWITCHES IN END-OF-LIFE
19 VEHICLES NO LONGER POSE A SIGNIFICANT THREAT TO THE ENVIRONMENT OR
20 TO PUBLIC HEALTH.

21 (I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ADMINISTER
22 THE PROVISIONS OF THIS SECTION.

23 **6-905.6.**

24 (A) IF A PERSON VIOLATES ANY PROVISION OR ANY REGULATION
25 ADOPTED IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE, THE
26 DEPARTMENT:

27 (1) MAY ISSUE AN ORDER THAT:

28 (I) SPECIFIES THE PROVISION THAT ALLEGEDLY HAS BEEN
29 VIOLATED;

1 (II) STATES THE ACTIONS NECESSARY TO CORRECT THE
2 VIOLATION AND THE TIME ALLOWED FOR CORRECTION; AND

3 (III) STATES THE PROCEDURE FOR REQUESTING A HEARING
4 TO RESPOND TO THE VIOLATION ALLEGED IN THE ORDER, IN ACCORDANCE
5 WITH SUBSECTION (B) OF THIS SECTION;

6 (2) MAY IMPOSE AN ADMINISTRATIVE PENALTY NOT TO EXCEED:

7 (I) \$7,500 FOR A FIRST OFFENSE;

8 (II) \$10,000 FOR A SECOND OFFENSE; AND

9 (III) \$25,000 FOR A THIRD AND EVERY SUBSEQUENT
10 OFFENSE;

11 (3) MAY NOT LEVY AN ASSESSMENT IN ACCORDANCE WITH THIS
12 SECTION UNTIL AFTER THE VIOLATOR HAS BEEN NOTIFIED OF THE VIOLATION
13 BY CERTIFIED MAIL OR PERSONAL SERVICE;

14 (4) MAY BRING AN ACTION FOR AN INJUNCTION AGAINST ANY
15 PERSON THAT VIOLATES ANY PROVISION OR A REGULATION OR ORDER ISSUED
16 BY THE DEPARTMENT IN ACCORDANCE WITH § 6-905.5 OF THIS SUBTITLE; AND

17 (5) MAY PETITION THE ATTORNEY GENERAL TO BRING A
18 CRIMINAL ACTION IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION.

19 (B) (1) THE DEPARTMENT SHALL PROVIDE NOTICE OF A VIOLATION
20 BY CERTIFIED MAIL OR PERSONAL SERVICE.

21 (2) A PERSON THAT RECEIVES NOTICE SHALL HAVE 20 DAYS
22 AFTER RECEIVING THE NOTICE TO REQUEST A HEARING.

23 (3) AFTER THE HEARING, IF THE DEPARTMENT FINDS THAT A
24 VIOLATION HAS OCCURRED, THE ORDER SHALL BECOME A FINAL ORDER.

25 (4) AFTER THE 20-DAY REQUEST PERIOD, IF NO HEARING IS
26 REQUESTED, THE ORDER SHALL BECOME A FINAL ORDER.

1 **(C) IF THE DEPARTMENT PURSUES ANY OF THE REMEDIES SPECIFIED**
2 **UNDER THIS SECTION, THE DEPARTMENT IS NOT PRECLUDED FROM SEEKING**
3 **ANY OTHER REMEDY AFFORDED IT UNDER THIS SECTION.**

4 **(D) ANY PENALTY IMPOSED UNDER THIS SECTION MAY BE COLLECTED,**
5 **WITH COSTS, IN A SUMMARY PROCEEDING IN ACCORDANCE WITH THE**
6 **PROCEDURES OF THE COURT.**

7 **(E) IN ANY ACTION FOR AN INJUNCTION, THE COURT MAY GRANT**
8 **TEMPORARY OR INTERLOCUTORY RELIEF, INCLUDING:**

9 **(1) A TEMPORARY OR PERMANENT INJUNCTION; OR**

10 **(2) AN ASSESSMENT OF THE VIOLATOR FOR THE REASONABLE**
11 **COSTS OF:**

12 **(I) ANY INSPECTION THAT LED TO THE ESTABLISHMENT OF**
13 **THE VIOLATION; AND**

14 **(II) PREPARING AND LITIGATING THE ACTION BROUGHT**
15 **UNDER SUBSECTION (A)(4) OF THIS SECTION.**

16 **(F) (1) A PERSON WHO WILLFULLY OR NEGLIGENTLY VIOLATES THE**
17 **PROVISIONS OF § 6-905.5 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND**
18 **ON CONVICTION OF A FIRST OFFENSE IS SUBJECT TO A FINE OF AT LEAST \$2,500**
19 **BUT NOT EXCEEDING \$25,000.**

20 **(2) A SECOND OFFENSE UNDER THIS SUBSECTION SHALL**
21 **SUBJECT THE VIOLATOR TO A FINE OF AT LEAST \$5,000, BUT NOT EXCEEDING**
22 **\$50,000.**

23 **(3) A PERSON THAT KNOWINGLY MAKES A FALSE STATEMENT,**
24 **REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD, OR**
25 **OTHER DOCUMENT FILED OR REQUIRED TO BE MAINTAINED UNDER THIS**
26 **SUBTITLE OR THAT FALSIFIES, TAMPERS WITH, OR KNOWINGLY RENDERS**
27 **INACCURATE ANY MONITORING DEVICE OR METHOD REQUIRED TO BE**
28 **MAINTAINED IN ACCORDANCE WITH THIS SUBTITLE IS GUILTY OF A**

1 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
2 **\$10,000.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.