

1 S.273

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; solid waste; extended producer
6 responsibility; motor vehicle tires

7 Statement of purpose of bill as introduced: This bill proposes to establish an
8 extended producer responsibility program for waste motor vehicle tires.

9 An act relating to the collection and recycling of waste motor vehicle tires

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. chapter 169 is added to read:

12 CHAPTER 169. COLLECTION AND RECYCLING

13 OF WASTE MOTOR VEHICLE TIRES

14 Subchapter 1. Definitions

15 § 7601. DEFINITIONS

16 As used in this chapter:

17 (1) “Agency” means the Agency of Natural Resources.

18 (2) “Brand” means a name, symbol, word, or traceable mark

19 that identifies a motor vehicle tire and attributes the motor vehicle tire to the

20 owner or licensee of the brand as the manufacturer.

1 (3) “Collection rate” means a percentage of the number of waste tires
2 that each manufacturer or waste tire stewardship organization collects by an
3 established date. The collection rate is calculated by dividing the total number
4 of the waste tires that are collected during a calendar year by the average
5 number of motor vehicle tires that were estimated to have been sold in the
6 State by participating manufacturers during the previous three calendar years.
7 Estimates of motor vehicle tires sold in the State may be based on a reasonable
8 pro rata calculation based on national sales.

9 (4) “Covered entity” means any person who presents or delivers any
10 number of waste tires to a collection facility that is included in an approved
11 waste tire stewardship plan.

12 (5) “Legacy waste tire pile” means an accumulation of 50 or more waste
13 tires, whether or not they are lying upon another, that:

14 (A) is located on a parcel of real property, other than a parcel used by
15 a person engaged in farming, as that term is defined in section 6001 of this
16 title, when the person engaged in farming has sliced the tires to prevent the
17 holding of water and the sliced tires are currently in use annually for the
18 practice of holding down silage bunkers; and

19 (B) is not enclosed by a building.

20 (6) “Manufacturer” means a person who:

1 (A) manufactures or manufactured a motor vehicle tire under its own
2 brand or label for sale in the State;

3 (B) sells in the State under its own brand or label a motor vehicle tire
4 produced by another supplier;

5 (C) owns a brand that it licenses or licensed to another person for use
6 on a motor vehicle tire sold in the State;

7 (D) imports into the United States for sale in the State a motor
8 vehicle tire manufactured by a person without a presence in the United States;

9 (E) manufactures a motor vehicle tire for sale in the State without
10 affixing a brand name; or

11 (F) assumes the responsibilities, obligations, and liabilities of a
12 manufacturer as defined under subdivisions (A) through (E) of this subdivision
13 (6), provided that the Secretary may enforce the requirements of this chapter
14 against a manufacturer defined under subdivisions (A) through (E) of this
15 subdivision (6) if a person who assumes the manufacturer's responsibilities
16 fails to comply with the requirements of this chapter.

17 (7) "Motorized electric powered bicycle or tricycle" means a bicycle or
18 tricycle that is equipped with an assistance motor that has a maximum piston
19 displacement of 48 cubic centimeters or less, that may also be self-propelled,
20 and that is operated at speeds of less than 20 miles per hour.

1 (8) “Motor vehicle” means all vehicles operated in the State that are
2 propelled or drawn by power other than muscular power.

3 (A) “Motor vehicle” includes:

4 (i) “all-terrain vehicles,” which has the same meaning as in
5 23 V.S.A. § 3501(1);

6 (ii) “motorcycles,” which has the same meaning as in 23 V.S.A.
7 § 4(18);

8 (iii) farm tractors and farm trailers; and

9 (iv) “motor-driven cycles,” which has the same meaning as in
10 23 V.S.A. § 4(45)(A).

11 (B) “Motor vehicle” does not mean:

12 (i) an “electric personal assistive mobility device,” which has the
13 same meaning as in 23 V.S.A. § 4(66);

14 (ii) an “electric bicycle,” which has the same meaning as in
15 23 V.S.A. § 4(46)(A);

16 (iii) a “motor-assisted bicycle,” which has the same meaning as in
17 23 V.S.A. § 4(45)(B)(i), or a motor-assisted bicycle that has been modified to
18 meet the physical needs or abilities of the operator or a passenger;

19 (iv) an “adaptive electric cycle,” which has the same meaning as
20 in 19 V.S.A. § 2901;

21 (v) a lawn mower; or

1 (vi) a specialized construction vehicle, such as motorized highway
2 building equipment, a road-making appliance, a tracked vehicle, and an aircraft
3 pushback tractor.

