

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

A Bill

HOUSE BILL

4 **By: Representatives Wagner, Flanagin, Landers, and Fairchild**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 8-9-404 TO LEVY A NEW
9 TIRE FEE ON EACH ORIGINAL EQUIPMENT NEW TIRE AT THE TIME
10 OF THE SALE OF A NEW MOTOR VEHICLE; AND FOR OTHER
11 PURPOSES."

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Subtitle

14 "AN ACT TO LEVY A NEW TIRE FEE ON THE SALE OF NEW TIRES ON
15 NEW AUTOMOBILE SALES."

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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 § 8-9-404 is hereby amended to read as
20 follows:

21 "8-9-404. Waste tire fees.

22 (a) There shall be imposed a fee upon the sale of each original
23 equipment tire on new motor vehicles sales as well as each new motor vehicle
24 tire sold at retail.

25 (1) The fee shall be charged by the motor vehicle retailer or by
26 tire retailer as the situation applies, to the person who purchases a new
27 motor vehicle or new motor vehicle tire for use on a motor vehicle and not for
28 resale.

29 (2) Such fee shall be imposed at the rate of one dollar and fifty
30 cents (\$1.50) for each new tire sold.

31 (3) For the tire retailers, such fee shall be added to the total
32 cost to the purchaser at retail after all applicable sales taxes on the tires
33 have been computed and shall be separately stated on the invoice or bill of
34 sale. For the new motor vehicle retailer, the fee on each original equipment
35 tire on new motor vehicles shall be added by the motor vehicle retailer to the

1 total cost to the purchaser at retail and shall be separately stated on the
2 invoice or bill of sale.

3 (4) The fee imposed, less ten percent (10%) of fees collected,
4 which shall be retained by the motor vehicle retailer or by the tire retailer
5 as administration cost, shall be paid monthly to the Director of the
6 Department of Finance and Administration.

7 (5) (A) The fee shall be collected by the Director of the
8 Department of Finance and Administration and shall be subject to the Arkansas
9 Tax Procedure Act, § 26-18-101 et seq.

10 (B) (1) Each tire retailer shall file a return with the
11 Director of the Department of Finance and Administration on or before the
12 twentieth of each month showing the total fees collected during the preceding
13 calendar month and shall remit the fees with the return.

14 (2) The director shall prescribe the form and
15 contents of the return.

16 (6) The fee imposed by this section does not apply to recapped
17 tires.

18 (7) The terms _sold at retail_ and _retail sales_ do not include
19 the sale of new tires to a person solely for the purpose of resale, provided
20 the subsequent retail sale in this state is subject to the fee.

21 (b) The Department of Finance and Administration shall deposit the
22 proceeds of the waste tire fee in the State Treasury as special revenues and
23 shall credit the proceeds to a special fund created on the books of the State
24 Treasurer, the State Auditor, and the Chief Fiscal Officer of the State to be
25 known as the _Waste Tire Grant Fund._

26 (1) In addition to all moneys appropriated by the General
27 Assembly to the fund, there shall be deposited in the fund any federal
28 government moneys designated to enter the fund, any moneys received by the
29 state as a gift or donation to the fund, and all interest upon money deposited
30 in the fund.

31 (2) The Waste Tire Grant Fund shall be administered by the
32 department, which shall authorize grants and administrative expenditures from
33 the fund according to the provisions of this subchapter.

34 (3) No more than ten percent (10%) of the moneys received
35 annually into the fund shall be used by the department for the administration

1 of grants pursuant to this subchapter.

2 (c) For the purposes of this section, proceeds of the fee shall mean
3 all funds collected and received by the Department of Finance and
4 Administration under this section, and interest and penalties on delinquent
5 waste tire fees.

6 (d) In addition to the fee imposed on new tires, a fee shall be imposed
7 at the rate of one dollar (\$1.00) on all waste tires that are imported into
8 Arkansas. Provided, however, that the fee on waste tires shall be waived if
9 the waste tires are imported to a permitted processing facility or to a
10 permitted disposal facility.

11 (1) The fee imposed shall be paid by the importer to the
12 Department of Finance and Administration in accordance with § 26-18-101 et
13 seq. and any regulations promulgated by the Department of Finance and
14 Administration.

15 (2) The Department of Finance and Administration shall deposit
16 the proceeds of this fee in the State Treasury as special revenues and shall
17 credit the proceeds to the special fund created on the books of the State
18 Treasurer, the State Auditor, and the Chief Fiscal Officer of the State to be
19 known as the Waste Tire Grant Fund, as described in subsection (b) of this
20 section."

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22 SECTION 2. All provisions of this act of general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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

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32 SECTION 4. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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