
HOUSE BILL 2085

State of Washington 59th Legislature 2005 Regular Session

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

Read first time 02/17/2005. Referred to Committee on Transportation.

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 an appropriation;
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 may deduct two cents from the funds
8 collected under this section for the purpose of administering and
9 collecting the fee from the retail sale of new replacement vehicle
10 tires. The department of revenue shall incorporate into the agency's
11 regular audit cycle a reconciliation of the number of tires sold and
12 the amount of revenue collected by the businesses selling new
13 replacement vehicle tires at retail. The department of revenue shall
14 collect on the business excise tax return from the businesses selling
15 new replacement vehicle tires at retail:

16 (a) The number of tires sold; and

17 (b) The fee levied in this section.

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

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

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

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

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

34 Moneys in the waste tire removal account may be appropriated to the
35 department of ecology:

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

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

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

14 (a) Identification of existing tire cleanup sites in the state of
15 Washington;

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

17 (c) A map identifying the location of each one of the tire cleanup
18 sites;

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

20 (e) The estimated cost for cleanup of each tire site by cost
21 component;

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

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

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

29 (i) An assessment of local government functions relating to
30 unauthorized tire piles, including cleanup, enforcement, and public
31 health;

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

34 (k) A statewide cleanup plan based on multiple funding options
35 between twenty cents and sixty cents for each new tire sold at retail
36 in the state starting on July 1, 2005. The plan shall include the
37 estimated time frame to begin each of the tire cleanup sites and the
38 estimated completion date for each one of the sites. In addition, the

1 plan must include a process to be followed in selecting entities to
2 perform the tire site cleanups. The 2006 legislature shall determine
3 the final distribution of the tire cleanup fee and the appropriations
4 for this statewide tire cleanup plan.

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

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

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

14 (1) Provide assurances that the applicant is in compliance with
15 this chapter and the rules regarding waste tire storage and
16 transportation; ~~((and))~~

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

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

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

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

29 (6) Report annually to the department the amount of tires
30 transported and their disposition. Failure to report shall result in
31 revocation of the license.

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

34 (1) Any person who transports or stores waste tires without a
35 license in violation of RCW 70.95.555 shall be guilty of a gross

1 misdemeanor and upon conviction shall be punished under RCW
2 9A.20.021(2).

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

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

8 No person or business, having legally transferred possession of
9 waste tires to a licensed transporter or storer of waste tires or to a
10 permitted recycler, has any further liability related to the waste
11 tires legally transferred.

12 **Sec. 8.** RCW 70.95.903 and 1989 c 431 s 32 are each amended to read
13 as follows:

14 Nothing in this chapter shall prevent a permitted or properly
15 exempted recycling company or nonprofit entity from collecting and
16 transporting recyclable materials from a buy-back center, drop-box, or
17 from a commercial or industrial generator of recyclable materials, or
18 upon agreement with a permitted or properly exempted solid waste
19 collection company.

20 Nothing in this chapter shall be construed as prohibiting a
21 commercial or industrial generator of commercial recyclable materials
22 from selling, conveying, or arranging for transportation of such
23 material to a permitted or properly exempted recycler for reuse or
24 reclamation.

25 NEW SECTION. Sec. 9. The sum of one hundred fifty thousand
26 dollars, or as much thereof as may be necessary, is appropriated for
27 the fiscal year ending June 30, 2006, from the general fund to the
28 office of financial management to reimburse the department of ecology
29 to complete the study in section 2 of this act.

30 NEW SECTION. Sec. 10. If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 11.** 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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