

SHB 3054 - H AMD 938

By Representative G. Simpson

ADOPTED 02/16/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. 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 per tire fee on the retail sale of
6 new replacement vehicle tires ((for a period of five years, beginning
7 October 1, 1989)). The fee imposed in this section shall be paid by
8 the buyer to the seller, and each seller shall collect from the buyer
9 the full amount of the fee. The fee collected from the buyer by the
10 seller ((less the ten percent amount retained by the seller as provided
11 in RCW 70.95.535 shall)) must be paid to the department of revenue in
12 accordance with RCW 82.32.045, and the proceeds remaining after the
13 deposit required by subsections (3) and (4) of this section, must be
14 deposited into the vehicle tire recycling account created under section
15 2 of this act. If the seller fails to collect the fee or fails to
16 remit the fee to the department of revenue in the manner prescribed,
17 the seller is personally liable to the state for the amount of the fee.
18 All other applicable provisions of chapter 82.32 RCW have full force
19 and application with respect to the fee imposed under this section.
20 The department of revenue shall administer this section.

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

25 (3) Of the one-dollar fee imposed in subsection (1) of this
26 section, thirty cents must be deposited into the motor vehicle account
27 and must be used by the department of transportation for road
28 maintenance, which must incorporate the use of material derived from
29 scrap tires.

1 (4) Of the one-dollar fee imposed in subsection (1) of this
2 section, three cents must be deposited into the state patrol highway
3 account and must be used by the state patrol for business inspection
4 and enforcement activities under RCW 46.55.230, 46.79.090, 46.80.150,
5 and 47.41.070.

6 **NEW SECTION.** **Sec. 2.** A new section is added to chapter 70.95 RCW
7 to read as follows:

8 The vehicle tire recycling account is created within the state
9 treasury. After the deposit of funds into the motor vehicle account as
10 provided for in RCW 70.95.510(3) and the state patrol highway account
11 as provided for in RCW 70.95.510(4), the remaining funds received under
12 RCW 70.95.510(1) must be deposited into the vehicle tire recycling
13 account and used by the department of ecology for purposes including
14 but not limited to those specified in RCW 70.95.535. The department of
15 revenue shall deduct two percent from the funds collected under RCW
16 70.95.510 for the purpose of administering and collecting the fee from
17 new replacement tire retailers.

18 **NEW SECTION.** **Sec. 3.** A new section is added to chapter 70.95 RCW
19 to read as follows:

20 The department of ecology shall convene a committee consisting of
21 one representative from the department of ecology and four members of
22 the legislature, one from each caucus of the house of representatives
23 and the senate. Legislative members from the house of representatives
24 must be appointed by the speaker of the house, and legislative members
25 from the senate must be appointed by the president of the senate. The
26 committee is charged with the following duties:

27 (1) The committee shall prepare a statewide prioritized list of
28 waste tire piles and a plan for their removal. The committee shall
29 contact each county and request that the appropriate county departments
30 (a) locate and identify waste tire piles in their county, and (b)
31 submit a plan for removal. The statewide prioritized list of waste
32 tire piles and plan for proper removal must be completed by January 1,
33 2005, and updated by annual reports to the legislature.

34 (2) The committee shall develop a plan for tracking the movement of

1 waste tires to be completed by January 1, 2005, and updated by annual
2 reports to the legislature. The plan must include the following
3 elements:

- 4 (a) A list of licensed waste tire transporters and storage
5 businesses;
- 6 (b) Quantities of waste tires being transported;
- 7 (c) Locations where waste tires are being collected;
- 8 (d) Locations where waste tires are transported;
- 9 (e) What the waste tires are being used for;
- 10 (f) Recommendations for additional enforcement; and
- 11 (g) Recommendations for preventing future waste tire piles from
12 forming.

13 **Sec. 4.** RCW 70.95.530 and 1988 c 250 s 1 are each amended to read
14 as follows:

15 Moneys in the vehicle tire recycling account may be appropriated to
16 the department of ecology for the following purposes:

- 17 (1) To provide (~~for~~) funding to state and local governments for
18 the removal of discarded vehicle tires from (~~unauthorized~~) illegal
19 tire (~~dump sites~~) piles;
- 20 (2) To (~~accomplish the other purposes of RCW 70.95.020(5); and~~
- 21 ~~(3) To fund the study authorized in section 2, chapter 250, Laws of~~
22 1988) support the programs provided for in RCW 70.95.535(2) and
23 section 3 of this act.

24 In spending funds in the account under this section, the department
25 of ecology shall (~~identify communities with the most severe problems~~
26 ~~with waste tires and~~) provide funds first to those (~~communities~~)
27 counties with high-priority sites to remove accumulations of waste
28 tires.

29 **Sec. 5.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read
30 as follows:

- 31 (1) Every person engaged in making retail sales of new replacement
32 vehicle tires in this state (~~shall retain ten percent of the~~
33 ~~collected~~) may collect a service fee that is separate from the one-
34 dollar fee collected under RCW 70.95.510. The moneys (~~retained may~~)

1 from the service fee must be used for costs associated with the proper
2 management of the waste vehicle tires by the retailer.

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

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

9 ~~((b))~~ Competitive grants to ((local)) county governments for
10 removal of illegal waste tire piles and enforcement programs;

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

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

16 (d) Scrap tire demonstration projects including those implemented
17 by state agencies;

18 (e) Statewide illegal tire pile cleanups, as provided for in RCW
19 70.95.530, and local citizen scrap tire amnesty events;

20 (f) Statewide tire carrier tracking, reporting, and enforcement of
21 the movement of tires within this state.

22 (3) No less than twenty-three percent of the funds contained in the
23 vehicle tire recycling account must be awarded to county governments
24 for removal of illegal waste tire piles.

25 (4) County governments that are recipients of the enforcement
26 program grant funding must submit an annual report to the department of
27 ecology for each year the grant funding is expended, detailing the uses
28 of the funds and including information on what enforcement activities
29 were supported with the grant funds.

30 (5) No more than three percent of the funds contained in the
31 vehicle tire recycling account may be used by the department of ecology
32 for administration purposes."

33 Correct the title.

EFFECT: (1) Creates a committee to develop plans for prioritizing

waste tire piles for cleanup and for tracking waste tire movement. The plans must be completed by January 1, 2005, with annual updates to the legislature.

(2) Limits the amount of vehicle tire recycling account funds that the Department of Ecology can use for administrative purposes to 3% (approximately \$0.02 of the \$1 fee collected).

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