

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2427

"TO AMEND ARKANSAS CODE §§ 8-9-402 AND 8-9-404 TO PROVIDE FOR AN
ADEQUATE FEE FOR COLLECTION AND DISPOSAL OF WASTE TIRES IN THE STATE
OF ARKANSAS; TO AMEND § 8-9-405 FOR TIMELY UPDATES OF FORMULAS FOR
DISTRIBUTION OF WASTE TIRE GRANT FUNDS."

Amendment No. 1 to House Bill No. 2427.

Amend House Bill No. 2427 as originally introduced:

Page 1, delete line 12 and substitute the following:

"ARKANSAS; TO AMEND ARKANSAS CODE § 8-9-405 TO PROVIDE FOR TIMELY UPDATES"

AND

Page 3, line 6, insert the following:

"SECTION 2. Arkansas Code § 8-9-404(a) is amended to read as follows:

(a) There shall be imposed a fee upon the sale of each original equipment tire new motor vehicle tire sold at retail.

(1) The fee shall be charged by the tire retailer to the person who purchases a new motor vehicle automobile tire for use on a motor vehicle and not for resale. No fee shall be collected on any motor vehicle tire sold by a tire retailer for resale in accordance with subdivision (a)(7) hereon.

(2) The Director of the Department of Finance and Administration acting in his capacity as Commissioner of Motor Vehicles of the State of Arkansas, or his authorized agent, shall collect the fee placed upon original equipment tires at the time a new car or light truck is licensed in the State of Arkansas for the first time to the retail buyer.

~~(2)(A)(3)(A)~~ Such fee shall be imposed at the rate of ~~one dollar and seventy five cents (\$1.75)~~ two dollars (\$2.00) per automobile tire or original equipment tire and truck tire.

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



~~Environmental Quality.~~

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

(B) A fee shall be imposed at the rate of five dollars (\$5.00) per truck tire.

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

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

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

~~(3)(4)~~ Such fees, other than fees on specialty tires, shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the tires have been computed and shall be separately stated on the invoice or bill of sale.

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

(B) Provided, however, the tire retailer or new car or light truck dealer may retain five percent (5%) of the fee levied by subdivision ~~(a)(2)(A)(a)(4)(A)~~ of this section as an administrative cost.

~~(5)(A)(6)(A)~~ The fees remitted in subdivision (a)(5)(A) shall be collected by the Director of the Department of Finance and Administration and shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq.

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

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

~~(6)(7)~~ The fees imposed by this section do not apply to recapped tires ~~or tires included as part of the equipment of a new motor vehicle.~~

~~(7)(8)~~ The terms "sold at retail" and "retail sales" do not include the sale of new tires to a person solely for the purpose of resale, provided the subsequent retail sale in this state is subject to the fee.

SECTION 3. Arkansas Code § 8-9-404(d) is amended to read as follows:

(d) The Waste Tire Grant Fund shall be administered by the Arkansas Department of Environmental Quality, which shall authorize grants from the Waste Tire Grant Fund according to the provisions of this subchapter.

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

SECTION 4. Arkansas Code § 8-9-405(c) is amended to add a new subdivision (4) to read as follows:

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

The Amendment was read _____
By: Representative Boyd
KLT/JMB - 031220031212
JMB386 _____
Chief Clerk