4 (9) “Motor vehicle tire” means a tire designed for on-road use on a
5 motor vehicle.

6 (10) “Retailer” means a person who sells a motor vehicle tire to a person
7 in the State through any means, including a sales outlet, a catalogue, the
8 telephone, the internet, or any electronic means.

9 (11) “Secretary” means the Secretary of Natural Resources.

10 (12) “Sell” or “sale” means any transfer to a person for consideration of
11 title or of the right of a person to use by lease or sales contract a motor vehicle
12 tire in the State of Vermont. “Sell” or “sale” does not include the sale, resale,
13 lease, or transfer of a used motor vehicle tire or a manufacturer’s or a
14 distributor’s wholesale transaction with a distributor or a retailer.

15 (13) “Tire” means a continuous solid or pneumatic rubber covering
16 encircling the wheel of a motor vehicle.

17 (14) “Waste tire” means a motor vehicle tire that has been removed
18 from a motor vehicle and is no longer suitable for its original purpose because
19 of wear, tear, damage, defect, or other reason.

20 (15) “Waste tire stewardship organization” or “stewardship
21 organization” means an organization appointed by one or more manufacturers

1 to act as an agency on behalf of a manufacturer or manufacturers to design,
2 submit, implement, and administer a waste tire stewardship plan under this
3 chapter.

4 Subchapter 2. Waste Tire Stewardship Program

5 § 7604. SALE OF MOTOR VEHICLE TIRES; STEWARDSHIP

6 ORGANIZATION REGISTRATION

7 Sale prohibited. Beginning on January 1, 2026, except as set forth under
8 section 7609 of this title, a manufacturer of a motor vehicle tire shall not sell,
9 offer for sale, or deliver to a retailer for subsequent sale a motor vehicle tire
10 unless all the following have been met:

11 (1) The manufacturer is:

12 (A) implementing an approved waste tire stewardship plan; or

13 (B) participating in a waste tire stewardship organization that is
14 registered with the Secretary and that is implementing an approved waste tire
15 stewardship plan.

16 (2) The manufacturer or waste tire stewardship organization has paid the
17 fee under section 7620 of this title.

18 (3) The name of the manufacturer and the manufacturer's brands are
19 designated on the Agency website as covered by an approved waste tire
20 stewardship plan.

1 § 7605. REGISTRATION OF MANUFACTURER OR WASTE TIRE

2 STEWARDSHIP ORGANIZATION

3 (a) Manufacturer registration requirements. On or before July 1, 2025, and
4 annually thereafter, a manufacturer of motor vehicle tires sold or offered for
5 sale in the State shall register with the Secretary.

6 (b) Waste tire stewardship organization registration. A manufacturer of
7 motor vehicle tires may meet the requirements of this chapter by participating
8 in a waste tire stewardship organization that registers with the Secretary on or
9 before July 1, 2025, and annually thereafter, and that meets the requirements of
10 section 7606 of this title.

11 (c) Registration form. The Secretary shall provide the registration form to
12 the manufacturer or waste tire stewardship organization. The registration form
13 shall include:

14 (1) for a manufacturer registering independently:

15 (A) a list of the manufacturer's brands offered for sale in the
16 State; and

17 (B) the name, address, and contact information of a person
18 responsible for ensuring the manufacturer's compliance with this chapter; and

19 (2) for a waste tire stewardship organization:

20 (A) a list of the manufacturers participating in the waste tire
21 stewardship organization;

1 (B) the name, address, and contact information of a person
2 responsible for ensuring each participating manufacturer's compliance with
3 this chapter;

4 (C) a description of how the waste tire stewardship organization
5 meets the requirements of sections 7604, 7607, and 7608 of this title for
6 manufacturers, including any reasonable requirements for participation in the
7 waste tire stewardship organization; and

8 (D) the name, address, and contact information of a person whom a
9 nonmember manufacturer can contact regarding how to participate in the waste
10 tire stewardship organization as a method of satisfying the requirements of this
11 chapter.

12 (d) Renewal of registration. A manufacturer or waste tire stewardship
13 organization may renew a registration without changes by notifying the
14 Agency of Natural Resources on a form provided by the Secretary.

