

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/13/03 S4/1/03

A Bill

Act 1304 of 2003
SENATE BILL 905

5 By: Senator Hill
6
7

For An Act To Be Entitled

9 AN ACT TO REVISE ARKANSAS LAW REGARDING WASTE
10 TIRES; AND FOR OTHER PURPOSES.
11

Subtitle

12 TO REVISE ARKANSAS LAW REGARDING WASTE
13 TIRES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 8-9-402 is amended to read as follows:
20 8-9-402. Definitions.

21 As used in this subchapter, unless the context otherwise requires:

22 (1) "Automobile tire" means any motor vehicle tire with a ~~rim~~
23 ~~size of less than nineteen and one half inches (19.5")~~ load rating of "E" or
24 lower;

25 (2) "Compacted and baled tires" means tires that have been
26 mechanically compressed and tied with interlocking wrappings which have been
27 approved by the Arkansas Department of Environmental Quality;

28 (3) "Load rating" means the system of trade designations which
29 identifies the weight carrying capacity range of a tire;

30 ~~(3)(4)~~ (4) "Motor vehicle" means an automobile, motorcycle, truck,
31 trailer, semitrailer, truck tractor and semitrailer combination, or any other
32 vehicle operated primarily on the roads of this state, used to transport
33 persons or property and propelled by power other than muscular power, ~~but the~~
34 ~~term does not include traction engines, road rollers, such vehicles as run~~
35 ~~only upon a track, bicycles, mopeds, or farm tractors and trailers~~;

36 (5) "Specialty tire" means any tire not specifically covered by



1 any other definition in this section including, but not limited to, traction
 2 engines, road rollers, vehicles that run only on a track, bicycles, and farm
 3 tractors and trailers;

4 ~~(4)~~(6) "Tire" means a continuous solid or pneumatic rubber
 5 covering which is used for encircling ~~the~~ a wheel ~~of a motor vehicle;~~

6 ~~(5)~~(7) "Tire manufacturer" means a manufacturing operation
 7 engaged in the final assembly of the basic components of a tire;

8 ~~(6)~~(8) "Truck ~~or specialty~~ tire" means any motor vehicle tire
 9 with a rim size ~~of nineteen and one half inches (19.5") or larger~~ greater
 10 than twenty inches (20") and a load rating of "E" or higher;

11 ~~(7)~~(9) "Used tire" means a tire that is repairable or
 12 retreadable for its original intended purpose but shall not include a tire
 13 being held for ninety (90) days or less for the purpose of retreading or
 14 repairing the tire;

15 ~~(8)~~(10) "Waste tire" means a tire that is no longer repairable
 16 or retreadable or no longer suitable for its original intended purpose
 17 because of wear, damage, or defect;

18 ~~(9)~~(11) "Waste tire collection center" means a site where used
 19 or waste tires are collected from the public prior to being offered for
 20 recycling and where fewer than three thousand (3,000) loosely stored tires
 21 are kept on the site on any given day or up to a maximum of ten thousand
 22 (10,000) tires which have been compacted or baled;

23 ~~(10)~~(12) "Waste tire processing facility" means a site where
 24 equipment is used to cut, chip, grind, or otherwise alter used or waste
 25 tires;

26 ~~(11)~~(13) "Waste tire site" means a site at which one thousand
 27 (1,000) or more unpermitted used or waste tires are accumulated, whether
 28 loosely stored or compacted and baled or a combination thereof; and

29 ~~(12)~~(14) "Waste tires originating from a tire manufacturer"
 30 means those new tires which originate from a tire assembly process and are
 31 determined by the tire manufacturer to be either defective or unfit for use
 32 on a motor vehicle.

33
 34 SECTION 2. Arkansas Code § 8-9-404(a), regarding waste tire fees, is
 35 amended to read as follows:

36 (a) There shall be imposed a fee upon the sale of each ~~new motor~~

1 ~~vehicle~~ new automobile tire and truck tire sold at retail.

2 (1)(A) The fee shall be charged by the tire retailer to the
3 person who purchases a ~~motor vehicle~~ new automobile tire or truck tire ~~for~~
4 ~~use on a motor vehicle and not for resale.~~

5 (B) No fee shall be collected on any motor vehicle tire
6 sold by a tire retailer for resale under subdivision (a)(7) of this section.

7 (2)(A) ~~Such~~ The fee shall be imposed at the rate of ~~one dollar~~
8 ~~and seventy five cents (\$1.75)~~ two dollars (\$2.00) per automobile tire and or
9 truck tire.

