

**ARKANSAS SENATE**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of Senate Bill No. 905**  
"TO REVISE ARKANSAS LAW REGARDING WASTE TIRES."  
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**Amendment No. 1 to Senate Bill No. 905.**

Amend Senate Bill No. 905 as originally introduced:

Delete all language after the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 8-9-402, concerning definitions regarding the hauling, recycling, and disposing of waste tires, is amended to add an additional subdivision to read as follows:

(13)(A) “Dollar allowance available per tire” means the per tire dollar amount available for distribution to solid waste management districts.

(B) “Dollar allowance available per tire” is determined by deducting the following from the dollar amount collected from the retail tire dealer per tire:

(i) Ten percent (10%) for the Arkansas Department of Environmental Quality Fee Fund under § 8-9-404(b)(2); and

(ii) Eight percent (8%) of the Waste Tire Grant Fund that is set aside for supplemental aid under § 8-9-405(e).

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

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

(1) The fee shall be charged by the tire retailer to the person who purchases ~~a motor vehicle~~ an automobile tire for use on ~~a motor vehicle~~ an automobile and not for resale.

(2)(A) Such fee shall be imposed at the rate of one dollar and seventy-five cents (\$1.75) per automobile ~~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. Solid waste management districts are authorized to collect a fee on truck tires of five dollars (\$5.00) per tire for every truck tire collected by the district.~~

(C) 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, any or all used or waste tires for which a new replacement tire was purchased.

(D) 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) Such fees 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) The fees imposed shall be paid monthly to the Director of the Department of Finance and Administration.

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

(5)(A) The fees 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 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 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) 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) 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(b), concerning waste tire fees, is amended to read as follows:

(b) The Department of Finance and Administration shall deposit the proceeds of the waste tire fee in the State Treasury as special revenues and shall credit the proceeds to the following special funds created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State in the following proportions:

(1) A total of ~~ninety two percent (92%)~~ ninety percent (90%) of the proceeds to be deposited into the fund known as the "Waste Tire Grant Fund" herein created; and

(2) A total of ~~eight percent (8%)~~ ten percent (10%) of the proceeds to be deposited into the Arkansas Department of Environmental Quality Fee Fund as created in § 8-1-105.

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

(c)(1)(A) Grant funds for waste tire management programs shall be distributed to the regional solid waste management boards based on the following formula:

(i) Step 1: Determine the total number of automobile tires sold in the state during the previous calendar year by dividing the dollar amount collected for each retail automobile tire sale into the total fees collected by the Department of Finance and Administration during the previous calendar year;

(ii) Step 2: Determine the statewide per capita tire sales by dividing the total number of tires sold by the total state population as determined by the most recent census; and

(iii) Step 3: Determine the amount of grant funds available for each district by multiplying the statewide per capita tire sales by the district population, as determined by the most recent census, by the dollar allowance available per tire.

(B) The formula shall be updated each year with the tire sales from the previous year.

(2) To be eligible to receive waste tire management grant funds, regional solid waste management boards shall provide the department with quarterly financial and progress reports, as determined by the department.

(3) Distribution of grant funds shall be based upon moneys available in the fund and upon approved quarterly financial reports. Such reports shall show funds expended on waste tire projects during the previous quarter and expenses expected on waste tire projects during the next quarter and any other information as determined by the department. Accordingly, and upon department approval, quarterly distributions shall be made to the boards.

SECTION 5. Arkansas Code § 8-9-405(e), concerning waste tire grants, is amended to read as follows:

(e) The department shall expand the waste tire grant program by setting aside a portion, not to exceed ~~ten percent (10%)~~ eight percent (8%) of the Waste Tire Grant Fund available, other than those fees established in § 8-9-404(a)(2)(B), to regional solid waste management districts, in order to provide supplemental aid wherever needed.

SECTION 6. This act shall become effective on the first day of the calendar month following the ninetieth day after the sine die adjournment of this session or the first day of the calendar month following the ninetieth day after a recess or adjournment for a period longer than ninety (90) days."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Hill  
JSE/RCK - 031120031434  
RCK646

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Secretary