



# State of Tennessee

## PUBLIC CHAPTER NO. 614

HOUSE BILL NO. 1689

By Representatives Lamberth, Cochran, Grills, Hardaway, Marsh, Vital, Travis, Shaw,  
Richey

Substituted for: Senate Bill No. 2089

By Senators Johnson, Southerland, Campbell, Powers, Bowling, Lowe

AN ACT to amend Tennessee Code Annotated, Section 67-4-1610 and Title 68, Chapter 211, relative to tires.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 67-4-1610(b)(1), is amended by deleting the subdivision and substituting:

(1) Notwithstanding chapter 994 of the Public Acts of 2000, or another law to the contrary, the commissioner of revenue shall send one dollar (\$1.00) per tire sold in a county to that county to be used for beneficial end use in accordance with § 68-211-867, disposal of waste tires in accordance with § 68-211-867(d), or removal of illegally disposed waste tires from public or private property. Money received by a county in accordance with this subdivision (b)(1) must not be used for another purpose. The county shall include in its annual progress report to the department of environment and conservation, pursuant to § 68-211-814(a), data on how many waste tires the county manages, information on the final disposition of the waste tires, and documentation of how all funds received under this subdivision (b)(1) have been expended.

SECTION 2. Tennessee Code Annotated, Section 68-211-831, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) The department may provide funds to a local government for the purposes of this section. The underground storage tanks and solid waste disposal control board may promulgate rules to effectuate the purposes of this section.

(2) In determining whether to provide funds to a local government, the department may consider the local government's demonstrated need and the local government's use of funds received pursuant to title 67, chapter 4, part 16.

(3) A county requesting funds under this subsection (b) must be in compliance with the reporting requirements under § 67-4-1610(b)(1), as determined by the commissioner.

(4) In addition to the uses set forth in subsection (a), a local government may use the funds provided under this section to issue grants to a private party, other than a person responsible for the illegal disposal of waste tires, for the purpose of investigation and clean-up of privately owned, unpermitted, waste tire disposal sites.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 211, is amended by adding the following as a new part:

### **68-211-1101. Definitions.**

As used in this part, unless the context otherwise requires:

- (1) "Beneficial end use" has the same meaning as in § 68-211-867;
- (2) "Board" means the underground storage tanks and solid waste disposal control board;
- (3) "Commissioner" means the commissioner of environment and conservation, or the commissioner's designee;
- (4) "Department" means the department of environment and conservation;
- (5) "Manifest" means the form used for identifying the quantity, origin, routing, and destination of waste tires during transportation from the point of generation to the point of disposal, treatment, or storage;
- (6) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle;
- (7) "Waste tires" means tires that have been previously used in the regular operation of a motor vehicle and have not been processed for beneficial end use or shredded for disposal; and
- (8) "Waste tire hauler" means a person engaged in the commercial transporting of waste tires for the purpose of storage, processing, or disposal.

**68-211-1102. Registration as a waste tire hauler.**

(a)

(1) A person shall not commercially transport waste tires in this state unless the person has registered with the department as a waste tire hauler in accordance with this section and displays an active decal or placard obtained from the department on a vehicle used to transport waste tires.

(2) It is a Class B misdemeanor to transport waste tires in violation of this section. Each day of transport in violation of this section constitutes a separate offense.

(b) The department shall administer a waste tire hauler registration program in accordance with rules promulgated by the board. In administering the program, the commissioner may issue, deny, suspend, or revoke waste tire hauler registrations. Registration under this section is deemed to be a license as defined in § 4-5-102. Suspension or revocation of a registration must be conducted in accordance with § 4-5-320.

(c) A person whose registration has been denied, suspended, or revoked may appeal that decision within thirty (30) days after the decision is issued by filing a written petition with the commissioner setting forth the grounds and reasons for objection to the decision and requesting a hearing before the board. A contested case hearing for a petition filed under this subsection must be conducted in accordance with § 68-211-113(b).

(d) A waste tire hauler must register annually. The annual registration fee is one hundred dollars (\$100), and must be allocated to the solid waste management fund established in § 68-211-821. The application for registration must identify the approximate number of tires to be hauled. An application for renewal must identify the approximate number of tires hauled in the previous year.

(e) As a condition of registration, there must be posted with the commissioner a performance bond or other financial assurance acceptable to the commissioner. The amount of the performance bond or other financial assurance must be established by the commissioner based on the approximate number of tires hauled.

**68-211-1103. Manifest.**

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(a) A person who commercially generates, transports, processes, stores, or disposes of waste tires shall use a manifest for the waste tires that contains the following information:

- (1) Names and addresses of transporters;
- (2) Names and addresses of facilities at which waste tires are generated;
- (3) A description of the waste tires;
- (4) Names and addresses of the destinations of the waste tires; and
- (5) Other information as required by rule.

(b) A person required to use a manifest under subsection (a) shall:

- (1) Have the manifest during transport of waste tires for commercial purposes within the state;
- (2) Maintain the manifest for a period of three (3) years from the date the manifest is created; and
- (3) Provide copies of the manifest to the department upon request.

**68-211-1104. Civil enforcement.**

(a) The commissioner may inspect facilities at which waste tires are generated, transported, processed, stored, or disposed and obtain related records.

(b) If the commissioner finds that a provision of this part is not being carried out, and that effective measures are not being taken to comply with this part, then the commissioner may issue an order for correction to the responsible person. The order must be served by personal service or by registered mail.

(c) A person against whom an order of correction is issued may seek review of the order by filing with the commissioner a written petition setting forth the grounds and reasons for objection to the order and requesting a hearing before the board. The order issued by the commissioner becomes final and not subject to review unless the person named in the order files the written petition seeking review within thirty (30) days of the date of receipt of the order.

(d) A contested case hearing for a petition filed in accordance with subsection (c) must be conducted in accordance with § 68-211-113(b).

(e) A person who violates a provision of this part or a rule, regulation, or standard adopted pursuant to this part is subject to a civil penalty of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day for each day of violation.

(f) In addition to the civil penalty assessed in subsection (e), the commissioner may assess damages resulting from a person's violation of this part. Damages may include reasonable expenses incurred in investigating and enforcing violations of this part, and in restoring the air, water, land, and other property to its former condition.

(g) In addition to issuing an order and assessing penalties or damages under this section, the commissioner may institute legal proceedings to enjoin the violation of this part or a rule, regulation, or standard adopted pursuant to this part, and to enforce final orders in a court of competent jurisdiction. In such a suit, the court may grant a temporary or permanent injunction or restraining order. The proceedings must not be tried by jury.

**68-211-1105. Rules and regulations.**

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The board shall promulgate rules to implement this part. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

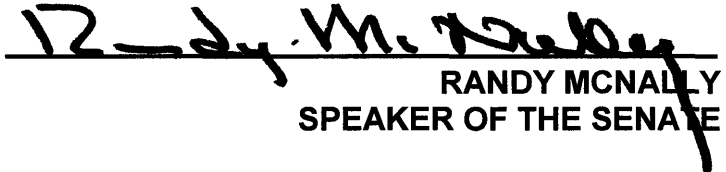
SECTION 4. SECTION 1 takes effect upon becoming a law, the public welfare requiring it. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect on July 1, 2025, the public welfare requiring it.

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PASSED: March 11, 2024



CAMERON SEXTON, SPEAKER  
HOUSE OF REPRESENTATIVES



RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 27<sup>th</sup> day of March 2024



BILL LEE, GOVERNOR