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RH/CL

P.L.2017, CHAPTER 257, *approved January 8, 2018*  
Assembly, No. 261

1 **AN ACT** concerning motor vehicle wheel weights and  
2 supplementing Title 13 of the Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. No person shall install on any motor vehicle a weight or  
8 other product used to balance a motor vehicle wheel or tire if the  
9 weight or other product contains lead or mercury that was  
10 intentionally added during the manufacture of the product.

11 b. No person shall sell or offer to sell a weight or other product  
12 for balancing a motor vehicle wheel or tire if the weight or other  
13 product contains lead or mercury that was intentionally added  
14 during the manufacture of the product.

15 c. No person shall sell a new motor vehicle equipped with a  
16 weight or other product used to balance a motor vehicle wheel or  
17 tire if the weight or other product contains lead or mercury that was  
18 intentionally added during the manufacture of the product.

19 d. As used in this act:

20 “Motor vehicle” means the same as that term is defined in  
21 R.S.39:1-1.

22 “New motor vehicle” means a motor vehicle that has not been  
23 previously sold to a person other than a distributor, wholesaler, or  
24 dealer of motor vehicles for resale.

25  
26 2. a. The Department of Environmental Protection shall  
27 establish a public education program to assure the widespread  
28 dissemination of information concerning the provisions of this act.

29 b. The department shall have the right to enter, at any time  
30 during normal business hours, and upon presentation of appropriate  
31 credentials, any retail establishment at which weights and other  
32 products used to balance motor vehicle wheels or tires are used or  
33 sold, and any new motor vehicle dealer, in order to determine  
34 compliance with the provisions of this act.

35  
36 3. a. Any person convicted of a violation of this act shall be  
37 subject to a penalty of up to \$2,500 for each offense, to be collected  
38 by the State in a civil action by a summary proceeding under the  
39 “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10  
40 et seq.). The Superior Court and the municipal court shall have

1 jurisdiction over proceedings for the enforcement of the penalty  
2 provided by this section.

3 b. The department may institute a civil action for injunctive  
4 relief to enforce this act and to prohibit and prevent a violation of  
5 this act, and the court may proceed in the action in a summary  
6 manner.

7  
8 4. Section 2 of this act shall take effect immediately and  
9 sections 1 and 3 shall take effect on the 180th day after the date of  
10 enactment.

11

12

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14

15 Prohibits installation and sale of wheel weights containing lead  
16 or mercury; prohibits sale of new motor vehicles equipped with  
17 wheel weights containing lead or mercury.

**ASSEMBLY, No. 261**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman L. GRACE SPENCER**

**District 29 (Essex)**

**SYNOPSIS**

Prohibits installation and sale of wheel weights containing lead or mercury; prohibits sale of new motor vehicles equipped with wheel weights containing lead or mercury.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/9/2016)**

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29 b. The department shall have the right to enter, at any time  
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34 compliance with the provisions of this act.

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40 et seq.). The Superior Court and the municipal court shall have  
41 jurisdiction over proceedings for the enforcement of the penalty  
42 provided by this section.

43 b. The department may institute a civil action for injunctive  
44 relief to enforce this act and to prohibit and prevent a violation of  
45 this act, and the court may proceed in the action in a summary  
46 manner.

1       4. Section 2 of this act shall take effect immediately and  
2 sections 1 and 3 shall take effect on the 180th day after the date of  
3 enactment.  
4

5

6

STATEMENT

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8       This bill would prohibit the installation and sale of wheel  
9 weights containing lead and mercury, and the sale of new motor  
10 vehicles equipped with wheel weights containing lead or mercury.

11       Wheel weights are fastened to automobile rims in order to  
12 balance tires, and thereby prevent uneven tire wear and ensure a  
13 smooth ride. According to the U.S. Environmental Protection  
14 Agency, many of these weights contain lead and mercury – two  
15 highly toxic heavy metals. Often, these weights fall off cars, and  
16 are either washed into storm sewers and end up in waterways, or are  
17 gathered during street cleaning and placed in landfills or  
18 incinerators. Because the weights are susceptible to atmospheric  
19 erosion, they can release lead and mercury into the environment.  
20 One study found that approximately 12 tons of lead in the form of  
21 wheel weights is deposited on New Jersey roadways each year.  
22 Currently, there are no federal laws governing the use of lead or  
23 mercury wheel weights.

