

SHB 2231 - H AMD TO H AMD (H-2689.3/03) 349
By Representative Hankins

ADOPTED 04/08/2003

1 On page 23 of the amendment, after line 10, insert the following:

2 "PART VII - TIRE RECYCLING

3 **Sec. 701.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to
4 read as follows:

5 (1) There is levied a (~~one-dollar~~) ~~seventy-five cents~~ per tire
6 fee on the retail sale of new replacement vehicle tires for a period of
7 five years, beginning (~~October 1, 1989~~) ~~on the effective date of this~~
8 act. The fee imposed in this section shall be paid by the buyer to the
9 seller, and each seller shall collect from the buyer the full amount of
10 the fee. The fee collected from the buyer by the seller, less the ten
11 percent amount retained by the seller as provided in (~~RCW 70.95.535~~)
12 subsection (4) of this section, shall be paid to the department of
13 revenue in accordance with RCW 82.32.045, and the proceeds remaining
14 after the deposit required by subsection (3) of this section, must be
15 deposited into the vehicle tire recycling account created under section
16 702 of this act. All other applicable provisions of chapter 82.32 RCW
17 have full force and application with respect to the fee imposed under
18 this section. The department of revenue shall administer this section.

19 (2) For the purposes of this section, "new replacement vehicle
20 tires" means tires that are newly manufactured for vehicle purposes and
21 used tires available for resale, but does not include retreaded vehicle
22 tires.

23 (3) Of the seventy-five cent fee imposed in subsection (1) of this
24 section, twenty-five cents must be deposited into the motor vehicle
25 account and must be used by the department of transportation for road
26 maintenance, which may incorporate the use of material derived from
27 scrap tires.

28 (4) Every person engaged in making retail sales of new replacement
29 vehicle tires in this state shall retain ten percent of the collected

1 seventy-five cent fee imposed in subsection (1) of this section. The
2 moneys retained may be used for costs associated with the proper
3 management of the waste vehicle tires by the retailer.

4 NEW SECTION. Sec. 702. A new section is added to chapter 70.95
5 RCW to read as follows:

6 (1) The vehicle tire recycling account is created within the state
7 treasury. After the deposit of funds into the motor vehicle account as
8 provided for in RCW 70.95.510(3), the remaining funds received under
9 RCW 70.95.510(1) must be deposited in the vehicle tire recycling
10 account and used by the department for purposes including but not
11 limited to those specified in RCW 70.95.535. Expenditures from the
12 account may occur only after appropriation by the legislature. The
13 department of revenue shall deduct two percent from the funds collected
14 under RCW 70.95.510 for the purpose of administering and collecting the
15 fee from new replacement tire retailers.

16 (2) Moneys in the vehicle tire recycling account may be
17 appropriated to the department for the purposes identified in RCW
18 70.95.535.

19 (3) To provide increased accountability, by January 1st of each
20 year, the department shall submit a report to the legislature outlining
21 how the revenues deposited into the vehicle tire recycling account were
22 used over the previous twelve-month period. The report must include,
23 but is not limited to, identifying the local jurisdictions that
24 received grant funding, the location and description of any illegal
25 tire piles cleaned up, a description of any scrap tire demonstration
26 projects funded, and the status of the statewide tire carrier tracking
27 system.

28 **Sec. 703.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to
29 read as follows:

30 (1) ~~((Every person engaged in making retail sales of new~~
31 ~~replacement vehicle tires in this state shall retain ten percent of the~~
32 ~~collected one dollar fee. The moneys retained may be used for costs~~
33 ~~associated with the proper management of the waste vehicle tires by the~~
34 ~~retailer.~~

1 ~~(2))~~ The department of ecology (~~(will)~~) may administer the funds
2 contained in the vehicle tire recycling account for (~~(the)~~) purposes
3 (~~(specified in RCW 70.95.020(5))~~) including, but not limited to:

4 ~~(a) ((Making grants to local governments for pilot demonstration~~
5 ~~projects for on-site shredding and recycling of tires from unauthorized~~
6 ~~dump sites;~~

7 ~~(b))~~ Grants to local government for enforcement programs;

8 ~~((c))~~ (b) Implementation of a public information and education
9 program to include posters, signs, and informational materials to be
10 distributed to retail tire sales and tire service outlets;

11 ~~((d))~~ (c) Product marketing studies for recycled tires and
12 alternatives to land disposal;

13 (d) Scrap tire demonstration projects including those implemented
14 by state agencies;

15 (e) Except as provided in subsection (2) of this section, statewide
16 unlawful tire pile cleanups and local citizen scrap tire amnesty
17 events;

18 (f) Statewide tire carrier tracking, reporting, and enforcement of
19 the movement of tires within this state;

20 (g) Except as provided in subsection (2) of this section, to
21 provide for funding to state and local governments for the removal of
22 discarded vehicle tires from unauthorized tire dump sites;

23 (h) To accomplish the other purposes of RCW 70.95.020(6).

24 (2) Prior to spending funds from the vehicle tire recycling account
25 for the removal or cleanup of unlawfully disposed tires, the department
26 must ensure that all legal remedies and cost recovery efforts available
27 against the owner of the unlawfully disposed tires, or the property on
28 which the unlawful tire piles are located, have been exhausted. The
29 department should assist local jurisdictions, where appropriate, with
30 enforcement actions against individuals unlawfully disposing of tires.

31 (3)(a) Local governments that are recipients of grant funding for
32 enforcement programs must submit an annual report to the department for
33 each year the grant funding is expended, detailing the uses of the
34 funds and including information on what enforcement activities were
35 supported with the grant funds.

36 (b) Local governments that are recipients of grant funding for
37 illegal tire pile cleanups shall submit an annual report to the

1 department for each year the grant funding is expended. The report
2 must, at a minimum, identify the owners of the tire piles, the
3 locations of the tire piles cleaned up, how many tires were removed,
4 where and how the tires were disposed, and why cost recovery could not
5 be obtained from the owners of the tire piles. The department shall
6 forward this information to the legislature on an annual basis.

7 (4) In spending funds in the account under this section, the
8 department shall identify communities with the most severe problems
9 with waste tires and provide funds first to those communities to remove
10 accumulations of waste tires.

11 (5) It is the intent of the legislature that in spending funds from
12 the vehicle tire recycling account, the department will not implement
13 a program or otherwise spend funds that competes with private
14 businesses that engage in tire recycling.

15 NEW SECTION. Sec. 704. (1) The department of ecology shall
16 implement an educational campaign for a period of one year, beginning
17 no later than twelve months following the effective date of this act,
18 to inform and educate local jurisdictions and the various vehicle tire
19 industries who sell, dispose of, and recycle vehicle tires, on the
20 current laws related to vehicle tire disposal and recycling, and the
21 current vehicle tire recycling program administered by the department.

22 (2) By September 1, 2003, the department shall submit a report to
23 the legislature on illegal tire piles located in the state. At a
24 minimum, the report must include information identifying every known
25 illegal tire pile in the state, the city and county where each illegal
26 tire pile is located, the estimated number of tires in each illegal
27 tire pile, and the expected cost associated with cleaning up each
28 illegal tire pile.

29 (3) Moneys from the vehicle tire recycling account may be used to
30 fund this section.

31 (4) This section expires December 31, 2005.

32 NEW SECTION. Sec. 705. RCW 70.95.530 (Vehicle tire recycling
33 account--Use) and 1988 c 250 s 1 & 1985 c 345 s 7 are each repealed."

34 Renummer the part and sections following consecutively and correct
35 the title amendment.