15 § 7606. WASTE TIRE STEWARDSHIP ORGANIZATIONS;

16 REQUIREMENTS

17 Qualifications for a waste tire stewardship organization. To qualify as a
18 waste tire stewardship organization under this chapter, a stewardship
19 organization shall:

20 (1) commit to assume the responsibilities, obligations, and liabilities of
21 the manufacturers participating in the waste tire stewardship organization;

1 (2) not create unreasonable barriers for participation by manufacturers in
2 the waste tire stewardship organization;

3 (3) maintain a public website that lists all manufacturers and
4 manufacturers' brands covered by the waste tire stewardship organization's
5 approved waste tire stewardship plan; and

6 (4) register with the Secretary as required under section 7605 of
7 this title.

8 § 7607. WASTE TIRE STEWARDSHIP PLANS

9 (a) Stewardship plan required. On or before October 1, 2025, each
10 manufacturer selling, offering for sale, distributing, or offering for promotional
11 purposes a motor vehicle tire in the State shall individually or as part of a
12 waste tire stewardship organization submit a waste tire stewardship plan to the
13 Secretary for review.

14 (b) Waste tire stewardship plan; minimum requirements. Each waste tire
15 stewardship plan shall include, at a minimum, all of the following elements:

16 (1) List of manufacturers and brands. Each waste tire stewardship plan
17 shall list:

18 (A) all participating manufacturers and contact information for each
19 of the participating manufacturers; and

20 (B) the brands of motor vehicle tires covered by the stewardship plan.

1 (2) Free collection of waste tires. Each waste tire stewardship plan shall
2 provide for the collection of waste tires from covered entities at no cost to
3 covered entities. A manufacturer shall not refuse the collection of a waste tire
4 based on the brand or manufacturer of the motor vehicle tire.

5 (3) Convenient collection location. Each waste tire stewardship
6 plan shall:

7 (A) Provide for notification of all retailers of an opportunity to
8 participate at no cost as a collection location under the plan.

9 (B) Allow all retailers who meet requirements specified in the plan,
10 all municipalities, and all certified solid waste management facilities to opt to
11 be a collection facility under the plan at no cost to the retailer, municipality, or
12 certified solid waste management facility.

13 (C) Provide, at a minimum, in each county of the State not fewer than
14 two collection facilities that provide for the collection of waste tires throughout
15 the year. All collection facilities shall be specified in the plan.

16 (D) Provide for the acceptance from a covered entity of up to 12
17 waste tires per visit. A collection facility may agree to accept more than 12
18 waste tires per visit.

19 (4) Legacy waste tire pile response. Each waste tire stewardship plan
20 shall include a proposed method of collecting tires from or eliminating legacy

1 waste tire piles in the State. Proposed methods may include financial
2 payments to property owners, bounties on collection, or other incentives.

3 (5) Collection rate. Each waste tire stewardship plan shall include a
4 collection rate performance goal approved by the Secretary. In the first year of
5 the plan, manufacturers shall have a collection rate performance goal of 50
6 percent of the participating manufacturer's motor vehicle tires sold, by unit, in
7 the State in the previous calendar year.

8 (6) Method of disposition. Each waste tire stewardship plan shall
9 include a description of the method that will be used to manage waste tires
10 responsibly. A manufacturer or waste tire stewardship organization shall
11 recycle or reuse at least 50 percent of collected waste tires, provided that use of
12 waste tires as tire-derived fuel shall not be considered reuse or recycling.

13 (7) Education and outreach. Each waste tire stewardship plan shall
14 include an education and outreach program that may include media
15 advertising, retail displays, articles in publications, and other public
16 educational efforts. At a minimum, the education and outreach program shall
17 notify the public of the following:

18 (A) that there is a free collection program for waste tires;

19 (B) the location of collection points for waste tires and how a covered
20 entity can access the collection program; and

1 (C) the opportunity of retailers, manufacturers, and certified solid
2 waste management facilities to participate in waste tire stewardship plan at no
3 cost.

4 (8) Compliance with appropriate environmental standards. In
5 implementing a waste tire stewardship plan, a manufacturer shall comply with
6 all applicable laws related to the collection, transportation, and disposal of
7 waste tires.

8 (9) Reimbursement. A waste tire stewardship plan shall include
9 a reimbursement procedure that is consistent with the requirements of
10 subchapter 3 of this chapter.

11 (c) Implementation. A manufacturer or a waste tire stewardship
12 organization shall include provisions in the waste tire stewardship plan for the
13 implementation of the program in conjunction with those retailers,
14 municipalities, and certified solid waste management facilities acting as
15 collection facilities under a program. A manufacturer or waste tire stewardship
16 organization shall not impose transportation or recycling costs on retailers,
17 municipalities, or certified solid waste management facilities acting as
18 collection facilities under a program. A manufacturer or waste tire stewardship
19 organization shall provide retailers, municipalities, and certified solid waste
20 management facilities acting as collection facilities products or equipment for

1 setting up a collection point and for providing for the pickup of collected waste
2 tires, including arranging for the management of those waste tires.

