
HOUSE BILL 1892

State of Washington 59th Legislature 2005 Regular Session

By Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby,
B. Sullivan, Dickerson, Chase and Wood

Read first time 02/09/2005. Referred to Committee on Natural
Resources, Ecology & Parks.

1 AN ACT Relating to recycling of waste tires; amending RCW
2 70.95.510, 70.95.530, 70.95.535, 70.95.555, 70.95.560, and 70.95.903;
3 adding new sections to chapter 70.95 RCW; creating a new section;
4 providing an effective date; and declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
7 establish an effective program for the recycling of waste tires. The
8 legislature finds that it is in the best interests of all citizens for
9 waste tires to be recycled safely and efficiently, for the hauling and
10 recycling of waste tires to be properly regulated, and for waste tires
11 to not become a financial burden upon taxpayers.

12 **Sec. 2.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read
13 as follows:

14 (1) There is levied a one dollar per tire fee on the retail sale of
15 new replacement vehicle tires for a period of five years, beginning
16 ~~((October 1, 1989))~~ July 1, 2005. The fee imposed in this section
17 shall be paid by the buyer to the seller, and each seller shall collect
18 from the buyer the full amount of the fee. The fee collected from the

1 buyer by the seller less the ten percent amount retained by the seller
2 as provided in RCW 70.95.535 shall be paid to the department of revenue
3 in accordance with RCW 82.32.045. All other applicable provisions of
4 chapter 82.32 RCW have full force and application with respect to the
5 fee imposed under this section. The department of revenue shall
6 administer this section.

7 (2) For the purposes of this section, "new replacement vehicle
8 tires" means tires that are newly manufactured for vehicle purposes and
9 used tires available for resale and does not include retreaded vehicle
10 tires.

11 (3) Of the one dollar fee imposed in subsection (1) of this
12 section, twenty-three cents must be deposited into the motor vehicle
13 account and must be used by the department of transportation for road
14 maintenance.

15 (4) The department of revenue may deduct two cents from the funds
16 collected under subsection (1) of this section for the purpose of
17 administering and collecting the fee from the sale of new replacement
18 tire retailers. The department of revenue shall incorporate into the
19 agency's regular audit cycle a reconciliation of the number of tires
20 sold and the amount of revenue collected for businesses selling retail
21 replacement tires at retail. The department of revenue shall collect
22 on the business excise tax return from the businesses selling
23 replacement tires:

24 (a) Information on the number of tires sold; and

25 (b) The fee levied in this section.

26 (5) The remaining sixty-five cents of the fee must be deposited
27 into the vehicle tire recycling account as follows:

28 (a) Fifteen cents into a segregated subaccount of the vehicle tire
29 recycling account for distribution to counties; and

30 (b) Fifty cents for use by the department for purposes specified in
31 this chapter.

32 NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW
33 to read as follows:

34 The vehicle tire recycling account is created in the state
35 treasury. Receipts from tire fees must be deposited into the account
36 in accordance with RCW 70.95.510. Moneys in the account may be spent

1 only after appropriation. Expenditures from the account may only be
2 used for purposes specified by RCW 70.95.535.

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

5 (1) Moneys in the vehicle tire recycling account may be
6 appropriated to the department of ecology for the following purposes:

7 ~~((+1))~~ (a) To provide for funding to state and local governments
8 for the removal of discarded vehicle tires from unauthorized tire dump
9 sites; and

10 ~~((+2))~~ (b) To accomplish the other purposes of RCW
11 70.95.020~~((+5))~~ (6)~~((+and~~

12 ~~(3) To fund the study authorized in section 2, chapter 250, Laws of~~
13 ~~1988))~~.

14 (2) In spending funds in the account under this section, the
15 department of ecology shall identify communities with the most severe
16 problems with waste tires and provide funds first to those communities
17 to remove accumulations of waste tires.

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

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

24 (2) The department will distribute the funds in the segregated
25 subaccount of the vehicle tire recycling account as follows:

26 (a) Two-thirds for grants to county governments for cleanup of
27 waste tires. The department shall give priority to proposals that
28 involve partnerships with permitted recycling companies; and

29 (b) One-third to county public health departments for enforcement
30 programs.