24       This bill would prohibit: (1) the installation on any motor vehicle  
25 of a wheel weight that contains lead or mercury that was  
26 intentionally added during the manufacturing process; (2) the sale  
27 or offering for sale of a wheel weight that contains intentionally-  
28 added lead and mercury; and (3) the sale of a new motor vehicle  
29 equipped with a wheel weight that contains intentionally-added lead  
30 or mercury. The bill would direct the Department of Environmental  
31 Protection (DEP) to establish a public education program about  
32 these prohibitions. The bill would also grant the DEP authority to  
33 enter, during normal business hours, and upon presentation of  
34 appropriate credentials, any retail establishment at which wheel  
35 weights are used or sold, and any new car dealer, in order to  
36 determine compliance.

37       Under the bill, anyone who violates this bill would be subject to  
38 a penalty of up to \$2,500 for each offense. The bill would also  
39 allow the department to seek an injunction against a violator. The  
40 bill is similar to those passed in at least six other states.

ASSEMBLY ENVIRONMENT AND SOLID WASTE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 261**

**STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2016

The Assembly Environment and Solid Waste Committee reports favorably Assembly Bill No. 261.

This bill would prohibit the installation and sale of wheel weights containing lead and mercury, and the sale of new motor vehicles equipped with wheel weights containing lead or mercury.

Specifically, the bill would prohibit: (1) the installation on any motor vehicle of a wheel weight that contains lead or mercury that was intentionally added during the manufacturing process; (2) the sale or offering for sale of a wheel weight that contains intentionally-added lead and mercury; and (3) the sale of a new motor vehicle equipped with a wheel weight that contains intentionally-added lead or mercury. The bill would direct the Department of Environmental Protection (DEP) to establish a public education program about these prohibitions. The prohibitions would take effect on the 180th day after the bill is enacted into law.

The bill would also grant the DEP authority to enter, during normal business hours, and upon presentation of appropriate credentials, any retail establishment at which wheel weights are used or sold, and any new car dealer, in order to determine compliance.

Under the bill, a person who violates this bill would be subject to a penalty of up to \$2,500 for each offense. The bill would also allow the DEP to seek an injunction against a violator.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.



# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 261

# STATE OF NEW JERSEY

DATED: NOVEMBER 20, 2017

The Senate Environment and Energy Committee favorably reports Assembly Bill No. 261.

This bill would prohibit the installation and sale of wheel weights containing lead and mercury, and the sale of new motor vehicles equipped with wheel weights containing lead or mercury.

Specifically, the bill would prohibit: (1) the installation on any motor vehicle of a wheel weight that contains lead or mercury that was intentionally added during the manufacturing process; (2) the sale or offering for sale of a wheel weight that contains intentionally-added lead and mercury; and (3) the sale of a new motor vehicle equipped with a wheel weight that contains intentionally-added lead or mercury. The bill would direct the Department of Environmental Protection (DEP) to establish a public education program about these prohibitions. The prohibitions would take effect on the 180th day after the bill is enacted into law.

The bill would also grant the DEP authority to enter, during normal business hours, and upon presentation of appropriate credentials, any retail establishment at which wheel weights are used or sold, and any new car dealer, in order to determine compliance.

Under the bill, a person who violates this bill would be subject to a penalty of up to \$2,500 for each offense. The bill would also allow the DEP to seek an injunction against a violator.

This bill is identical to Senate Bill No. 3013 which was also reported by the committee.

# SENATE, No. 3013

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 13, 2017

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**SYNOPSIS**

Prohibits installation and sale of wheel weights containing lead or mercury; prohibits sale of new motor vehicles equipped with wheel weights containing lead or mercury.

**CURRENT VERSION OF TEXT**

As introduced.



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2 supplementing Title 13 of the Revised Statutes.

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This bill is identical to Assembly Bill No. 261 which was also reported by the committee.