3 (d) Term of waste tire stewardship plan. A stewardship plan approved by
4 the Secretary under section 7610 of this title shall have a term not to exceed
5 five years, provided that the manufacturer remains in compliance with the
6 requirements of this chapter and the terms of the approved plan.

7 § 7608. ANNUAL REPORT; PLAN AUDIT

8 (a) Annual report. On or before March 1, 2027, and annually thereafter, a
9 manufacturer of motor vehicle tires or a waste tire stewardship organization
10 representing manufacturers of motor vehicle tires shall submit a report to the
11 Secretary that contains the following:

12 (1) the estimated total number of motor vehicle tires sold in the State in
13 the previous calendar year;

14 (2) the number of waste tires collected by the manufacturer or the waste
15 tire stewardship organization in the prior calendar year;

16 (3) the collection rate achieved in the prior calendar year under the
17 waste tire stewardship plan;

18 (4) the locations for all collection points set up by the manufacturer or
19 the waste tire stewardship organization and contact information for each
20 location;

1 (5) examples and description of educational materials used to increase
2 collection;

3 (6) the manner in which the collected waste tires were managed,
4 including:

5 (A) the number of waste tires collected from legacy waste tire piles;

6 (B) the number of collected waste tires recycled or reused; and

7 (C) the number of collected waste tires disposed of as tire-derived
8 fuel or otherwise incinerated;

9 (7) any material change to the waste tire stewardship plan approved by
10 the Secretary under section 7610 of this title; and

11 (8) the cost of implementation of the waste tire stewardship plan,
12 including the costs of collection, recycling, education, and outreach.

13 (b) Plan audit. Beginning on January 1, 2031, and every five years
14 thereafter, a manufacturer or waste tire stewardship organization shall hire an
15 independent third party to audit the plan and plan operation. The auditor shall
16 examine the effectiveness of the plan in collecting and disposing of waste tires.
17 The auditor shall examine the cost-effectiveness of the plan and compare it to
18 that of waste tire stewardship plans in other jurisdictions. The auditor shall
19 make recommendations to the Secretary on ways to increase the efficacy and
20 cost-effectiveness of the waste tire stewardship plan.

1 § 7609. NEW MANUFACTURERS; SMALL MANUFACTURERS

2 (a) New manufacturers.

3 (1) A manufacturer of a motor vehicle tire who, after January 1, 2026,
4 seeks to sell, offer for sale, or offer for promotional purposes in the State a
5 motor vehicle tire not previously sold in the State shall notify the Secretary
6 prior to selling or offering for sale or promotion a motor vehicle tire not
7 covered by an approved waste tire stewardship plan.

8 (2) The Secretary shall list a manufacturer who supplies notice under
9 this subsection as a “new manufacturer” on the Agency’s website. A
10 manufacturer that supplies notice under this subsection shall have 90 days, not
11 including the time required for public comment under subsection 7610(d) of
12 this title, to either join an existing waste tire stewardship organization or
13 submit a waste tire stewardship plan for approval to the Secretary.

14 (b) Small manufacturers. A manufacturer who annually sells, offers for
15 sale, distributes, or imports in or into the State motor vehicles with a total retail
16 value of less than \$5,000.00 is exempt from the requirements of this chapter.

17 § 7610. AGENCY RESPONSIBILITIES

18 (a) Review and approve stewardship plans. The Secretary shall review and
19 approve or deny waste tire stewardship plans submitted under section 7607 of
20 this title. The Secretary shall approve a waste tire stewardship plan if the
21 Secretary finds that the plan:

1 (1) complies with the requirements of subsection 7607(b) of this title;

2 (2) provides adequate notice to the public of the collection opportunities
3 available for waste tires;

4 (3) ensures that collection of waste tires will occur in an
5 environmentally sound fashion that is consistent with the law; and

6 (4) promotes the collection and disposal of waste tires.

7 (b) Assessment of performance. The Secretary shall assess each
8 manufacturer's or waste tire stewardship organization's performance under an
9 approved waste tire stewardship plan, including whether a manufacturer or
10 waste tire stewardship organization achieved the collection rate performance
11 goal for the year. If a manufacturer or waste tire stewardship organization fails
12 to achieve its collection rate performance goal, the Secretary shall impose a
13 penalty under section 7612 of this title.

