

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

# A Bill

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.  
14  
15  
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

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

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

24 (B) "Dollar allowance available per tire" is determined by  
25 deducting the following from the dollar amount collected from the retail tire  
26 dealer per tire:

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

29 (ii) Eight percent (8%) of the Waste Tire Grant Fund that  
30 is set aside for supplemental aid under § 8-9-405(e).  
31

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

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

36 (1) The fee shall be charged by the tire retailer to the person



1 who purchases ~~a motor vehicle~~ an automobile tire for use on ~~a motor vehicle~~  
2 an automobile and not for resale.

3 (2)(A) Such fee shall be imposed at the rate of one dollar and  
4 seventy-five cents (\$1.75) per automobile ~~and truck~~ tire.

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

14 ~~(ii) Provided, however, in no instance shall the fee~~  
15 ~~prescribed in subdivision (a)(2)(B) of this section exceed four dollars~~  
16 ~~(\$4.00) per tire. Solid waste management districts are authorized to collect~~  
17 ~~a fee on truck tires of five dollars (\$5.00) per tire for every truck tire~~  
18 ~~collected by the district.~~

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

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

28 (3) Such fees shall be added to the total cost to the purchaser  
29 at retail after all applicable sales taxes on the tires have been computed  
30 and shall be separately stated on the invoice or bill of sale.

31 (4)(A) The fees imposed shall be paid monthly to the Director of  
32 the Department of Finance and Administration.

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

36 (5)(A) The fees shall be collected by the Director of the

1 Department of Finance and Administration and shall be subject to the Arkansas  
2 Tax Procedure Act, § 26-18-101 et seq.

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

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

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

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

20

21 SECTION 3. Arkansas Code § 8-9-404(b), concerning waste tire fees, is  
22 amended to read as follows:

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

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

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

34

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

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

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

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

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

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

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

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

28  
 29 SECTION 5. Arkansas Code § 8-9-405(e), concerning waste tire grants,  
 30 is amended to read as follows:

31 (e) The department shall expand the waste tire grant program by  
 32 setting aside a portion, not to exceed ~~ten percent (10%)~~ eight percent (8%)  
 33 of the Waste Tire Grant Fund available, other than those fees established in  
 34 § 8-9-404(a)(2)(B), to regional solid waste management districts, in order to  
 35 provide supplemental aid wherever needed.

36

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

*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.*

*/s/ Hill*