

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ENVIRONMENTAL CRIMES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. There is established within the office of the
3 attorney general, an environmental crimes unit. The
4 environmental crimes unit shall be a cooperative effort between
5 the office of the attorney general and the department of health
6 to investigate and prosecute environmental crimes that pose
7 substantial risks to the environment and public health.

8 The environmental crimes unit shall investigate and
9 prosecute violations of laws relating to air and water quality,
10 solid and hazardous waste, underground storage tanks,
11 pesticides, and restricted or regulated chemicals; and related
12 regulatory requirements.

13 SECTION 2. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2023-2024 and
16 the same sum or so much thereof as may be necessary for fiscal
17 year 2024-2025 for the establishment and operation of the



1 environmental crimes unit established pursuant to section 1 of
2 this Act.

3 The sums appropriated shall be expended by the department
4 of health for the purposes of this Act.

5 PART II

6 SECTION 3. Section 342I-2, Hawaii Revised Statutes, is
7 amended by adding two new definitions to be appropriately
8 inserted and to read as follows:

9 "Department" means the department of health.

10 "Director" means the director of health."

11 SECTION 4. Section 342I-22, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§342I-22[+] Motor vehicle tires; disposal in landfill
14 or municipal solid waste incinerator prohibited[-]; criminal
15 penalties. (a) No person shall place a whole motor vehicle

16 tire in mixed municipal solid waste, or shall discard or
17 otherwise dispose of a motor vehicle tire except by delivery to
18 any motor vehicle tire retailer, tire wholesaler, or to an
19 authorized tire collection or authorized tire recycler.

20 (b) No motor vehicle tire retailer shall dispose of a
21 motor vehicle tire except by delivery to the agent of a motor



1 vehicle tire wholesaler or to a motor vehicle tire manufacturer,
2 or to an authorized motor vehicle tire recycler.

3 (c) Each tire improperly disposed of shall constitute a
4 separate offense.

5 (d) ~~[For each violation of this section a violator shall~~
6 ~~be subject to the penalties and remedies provided under sections~~
7 ~~342H 9 Penalties; 342H 10 Administrative penalties; and 342H 11~~
8 ~~Injunctive relief.]~~ Notwithstanding any other law to the
9 contrary, and except where a variance is granted by the director
10 pursuant to subsection (e), any person who intentionally,
11 knowingly, or recklessly violates this section or any rules
12 adopted pursuant to this section shall be guilty of a petty
13 misdemeanor, and upon conviction, shall be subject to one or any
14 combination of the following:

15 (1) A fine of not more than \$25,000 for each separate
16 offense;

17 (2) Imprisonment of not more than thirty days for each
18 offense; or

19 (3) Revocation or suspension by court order of any permits
20 issued by the department pursuant to chapter 342H.



1 Each day of violation shall constitute a separate offense. Each
2 fine collected for a violation of this section shall be
3 distributed to the authorized agency that enforced the
4 prohibition under which the fine was imposed.

5 (e) Variances to these provisions may be granted by the
6 director based on written requests submitted by a permitted
7 disposal facility."

8 PART III

9 SECTION 5. Chapter 342I, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 **"§342I-A Motor vehicle tire surcharge; establishment. (a)**
13 There is established a motor vehicle tire surcharge on every
14 replacement tire installed on a motor vehicle in the State after
15 September 30, 2023. The motor vehicle tire surcharge shall be
16 \$1 per tire. The surcharge shall be paid by the tire retailer
17 or tire wholesaler who installs a replacement tire pursuant to
18 section 342H-28.

19 (b) Revenues generated from the motor vehicle tire
20 surcharge shall be deposited into a special account in the



1 environmental management special fund and used by the department
2 pursuant to section 342I-29.

3 (c) As used in this section, "replacement tire" means any
4 tire installed on a motor vehicle as a replacement for a worn or
5 used tire."