14 (c) Plan amendment. The Secretary, in the Secretary's discretion or at the
15 request of a manufacturer or a waste tire stewardship organization, may require
16 a manufacturer or a stewardship organization to amend an approved plan. The
17 Secretary shall subject all plan amendments to the public input provisions of
18 subsection (d) of this section.

19 (d) Public input. Approval of or amendment to the waste tire steward plan
20 shall be subject to the public input provisions of section 7714 of this title.

1 (e) Registrations. The Secretary shall accept, review, and approve or deny
2 manufacturer registrations or the waste tire stewardship organization
3 registrations required by this chapter. The Secretary may revoke a registration
4 of a manufacturer or a waste tire stewardship organization for actions that are
5 unreasonable, unnecessary, or contrary to the requirements or the policy of this
6 chapter.

7 (f) Supervisory capacity. The Secretary shall act in a supervisory capacity
8 over the actions of a manufacturer or a waste tire stewardship organization
9 registered under this chapter. In acting in this capacity, the Secretary shall
10 review the actions of the manufacturer or the waste tire stewardship
11 organization to ensure that they are reasonable, necessary, and limited to
12 carrying out requirements of and policy established by this chapter.

13 (g) Special handling requirements. The Secretary may adopt, by rule,
14 special handling requirements for the collection, transport, and disposal of
15 waste tires.

16 (h) Approved plans; internet posting. The Secretary shall post on the
17 Agency website the names of all manufacturers and manufacturers' brands that
18 are covered under an approved waste tire stewardship plan. For waste tire
19 stewardship organizations, the Secretary may link to the list of manufacturers
20 and manufacturers' brands on the waste tire stewardship organization's
21 website.

1 § 7611. RETAILER OBLIGATIONS

2 (a) Sale prohibited. Except as set forth under subsection (b) of this section,
3 beginning on January 1, 2026, no retailer shall sell or offer for sale a motor
4 vehicle tire unless the producer of the motor vehicle tire is implementing an
5 approved stewardship plan, is a member of a stewardship organization that is
6 implementing an approved stewardship plan, or is exempt from participation in
7 the plan.

8 (b) Inventory exception; expiration or revocation of manufacturer
9 registration. A retailer shall not be responsible for an unlawful sale of a motor
10 vehicle tire under this subsection if:

11 (1) the retailer purchased the motor vehicle tire prior to January 1,
12 2026; or

13 (2) the manufacturer's waste tire stewardship plan expired or was
14 revoked, and the retailer took possession of the in-store inventory of motor
15 vehicle tires prior to the expiration or revocation of the manufacturer's waste
16 tire stewardship plan.

17 (c) Educational material. A manufacturer or waste tire stewardship
18 organization supplying motor vehicle tires to a retailer shall provide the retailer
19 with educational materials describing collection opportunities for waste tires.
20 The retailer shall make the educational materials available to covered entities.

1 § 7612. PENALTIES FOR FAILURE TO ACHIEVE PERFORMANCE

2 COLLECTION GOAL

3 (a) Assessment of penalty. The Secretary shall assess a penalty against a
4 manufacturer or waste tire stewardship organization that fails to achieve the
5 collection rate performance goal in its waste tire stewardship plan.

6 (b) Amount of penalty. The Secretary shall assess a penalty under this
7 section as follows:

8 (1) If the manufacturer achieved less than 50 percent of the collection
9 rate performance goal, the manufacturer shall pay a penalty of \$1.00 per tire
10 difference between the collection rate performance goal and the actual number
11 of waste tires collected in the calendar year.

12 (2) If the manufacturer achieved 50 percent or greater of the collection
13 rate performance goal, the manufacturer shall pay a penalty of \$0.50 per tire
14 difference between the collection rate performance goal and the actual number
15 of waste tires collected in the calendar year.

16 (c) Disposition of penalties. The Secretary shall deposit penalties collected
17 under this section in the Solid Waste Management Assistance Account of the
18 Waste Management Assistance Fund for the proper disposal of waste tires as
19 provided for in subdivision 6618(b)(10) of this title, including the elimination
20 of legacy waste tire piles.

1 Subchapter 3. Reimbursement and Cost Recovery

2 § 7614. REIMBURSEMENT; AUTHORIZATION

3 (a) Reimbursement of motor vehicle tire manufacturers.

