

# HOUSE BILL 18

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HB 763/09 – ENV

(PRE-FILED)

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By: **Delegate Hubbard**

Requested: September 24, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

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## 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 2009 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.**

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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, 2013, FOR ALL USED VEHICLES  
10 REGISTERED IN THE STATE; AND

11 (II) JANUARY 1, 2014, FOR ALL NEW VEHICLES REGISTERED  
12 IN THE STATE.

13 (2) AFTER JANUARY 1, 2012, 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) THE DEPARTMENT, IN CONSULTATION WITH OTHER  
18 APPROPRIATE UNITS OF STATE GOVERNMENT, SHALL:

19 (I) ON OR BEFORE JANUARY 1, 2011, ADOPT REGULATIONS  
20 THAT AT A MINIMUM ESTABLISH A LIST OF APPROVED ENVIRONMENTALLY SAFE  
21 LEAD-FREE WHEEL WEIGHTS THAT ARE AVAILABLE FOR PURCHASE;

22 (II) ON OR AFTER JULY 1, 2011, 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.

1           **(C) LEAD WHEEL WEIGHTS REMOVED AND COLLECTED SHALL BE**  
2 **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**  
10 **SUBJECT TO A CIVIL FINE NOT EXCEEDING \$1,000 FOR EACH SUBSEQUENT**  
11 **OFFENSE AFTER THE WARNING PERIOD.**

12           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2010.