6 SECTION 6. Section 342I-28, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§342I-28 Tire inventory records [and]; payment[-] of
9 motor vehicle tire surcharge. (a) Payment of the motor vehicle
10 tire surcharge established in section 342I-A shall be made
11 quarterly based on inventory records of the [~~importers except~~
12 ~~for those importers subject to subsection (c) or (d).~~] tire
13 retailer or tire wholesaler. The dates September 30,
14 December 31, March 31, and June 30 represent the end of each
15 quarter period. All [~~importers~~] tire retailers or tire
16 wholesalers shall submit to the department documentation in
17 sufficient detail that identifies the number of tires [~~imported~~
18 ~~into~~] replaced in the State during the previous quarter.

19 (b) The amount due from the [~~importers~~] tire retailers or
20 tire wholesalers for the quarter shall be equal to the number of
21 tires [~~provided~~] replaced in subsection (a) multiplied by the



1 motor vehicle tire surcharge of \$1. Payment shall be made by
 2 check or money order payable to the Department of Health, State
 3 of Hawaii and shall be deposited into the environmental
 4 management special fund as provided in section 342I-29. All
 5 subsequent inventory reports and payments shall be made no later
 6 than the last day of the month following the end of the previous
 7 calendar quarter[, ~~except for those importers subject to~~
 8 ~~subsection (c) or (d).~~

9 ~~(c) An importer who imports fewer than fifty tires within~~
 10 ~~a one year period shall be exempt from payment of the surcharge.~~

11 ~~(d) An importer who imports fifty or more tires, but fewer~~
 12 ~~than or equal to two hundred tires, or a motor vehicle rental~~
 13 ~~company shall be permitted to provide a report and payment of~~
 14 ~~the surcharge annually, with year ending December 31]."~~

15 SECTION 7. Section 342I-29, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "~~{}~~§342I-29~~}~~ **Deposit into environmental management**
 18 **special fund.** The surcharge collected pursuant to this part
 19 shall be deposited into a special account in the environmental
 20 management special fund established by section 342G-63. All
 21 interest earned or accrued on moneys deposited in the fund



1 pursuant to this section shall become part of the account.
2 Moneys from this special account may be used by the department
3 to:

4 (1) Support permitting, monitoring, and enforcement
5 activities, including personnel costs regarding used
6 tire management, collection, recycling, and disposal
7 facilities;

8 (2) Promote improved market development and reuse
9 opportunities for recovered motor vehicle tires;

10 (3) Promote tire recovery, recycling, and reuse in the
11 State through education, research, and demonstration
12 projects;

13 (4) Implement the surcharge program under this part;

14 (5) Support programs to prevent illegal dumping; ~~and~~

15 (6) Clean up improper tire disposal sites including
16 conducting related environmental assessments and
17 remediation[-]; and

18 (7) Fund the environmental crimes unit."

19 PART IV

20 SECTION 8. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
2 applications of the Act that can be given effect without the
3 invalid provision or application, and to this end the provisions
4 of this Act are severable.

5 SECTION 9. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect on July 1, 2023.

8

INTRODUCED BY: _____



S.B. NO. 1039

Report Title:

Environmental Crimes Unit; Motor Vehicle Tire Disposal; Petty Misdemeanor; Motor Vehicle Tire Surcharge; Environmental Management Special Fund; Department of Health; Office of the Attorney General

Description:

Establishes the Environmental Crimes Unit within the Office of the Attorney General. Makes the disposal of motor vehicle tires in violation of State law governing recovery of used motor vehicle tire recovery a petty misdemeanor crime. Establishes a \$1 motor vehicle tire surcharge to be imposed on every replacement tire installed on a motor vehicle in the State after September 30, 2023. Requires tire retailers and tire wholesalers who install replacement tires to pay the surcharge to the Department of Health, and the Department of Health to deposit the revenues into the Environmental Management Special Fund. Allows the Department of Health to use the Environmental Management Special Fund to fund the Environmental Crimes Unit. Appropriates Funds.

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