

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 518 OF 1993
HOUSE BILL 1128

4 **By: Representatives Flanagan, Day, Landers, Fairchild and Wagner**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 8-9-402 TO INCREASE THE
9 NUMBER OF WASTE TIRES WHICH MAY BE STORED AT *COLLECTION*
10 *CENTERS*; TO AMEND ARKANSAS CODE § 8-9-406 TO AUTHORIZE
11 WASTE TIRE PROCESSING FACILITIES TO ACCEPT WASTE TIRES
12 FROM OUTSIDE THE SOLID WASTE DISTRICT; AND FOR OTHER
13 PURPOSES."

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Subtitle

16 "AN ACT TO INCREASE THE NUMBER OF WASTE TIRES TO BE STORED
17 AT *COLLECTION CENTERS* AND TO AUTHORIZE THE PROCESSING
18 FACILITIES TO ACCEPT OUTSIDE WASTE TIRES."

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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22 SECTION 1. Arkansas Code § 8-9-402 is hereby amended to read as
23 follows:

24 "8-9-402. Definitions. As used in this subchapter, unless the context
25 otherwise requires:

26 (1) Motor vehicle means an automobile, motorcycle, truck, trailer,
27 semitrailer, truck tractor and semitrailer combination, or any other vehicle
28 operated on the roads of this state, used to transport persons or property,
29 and propelled by power other than muscular power, but the term does not
30 include traction engines, road rollers, such vehicles as run only upon a
31 track, bicycles, mopeds, or farm tractors and trailers;

32 (2) Tire means a continuous solid or pneumatic rubber covering which
33 is used for encircling the wheel of a motor vehicle;

34 (3) Tire manufacturer means a manufacturing operation engaged in the
35 final assembly of the basic components of a tire;

36 (4) Waste tire means a tire that is no longer repairable or

1 retreadable or no longer suitable for its original intended purpose because of
2 wear, damage, or defect;

3 (5) Waste tire collection center means a site where used or waste
4 tires are collected from the public prior to being offered for recycling and
5 where fewer than three thousand (3000) loosely stored tires are kept on the
6 site on any given day or up to a maximum of ten thousand (10,000) tires which
7 have been compacted or baled;

8 (6) Waste tires originating from a tire manufacturer means those new
9 tires which originate from a tire assembly process and are determined by the
10 tire manufacturer to be either defective or unfit for use on a motor vehicle;

11 (7) Waste tire processing facility means a site where equipment is
12 used to cut, chip, grind, or otherwise alter used or waste tires;

13 (8) Waste tire site means a site at which one thousand (1000) or more
14 used or waste tires are accumulated, whether loosely stored or compacted and
15 baled or a combination thereof;

16 (9) Used tire means a tire that is repairable or retreadable for its
17 original intended purpose, but shall not include a tire being held for ninety
18 (90) days or less for the purpose of retreading or repairing the tire; and

19 (10) Compacted and baled tires means tires that have been
20 mechanically compressed and tied with interlocking wrappings which have been
21 approved by the Department of Pollution Control and Ecology."
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23 SECTION 2. Arkansas Code § 8-9-406 is hereby amended to read as
24 follows:

25 "8-9-406. Statewide disposal facility.

26 (a) The commission shall have the authority to license statewide
27 disposal facilities for waste tires. The commission shall establish the
28 criteria for applications for statewide disposal facilities and shall regulate
29 the operation of the facilities.

30 (b) No disposal facility for waste tires, other than licensed statewide
31 waste tire disposal facilities or permitted waste tire processing facilities,
32 shall accept waste tires from another solid waste district."
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34 SECTION 3. All provisions of this act of general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 4. If any provisions of this act or the application thereof to
4 any person or circumstance is held invalid, the invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provisions or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 5. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 6. EMERGENCY. *It is hereby found and determined by the General*
13 *Assembly that all solid waste districts do not have waste tire collection*
14 *centers and waste tire processing facilities; that some waste tires must be*
15 *transported across district lines for recycling and processing; that whole*
16 *waste tires must be processed prior to transportation across district lines;*
17 *that it is an undue hardship on those persons transporting whole waste tires*
18 *to process them prior to delivery at a permitted processing facility; and that*
19 *this act allows transportation of whole waste tires across district lines to a*
20 *permitted processing facility. Therefore an emergency is declared to exist,*
21 *and this act being immediately necessary for the preservation of the public*
22 *peace, health, and safety, shall be in full force and effect from and after*
23 *its passage and approval.*

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/s/Pat Flanagan, et al

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APPROVED: 03-16-93

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As Engrossed: 3/10/93

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