31 (3) The department ~~((of ecology))~~ will administer the remaining
32 funds for the purposes specified in RCW 70.95.020~~((+5))~~ (6) including,
33 but not limited to:

34 ~~((Making grants to local governments for pilot demonstration~~
35 ~~projects for on-site shredding and recycling of tires from unauthorized~~
36 ~~dump sites;~~

1 ~~(b) Grants to local government for enforcement programs;~~
2 ~~(c) Implementation of a public information and education program to~~
3 ~~include posters, signs, and informational materials to be distributed~~
4 ~~to retail tire sales and tire service outlets;~~

5 ~~(d) Product marketing studies for recycled tires and alternatives~~
6 ~~to land disposal)) Preparing a statewide, prioritized list of waste~~
7 ~~tire piles and a plan for their removal. The department shall work~~
8 ~~with the appropriate county departments to locate and identify unlawful~~
9 ~~waste tire piles. The statewide, prioritized list of waste tire piles~~
10 ~~and plan for removal must be completed by January 1, 2006; and~~

11 (b) Subject to the requirements provided in subsection (4) of this
12 section, removing discarded vehicle tires from unauthorized tire dump
13 sites based on the prioritized, statewide list.

14 (4) Before spending funds from the vehicle tire recycling account
15 for the removal or cleanup of unlawfully disposed tires, the department
16 must ensure that all legal remedies and cost recovery efforts available
17 against the owner of the unlawfully disposed tires, or the property on
18 which the unlawful tire piles are located, have been exhausted. The
19 department should assist local jurisdictions, where appropriate, with
20 enforcement actions against individuals unlawfully disposing of tires.

21 (5) The department shall report annually to the appropriate
22 committees of the legislature regarding: The status of removal of
23 unauthorized waste tire piles identified in the statewide, prioritized
24 list; the recovery of costs from liable parties; the amounts, purposes,
25 and recipients of grants awarded to local governments each fiscal year;
26 the amount of tires sold at retail and the revenue collected; and
27 financial status of the vehicle tire recycling account.

28 **Sec. 6.** RCW 70.95.555 and 1988 c 250 s 4 are each amended to read
29 as follows:

30 Any person engaged in the business of transporting or storing waste
31 tires shall be licensed by the department of licensing. To obtain a
32 license, each applicant must:

33 (1) Provide assurances that the applicant is in compliance with
34 this chapter and the rules regarding waste tire storage and
35 transportation; ~~((and))~~

36 (2) Accept liability for and authorize the department to recover

1 any costs incurred in any cleanup of waste tires transported or newly
2 stored after the effective date of this section;

3 (3) Post a bond in ((the sum of ten thousand dollars)) an amount to
4 be determined by the department sufficient to cover the liability for
5 the cost of cleanup of the transported or stored waste tires, in favor
6 of the state of Washington. In lieu of the bond, the applicant may
7 submit financial assurances acceptable to the department;

8 (4) Be registered in the state of Washington as a business and be
9 in compliance with all state laws, rules, and local ordinances;

10 (5) Have a federal identification number and be in compliance with
11 all applicable federal codes and regulations; and

12 (6) Report annually to the department the amount of tires
13 transported and their disposition. Failure to report shall result in
14 revocation of the license.

15 **Sec. 7.** RCW 70.95.560 and 1989 c 431 s 95 are each amended to read
16 as follows:

17 (1) Any person who transports or stores waste tires without a
18 license in violation of RCW 70.95.555 shall be guilty of a gross
19 misdemeanor and upon conviction shall be punished under RCW
20 9A.20.021(2).

21 (2) Any person who transports or stores waste tires without a
22 license in violation of RCW 70.95.555 is liable for the costs of
23 cleanup of any and all waste tires transported or stored.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 70.95 RCW
25 to read as follows:

26 No person or business, having legally transferred possession of
27 waste tires to a license transporter or storer of waste tires or to a
28 permitted recycler, has any further liability related to the waste
29 tires legally transferred.

30 **Sec. 9.** RCW 70.95.903 and 1989 c 431 s 32 are each amended to read
31 as follows:

32 Nothing in this chapter shall prevent a permitted or properly
33 exempted recycling company or nonprofit entity from collecting and
34 transporting recyclable materials from a buy-back center, drop-box, or

1 from a commercial or industrial generator of recyclable materials, or
2 upon agreement with a permitted or properly exempted solid waste
3 collection company.

4 Nothing in this chapter shall be construed as prohibiting a
5 commercial or industrial generator of commercial recyclable materials
6 from selling, conveying, or arranging for transportation of such
7 material to a permitted or properly exempted recycler for reuse or
8 reclamation.

9 NEW SECTION. **Sec. 10.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and takes effect
16 July 1, 2005.

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