

SENATE BILL NO. 375  
INTRODUCED BY ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT RESTRICTING THE USE OF BALED WASTE TIRES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND A RETROACTIVE APPLICABILITY DATE.~~"

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

NEW SECTION. Section 1. ~~Waste tire bales~~ **BALED WASTE TIRES prohibited -- exception -- DEPARTMENT RULES.** (1) Waste tires that are mechanically compressed or baled and bound together with cable, straps, wires, or other nonpermanent mechanical devices may not be used ~~for any aboveground purpose unless they are encased in concrete or a similar material that will maintain the integrity of the bale upon failure of the bale restraining devices~~ AS A BOUNDARY FENCE BETWEEN ADJACENT PRIVATE PROPERTIES FOR ANY ABOVEGROUND PURPOSE WITHIN 500 FEET OF ANY ROAD, COMMERCIAL BUSINESS, OR PRIVATE RESIDENCE WITHOUT THE CONSENT OF THE OWNER OF THE BUSINESS OR RESIDENCE UNLESS THEY ARE ENCASED IN CONCRETE OR A SIMILAR MATERIAL THAT WILL MAINTAIN THE INTEGRITY OF THE BALE UPON FAILURE OF THE BALE RESTRAINING DEVICES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE DEPARTMENT SHALL ADOPT RULES AUTHORIZING OTHER ABOVEGROUND USES FOR BALED WASTE TIRES, WHETHER OR NOT THEY ARE DEFINED AS SOLID WASTE.

(2) ~~Waste tire bales~~ BALED WASTE TIRES, as described in subsection (1), may ~~not be placed under water under any circumstances~~ BE USED ONLY IN COMMERCIAL APPLICATIONS SUCH AS SOIL EROSION CONTROL, RETAINING WALLS, CORRALS, INTERIOR FENCING, SAFETY USES, STREAMBANK STABILIZATION, OR STATE CIVIL ENGINEERING PROJECTS NOT BE PLACED UNDER WATER UNDER ANY CIRCUMSTANCES OR IN A LOCATION WHERE THEY ARE LIKELY TO ENTER ANY STATE WATERS.

(3) A BALE OF WASTE TIRES THAT LOSES ITS INTEGRITY IS SOLID WASTE AND IS SUBJECT TO DISPOSAL REQUIREMENTS AND PENALTIES AS PROVIDED IN THIS PART.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 1].

~~NEW SECTION. SECTION 3. SAVING CLAUSE. [THIS ACT] DOES NOT AFFECT RIGHTS AND DUTIES THAT MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE OF THIS~~

~~ACT:~~

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

~~NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to occurrences after January 1, 2002.~~

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