10 ~~(B)(i) Solid waste management districts are authorized to~~
11 ~~enact an additional fee on truck tires provided that their costs of properly~~
12 ~~removing and disposing of truck tires exceeds one dollar and seventy five~~
13 ~~cents (\$1.75) per truck tire. Solid waste management districts imposing an~~
14 ~~additional fee on truck tires may not impose a fee in excess of the costs of~~
15 ~~properly removing and disposing of such tires less one dollar and seventy-~~
16 ~~five cents (\$1.75) per tire. Fees imposed pursuant to subdivision (a)(2) of~~
17 ~~this section shall be reviewed and approved by the Arkansas Department of~~
18 ~~Environmental Quality.~~

19 ~~(ii) Provided, however, in no instance shall the fee~~
20 ~~prescribed in subdivision (a)(2)(B) of this section exceed four dollars~~
21 ~~(\$4.00) per tire.~~

22 (B) An additional fee shall be imposed at the rate of
23 three dollars (\$3.00) per truck tire.

24 (C) Solid waste management districts may charge a fee for
25 the collection and disposal of specialty tires.

26 ~~(G)(D)~~ It shall be the responsibility of the tire retailer
27 to accept, at no additional cost to the customer other than ~~those in~~
28 ~~accordance with subdivision (a)(2)(B) of this section~~ the fees imposed under
29 this section, any or all used or waste tires for which a new replacement tire
30 was purchased.

31 ~~(D)(E)~~ For any used or waste tires collected through a
32 tire retailer's business, the retailer shall ensure that said tires are
33 transported by a licensed hauler to a permitted waste tire collection center,
34 a solid waste management facility, a waste tire processing facility, or a
35 registered used tire dealer.

36 (3) Except for the fees for the collection and disposal of

1 specialty tires, Such the fees shall be added to the total cost to the
 2 purchaser at retail after all applicable sales taxes on the tires have been
 3 computed and shall be separately stated on the invoice or bill of sale.

4 (4)(A) Except for the fees for the collection and disposal of
 5 specialty tires, The the fees imposed shall be paid monthly to the Director
 6 of the Department of Finance and Administration.

7 (B) Provided, however, the tire retailer may retain five
 8 percent (5%) of the fee levied by ~~subdivision~~ subdivisions (a)(2)(A) and
 9 (a)(2)(B) of this section as an administrative cost.

10 (5)(A) The fees remitted in subdivision (a)(4)(A) shall be
 11 collected by the Director of the Department of Finance and Administration and
 12 shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

13 (B)(i) Each tire retailer ~~and each new motor vehicle~~
 14 ~~dealer~~ shall file a return with the Director of the Department of Finance and
 15 Administration and with the applicable solid waste management district on or
 16 before the twentieth of each month showing the total fees collected for both
 17 ~~passenger~~ automobile and truck tires during the preceding calendar month and
 18 shall remit the fees with the return.

19 (ii) The Director of the Department of Finance and
 20 Administration shall prescribe the form and contents of the return. At a
 21 minimum, the form must indicate separately the number of ~~passenger~~ automobile
 22 tires and number of truck tires sold for which a fee was collected. In
 23 addition, the form must indicate which solid waste management district the
 24 tires were sold in.

25 (6) The fees imposed by this section do not apply to recapped
 26 tires or tires included as part of the equipment of a new motor vehicle.

27 (7) The terms "sold at retail" and "retail sales" do not include
 28 the sale of new tires to a person solely for the purpose of resale, provided
 29 the subsequent retail sale in this state is subject to the fee.

30
 31 SECTION 3. Arkansas Code § 8-9-404(d), regarding waste tire fees, is
 32 amended to read as follows:

33 (d)(1) Except as provided in subdivision (d)(2) of this section, The
 34 the Waste Tire Grant Fund shall be administered by the Arkansas Department of
 35 Environmental Quality, which shall authorize grants from the Waste Tire Grant
 36 Fund according to the provisions of this subchapter. ~~Provided, however, that~~

1 ~~all subdivision (a)(2)(B) fees levied by solid waste management districts~~
2 ~~shall be remitted monthly to the solid waste management districts within~~
3 ~~which the fees were collected.~~

4 (2) The fees collected under subdivision (a)(2)(B) of this
5 section shall be remitted to the solid waste management district in which the
6 truck tires were disposed.

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8 SECTION 4. Arkansas Code § 8-9-405(c), regarding waste tire grants, is
9 amended to add an additional subdivision to read as follows:

10 (4) Any formula for distribution of grant funds that takes into
11 account population data shall use data from the latest available federal
12 decennial census.

13 /s/ Hill
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16 APPROVED: 4/14/2003
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