4 (1) A manufacturer or a waste tire stewardship organization operating
5 under an approved waste tire stewardship plan that collects waste tires that are
6 not listed under its approved waste tire stewardship plan is entitled to
7 reimbursement from the manufacturer of the collected waste tire or the waste
8 tire stewardship organization representing the manufacturer of the collected
9 waste tire of reimbursable costs per tire incurred in collecting waste tires.

10 (2) Reimbursement may be requested by a collecting manufacturer or
11 waste tire stewardship organization only after that manufacturer or stewardship
12 organization has achieved the collection rate performance goal approved by the
13 Secretary under section 7607 of this title.

14 (b) Reimbursable costs. Under this subchapter, a manufacturer or a waste
15 tire stewardship organization may seek reimbursement only for those costs
16 incurred in collecting the waste tires subject to the reimbursement request.

17 Reimbursable costs include:

18 (1) costs of collection, transport, recycling, and other methods of
19 disposition identified in an approved waste tire stewardship plan; and

20 (2) reasonable educational, promotional, or administrative costs.

1 § 7615. REIMBURSEMENT PROCESS

2 (a) Reimbursement request.

3 (1) A manufacturer or waste tire stewardship organization that incurs
4 reimbursable costs under section 7614 of this title shall submit a request to the
5 manufacturer of the collected waste tire or the waste tire stewardship
6 organization in which the manufacturer of the collected waste tire is
7 participating.

8 (2) A manufacturer or waste tire stewardship organization that receives
9 a request for reimbursement may, prior to payment and within 30 days after
10 receipt of the request for reimbursement, request an independent audit of
11 submitted reimbursement costs.

12 (3) The independent auditor shall verify the reasonableness of the
13 reimbursement request, including the costs sought for reimbursement, the
14 amount of reimbursement, and the reimbursable costs assessed by each of the
15 two programs.

16 (4) If the independent audit confirms the reasonableness of the
17 reimbursement request, the manufacturer or waste tire stewardship
18 organization requesting the audit shall pay the cost of the audit and the amount
19 of the reimbursement calculated by the independent auditor. If the
20 independent audit indicates the reimbursement request was not reasonable, the
21 manufacturer or waste tire stewardship organization that initiated the

1 reimbursement request shall pay the cost of the audit and the amount of the
2 reimbursement calculated by the independent auditor.

3 (b) Role of Agency. The Agency shall not provide assistance or otherwise
4 participate in a reimbursement request, audit, or other action under this section,
5 unless subject to subpoena before a court of jurisdiction.

6 § 7616. PRIVATE RIGHT OF ACTION

7 (a) Action against manufacturer with no waste tire stewardship plan. A
8 manufacturer or waste tire stewardship organization implementing an approved
9 waste tire stewardship plan in compliance with the requirements of this chapter
10 may bring a civil action against another manufacturer or waste tire stewardship
11 organization for damages when:

12 (1) the plaintiff manufacturer or waste tire stewardship organization
13 incurs more than \$1,000.00 in actual reimbursable costs collecting, handling,
14 recycling, or properly disposing of waste tires that were sold or offered for sale
15 in the State by that other manufacturer; and

16 (2) the manufacturer from whom damages are sought:

17 (A) can be identified as the manufacturer of the collected waste tires
18 from a brand or marking on the waste tire or from other information available
19 to the plaintiff manufacturer or waste tire stewardship organization; and

1 (B) does not operate or participate in an approved waste tire
2 stewardship organization in the State or is not otherwise in compliance with
3 the requirements of this chapter.

4 (b) Action against manufacturer with an approved waste tire stewardship
5 plan. A manufacturer or waste tire stewardship organization in compliance
6 with the requirements of this chapter may bring a civil action for damages
7 against a manufacturer or waste tire stewardship organization in the State that
8 is in compliance with the requirements of this chapter, provided that:

9 (1) a plaintiff manufacturer or waste tire stewardship organization
10 submitted a reimbursement request to another manufacturer or waste tire
11 stewardship organization under section 7615 of this title; and

12 (2) the manufacturer or waste tire stewardship organization does not
13 receive reimbursement within:

14 (A) 90 days after the reimbursement request, if no independent audit
15 is requested under section 7615 of this title; or

16 (B) 60 days after completion of an audit if an independent audit is
17 requested under section 7615 of this title, and the audit confirms the validity of
18 the reimbursement request.

19 (c) Action against individual manufacturer.

20 (1) A civil action under this section may be brought against an
21 individual manufacturer only if the manufacturer is implementing its own

1 waste tire stewardship plan or the manufacturer has failed to register to
2 participate in a waste tire stewardship plan.

