
SUBSTITUTE HOUSE BILL 2085

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby, B. Sullivan, Dickerson, Chase, Wood and Ericks)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to cleanup of waste tires; amending RCW 70.95.510,
2 70.95.530, 70.95.555, 70.95.560, and 70.95.903; adding new sections to
3 chapter 70.95 RCW; creating a new section; making appropriations;
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.** The legislature finds that discarded tires
7 in unauthorized dump sites pose a health and safety risk to the public.
8 Many of these tire piles have been in existence for a significant
9 amount of time and are a continuing challenge to state and local
10 officials responsible for cleaning up unauthorized dump sites and
11 preventing further accumulation of waste tires. Therefore it is the
12 intent of the legislature to document the extent of the problem, create
13 and fund an effective program to eliminate unauthorized tire piles, and
14 minimize potential future problems and costs.

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

17 (1) There is levied a one dollar per tire fee on the retail sale of
18 new replacement vehicle tires for a period of five years, beginning

1 ((October 1, 1989)) July 1, 2005. The fee imposed in this section
2 shall be paid by the buyer to the seller, and each seller shall collect
3 from the buyer the full amount of the fee. The fee collected from the
4 buyer by the seller less the ten percent amount retained by the seller
5 as provided in RCW 70.95.535 shall be paid to the department of revenue
6 in accordance with RCW 82.32.045.

7 (2) The department of revenue shall incorporate into the agency's
8 regular audit cycle a reconciliation of the number of tires sold and
9 the amount of revenue collected by the businesses selling new
10 replacement vehicle tires at retail. The department of revenue shall
11 collect on the business excise tax return from the businesses selling
12 new replacement vehicle tires at retail:

13 (a) The number of tires sold; and

14 (b) The fee levied in this section.

15 (3) All other applicable provisions of chapter 82.32 RCW have full
16 force and application with respect to the fee imposed under this
17 section. The department of revenue shall administer this section.

18 (4) For the purposes of this section, "new replacement vehicle
19 tires" means tires that are newly manufactured for vehicle purposes and
20 does not include retreaded vehicle tires.

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

23 The waste tire removal account is created in the state treasury.
24 All receipts from tire fees imposed under RCW 70.95.510 must be
25 deposited in the account. Moneys in the account may be spent only
26 after appropriation. Expenditures from the account may be used for the
27 cleanup of unauthorized waste tire piles and measures that prevent
28 future accumulation of unauthorized waste tire piles.

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

31 Moneys in the waste tire removal account may be appropriated to the
32 department of ecology:

33 (1) To provide for funding to state and local governments for the
34 removal of discarded vehicle tires from unauthorized tire dump sites;

35 (2) To accomplish the other purposes of RCW 70.95.020(~~(+5)~~) (6);
36 and

1 (3) (~~To fund the study authorized in section 2, chapter 250, Laws~~
2 ~~of 1988~~) To conduct a study of existing tire cleanup sites. The
3 office of financial management shall oversee the study process and
4 approve the completed study. The completed study shall be delivered to
5 the house of representatives and senate transportation committees by
6 November 15, 2005. In conducting the study, the department shall
7 consult on a regular basis with interested parties. The following
8 identified elements at a minimum shall be included in the completed
9 study:

10 (a) Identification of existing tire cleanup sites in the state of
11 Washington;

12 (b) The estimated number of tires in each tire cleanup site;

13 (c) A map identifying the location of each one of the tire cleanup
14 sites;

15 (d) A photograph of each one of the tire cleanup sites;

16 (e) The estimated cost for cleanup of each tire site by cost
17 component;

18 (f) The estimated reimbursement of costs to be recovered from
19 persons or entities that created or have responsibility for the tire
20 cleanup site;

21 (g) Identification of the type of reimbursements for recovery by
22 each of the tire cleanup sites;

23 (h) The estimated time frame to begin the cleanup project and the
24 estimated completion date for each tire cleanup site;

25 (i) An assessment of local government functions relating to
26 unauthorized tire piles, including cleanup, enforcement, and public
27 health;

28 (j) Identification of needs in the areas in (i) of this subsection
29 for each one of the counties; and

30 (k) A statewide cleanup plan based on multiple funding options
31 between twenty cents and sixty cents for each new tire sold at retail
32 in the state starting on July 1, 2005. The plan shall include the
33 estimated time frame to begin each of the tire cleanup sites and the
34 estimated completion date for each one of the sites. In addition, the
35 plan must include a process to be followed in selecting entities to
36 perform the tire site cleanups. The 2006 legislature shall determine
37 the final distribution of the tire cleanup fee and the appropriations
38 for this statewide tire cleanup plan.

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

5 **Sec. 5.** RCW 70.95.555 and 1988 c 250 s 4 are each amended to read
6 as follows:

7 Any person engaged in the business of transporting or storing waste
8 tires shall be licensed by the department. To obtain a license, each
9 applicant must:

10 (1) Provide assurances that the applicant is in compliance with
11 this chapter and the rules regarding waste tire storage and
12 transportation; (~~and~~)

13 (2) Accept liability for and authorize the department to recover
14 any costs incurred in any cleanup of waste tires transported or newly
15 stored after the effective date of this section;

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

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

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

25 (6) Report annually to the department the amount of tires
26 transported and their disposition. Failure to report shall result in
27 revocation of the license.

28 **Sec. 6.** RCW 70.95.560 and 1989 c 431 s 95 are each amended to read
29 as follows:

30 (1) Any person who transports or stores waste tires without a
31 license in violation of RCW 70.95.555 shall be guilty of a gross
32 misdemeanor and upon conviction shall be punished under RCW
33 9A.20.021(2).

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

1 NEW SECTION. **Sec. 12.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2005.

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