

LEAD WHEEL WEIGHT LAWS & PENALTIES

Currently there are only seven (7) states inside the USA that have lead wheel weight laws on their books. No other states have laws related to wheel weights. This document provides a shortened version of the complete laws for the six states that have laws in place. Please note that each state shown in this document has their own legal language associated with their lead-based wheel weight ban and the information on **this sheet is meant to be a guide only**. For specific legal information and compliance policies regarding lead-based wheel weights, please refer to each states individual law on your own. It is also important to note that all of the seven states with laws **ONLY** have laws related to lead and/or mercury wheel weights. No other modern wheel weight materials are under any current regulation.

CALIFORNIA

California lists its lead-based wheel weight penalties under its Health and Safety Code. The Senate Bill 757 was an act to add an article to the Health and Safety Code, which was ultimately passed and enacted. California prohibits the 'manufacture, sale or installation of lead weights.' It does not specifically use the words 'distribute' or 'distribution' in its legalese. The bill specifically states the following in section 25215.7, section (c): "A person who violates this article shall be liable for an administrative or a civil penalty not to exceed two thousand five hundred dollars per day for each violation." The California lead-based wheel weight law became effective January 1, 2010.

ILLINOIS

Illinois lists its lead-based wheel weight penalties under its Environmental Protection Act. Illinois prohibits the 'sale, offer to sell, distribution, or offer to distribute lead weights within the state.' It actually does not ban the 'usage or installation' of lead wheel weights, like some states. In a released FAQ sheet regarding the banning of lead and mercury wheel weights in Illinois, the penalty for violating the ban is listed as follows: "A person violating this law is subject to a misdemeanor offense and may be penalized with a penalty of up to \$50,000 for the violation and an additional civil penalty not to exceed \$10,000 for each day during which the violation continues." The Illinois lead-based wheel weight law became effective January 1, 2012.

MAINE

Maine lists its lead-based wheel weight penalties under its Sale of Consumer Products Affecting The Environment Act. This act is governed by the Department of Environmental Protection Title 38, Section 349. Maine prohibits the sale, offer to sell, distribution and use of lead wheel weights. This law even has language to ban lead wheel weight sales by mail order and on the internet. The act goes on to state the following under its criminal penalties section: "Except as otherwise specifically provided, a person who intentionally, knowingly, recklessly or with criminal negligence violates a law administered by the department, including, without limitation, a violation of the terms or conditions of an order, rule, license, permit, approval or decision of the board or commissioner, ... the fine for a violation of this subsection may not be less than \$2,500 and not more than \$25,000 for each day of the violation, except that the minimum amount for knowing violations is \$5,000 for each day of violation." There is also a civil penalties section with similar legal language. It states the following: "...a person who violates a law administered by the department, ... is subject to a civil penalty, payable to the State, of not less than \$100 and not more than \$10,000 for each day of that violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation." The Maine lead-based wheel weight law became effective January 1, 2011.

MINNESOTA

Minnesota lists its lead-based wheel weight penalties under its Waste Management & Pollution Control Statutes. Minnesota prohibits the sale, offer to sell, distribution and use of lead wheel weights. Unlike other states, the Minnesota law also covers management of used lead wheel weight recycling, meaning that businesses should be able to track where their used inventories are going when they send them off for recycling. The law states in section 116.072 that, ... (a) The commissioner or county board may issue an order assessing a penalty up to \$10,000 for all violations identified during an inspection or other compliance review. The Minnesota lead-based wheel weight law will become effective January 1, 2016.

LEAD WHEEL WEIGHT LAWS & PENALTIES

NEW YORK

New York lists its lead-based wheel weight penalties under its Environmental Conservation Law (37-0133). New York prohibits the sale, offer to sell, distribution and use of lead wheel weights. In a released FAQ sheet regarding the banning of lead wheel weights in New York, the penalty for violating the ban is listed as follows: “(If violated) The penalties in Environmental Conservation Law section 71-3703 would apply. This section provides that any person who violates any of the provisions of, or who fails to perform any duty imposed by section 37-0107 or any rule or regulation promulgated pursuant hereto, shall be liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each such violation and an additional penalty of not more than five hundred dollars (\$500) for each day during which such violation continues, and, in addition thereto, such person may be enjoined from continuing such violation. The New York lead-based wheel weight law became effective April 1, 2011.

WASHINGTON

Washington lists its lead-based wheel weight penalties under its Public Health and Safety Code. The House Bill 1033 was an act to add a chapter (70.270 RCW) to the Public Health and Safety Code, which was ultimately passed and enacted. Washington law states that ‘a person who rebalances or balances motor vehicle tires must replace lead wheel weights with environmentally preferred wheel weights.’ This law does not state the words manufacture, sell, sale, distribute or distribution anywhere in it. The bill specifically states the following in section 4:3 “The department shall issue a warning letter to a person who fails to comply with section 3 of this act and offer information or other appropriate assistance. If the person does not comply with section 3:1 of this act within one year of the department’s issuance of the warning letter, the department may assess civil penalties under section 5 of this act.” Section 5 of the act specifically states the following: “An initial violation of section 3:1 of this act is punishable by a civil penalty not to exceed five hundred dollars. Subsequent violations of section 3:1 of this act are punishable by civil penalties not to exceed one thousand dollars for each violation.” The Washington lead-based wheel weight law became effective January 1, 2011.

VERMONT

Vermont lists its lead-based wheel weight penalties under its Consumer Fraud Act. The Act covers purchases, leases, and other payments of consideration for consumer goods. Consumer goods are broadly defined, but until 1997 did not include goods purchased for commercial purposes. Currently the Act defines purchasers of a good or service for use in a trade or business, but not for resale in the ordinary course of business, as consumers. Vermont prohibits the ‘use of lead wheel weights on state owned vehicles’ and further states that ‘no person shall sell or offer for sale in or into the state of Vermont a new motor vehicle with lead wheel weights.’ It doesn’t specially state that you can’t sell, offer for sale, or distribute, lead wheel weights by themselves in or into the state, it only states that you can’t sell a ‘new vehicle’ with lead wheel weights in or into the state. In reference to penalties, section 2 of the act specifically states the following: “The court (of Vermont) may order equitable and legal remedies including, but not limited to, temporary or permanent injunctions, restitutions to the consumer, reimbursement to the State, and civil penalties of not more than \$10,000 per violation.” The Vermont lead-based wheel weight law became effective January 1, 2010.