3 (2) A manufacturer participating in an approved waste tire stewardship
4 plan covering multiple manufacturers shall not be sued individually for
5 reimbursement.

6 (3) An action against a manufacturer participating in a waste tire
7 stewardship plan covering multiple manufacturers shall be brought against the
8 stewardship organization implementing the plan.

9 (d) Role of Agency. The Agency shall not be a party to or be required to
10 provide assistance or otherwise participate in a civil action authorized under
11 this section solely due to its regulatory requirements under this chapter, unless
12 subject to subpoena before a court of jurisdiction.

13 (e) Damages; definition. As used in this section, “damages” means the
14 actual, reimbursable costs a plaintiff manufacturer or waste tire stewardship
15 organization incurs in collecting, handling, recycling, or properly disposing of
16 waste tires reasonably identified as having originated from another
17 manufacturer or waste tire stewardship organization.

18 Subchapter 4. General Provisions

19 § 7618. CONFIDENTIALITY OF SUBMITTED DATA

20 (a) Confidentiality. The Secretary shall make reports and data submitted
21 under this chapter available for public inspection and copying, provided that:

1 (1) information protected under the Uniform Trade Secrets Act, as
2 codified under 9 V.S.A. chapter 143, or under the trade secret exemption under
3 1 V.S.A. § 317(c)(9) shall be exempt from public inspection and copying under
4 the Public Records Act; and

5 (2) the Secretary may publish information confidential under
6 subdivision (1) of this subsection in a summary or aggregated form that does
7 not directly or indirectly identify individual manufacturers, distributors, or
8 retailers.

9 (b) Omission of trade secret information. The Secretary may require, as a
10 part of a report submitted under this chapter, that the manufacturer or waste
11 tire stewardship organization submit a report that does not contain trade secret
12 information and is available for public inspection and review.

13 (c) Total number of waste tires. The total number of waste tires collected
14 under an approved waste tire stewardship plan is not confidential business
15 information under the Uniform Trade Secrets Act, as codified under 9 V.S.A.
16 chapter 143, and is subject to inspection and review under the Public Records
17 Act, 1 V.S.A. chapter 5, subchapter 3.

18 § 7619. ANTITRUST; CONDUCT AUTHORIZED

19 (a) Activity authorized. A manufacturer, a group of manufacturers, or a
20 waste tire stewardship organization implementing or participating in an
21 approved waste tire stewardship plan under this chapter for the collection,

1 transport, processing, and end-of-life management of waste tires is individually
2 or jointly immune from liability for the conduct under State laws relating to
3 antitrust, restraint of trade, unfair trade practices, and other regulation of trade
4 or commerce under 9 V.S.A. chapter 63, subchapter 1, to the extent that the
5 conduct is reasonably necessary to plan, implement, and comply with the
6 manufacturer's, group of manufacturers', or waste tire stewardship
7 organization's chosen system for managing waste tires. This subsection shall
8 also apply to conduct of a retailer or wholesaler participating in a waste tire
9 stewardship organization's approved waste tire stewardship plan when the
10 conduct is necessary to plan and implement the manufacturer's or waste tire
11 stewardship organization's collection or recycling system for waste tires.

12 (b) Limitations on antitrust activity. Subsection (a) of this section shall not
13 apply to an agreement among manufacturers, groups of manufacturers,
14 retailers, wholesalers, or waste tire stewardship organizations affecting the
15 price of motor vehicle tires or any agreement restricting the geographic area in
16 which, or customers to whom, motor vehicle tires are sold.

17 § 7620. FEES

18 (a) A manufacturer or waste tire stewardship organization shall pay
19 \$15,000.00 annually for operation under a waste tire stewardship plan
20 approved by the Secretary under section 7610 of this title.

1 Sec. 3. 10 V.S.A. § 8503 is amended to read:

2 § 8503. APPLICABILITY

3 (a) This chapter shall govern all appeals of an act or decision of the
4 Secretary, excluding enforcement actions under chapters 201 and 211 of this
5 title and rulemaking, under the following authorities and under the rules
6 adopted under those authorities:

7 (1) The following provisions of this title:

8 * * *

9 (P) chapter 166 (collection and recycling of electronic waste);

10 (Q) chapter 164A (collection and disposal of mercury-containing
11 lamps);

12 * * *

13 (V) chapter 124 (trade in covered animal parts or products); ~~and~~

14 (W) chapter 164B (collection and management of covered household
15 hazardous products); and

16 (X) chapter 169 (collection and recycling of waste tires).

17 * * *

18 Sec. 4. 24 V.S.A. § 2201 is amended to read:

19 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING

20 REFUSE; PENALTY; SUMMONS AND COMPLAINT

21 (a)~~(1)~~ Prohibition.

1 (1) Every person shall be responsible for proper disposal of ~~his or her~~
2 the person's own solid waste. A person shall not throw, dump, deposit, or
3 cause or permit to be thrown, dumped, or deposited any solid waste as defined
4 in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on
5 lands or waters of the State outside a solid waste management facility certified
6 by the Agency of Natural Resources.

7 (2) There shall be a rebuttable presumption that a person who is
8 identifiable from an examination of illegally disposed solid waste is the person
9 who violated a provision of this section.

10 (3) No person shall burn or cause to be burned in the open or incinerate
11 in any container, furnace, or other device any solid waste without:

12 (A) first having obtained all necessary permits from the Agency of
13 Natural Resources, the District Environmental Commission, and the
14 municipality where the burning is to take place; and

15 (B) complying with all relevant State and local regulations and
16 ordinances.

17 (b) Prosecution of violations. A person who violates a provision of this
18 section commits a civil violation and shall be subject to a civil penalty of not
19 more than \$800.00.

20 (1) This violation shall be enforceable in the Judicial Bureau pursuant to
21 the provisions of 4 V.S.A. chapter 29 in an action that may be brought by a

1 municipal attorney, a solid waste management district attorney, an
2 environmental enforcement officer employed by the Agency of Natural
3 Resources, a designee of the legislative body of the municipality, or any duly
4 authorized law enforcement officer.

5 (2) If the throwing, placing, or depositing was done from a snowmobile,
6 vessel, or motor vehicle, except a motor bus, there shall be a rebuttable
7 presumption that the throwing, placing, or depositing was done by the operator
8 of the snowmobile, vessel, or motor vehicle.

9 (3) Nothing in this section shall be construed as affecting the operation
10 of an automobile graveyard or salvage yard as defined in section 2241 of this
11 title, nor shall anything in this section be construed as prohibiting the
12 installation and use of appropriate receptacles for solid waste provided by the
13 State or towns.

14 (c) Roadside cleanup. A person found in violation of this section may be
15 assigned to spend up to 80 hours collecting trash or litter from a specified
16 segment of roadside or from a specified area of public property.

17 (d) Waste tire disposal. A person shall not transfer possession of a waste
18 tire to an unlicensed solid waste hauler for disposal. Violation of this
19 subsection shall be a violation of subsection (a) of this section.

20 (e) Revocation of hunting, fishing, or trapping license. The Commissioner
21 of Fish and Wildlife shall revoke the privilege of a person found in violation of

1 this section from holding a hunting, fishing, or trapping license for a period of
2 one year from the date of the conviction, if the person fails to pay the penalty
3 set forth in subsection (b) of this section. The Bureau shall immediately notify
4 the Commissioner of Fish and Wildlife of the entry of judgment.

5 (f) [Repealed.]

6 (g) Amendment of complaint. A person authorized to enforce this section
7 may amend or dismiss a complaint issued by that person by marking the
8 complaint and returning it to the Judicial Bureau. At the hearing, a person
9 authorized to enforce this section may amend or dismiss a complaint issued by
10 that person, subject to the approval of the hearing judge.

11 (h) [Repealed.]

12 (i) Applicability. Enforcement actions taken under this section shall in no
13 way preclude the Agency of Natural Resources, the Attorney General, or an
14 appropriate State prosecutor from initiating other or further enforcement
15 actions under the civil, administrative, or criminal enforcement provisions of
16 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement
17 under this section is by an environmental enforcement officer employed by the
18 Agency of Natural Resources, enforcement under this section shall preclude
19 other enforcement by the Agency for the same offence.

20 (j) Definitions. As used in this section:

1 (1) “Motor vehicle” ~~shall have~~ has the same meaning as in 23 V.S.A.
2 § 4(21).

3 (2) “Snowmobile” ~~shall have~~ has the same meaning as in 23 V.S.A.
4 § 3801.

5 (3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all
6 other types of watercraft.

7 (4) “Waste tire” means a motor vehicle tire that has been removed from
8 a motor vehicle and is no longer suitable for its original purpose because of
9 wear, tear, damage, defect, or other reason.

10 (5) “Waters” ~~shall have~~ has the same meaning as in 10 V.S.A.
11 § 1251(13).

12 Sec. 5. EFFECTIVE DATE

13 This act shall take effect on passage.