

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: H3/14/03

A Bill

HOUSE BILL 2427

5 By: Representative Boyd
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE §§ 8-9-402 AND 8-9-
10 404 TO PROVIDE FOR AN ADEQUATE FEE FOR COLLECTION
11 AND DISPOSAL OF WASTE TIRES IN THE STATE OF
12 ARKANSAS; TO AMEND ARKANSAS CODE § 8-9-405 TO
13 PROVIDE FOR TIMELY UPDATES OF FORMULAS FOR
14 DISTRIBUTION OF WASTE TIRE GRANT FUNDS; AND FOR
15 OTHER PURPOSES.

Subtitle

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18 TO AMEND ARKANSAS CODE §§ 8-9-402 AND 8-
19 9-404 TO PROVIDE FOR AN ADEQUATE FEE FOR
20 COLLECTION AND DISPOSAL OF WASTE TIRES
21 IN THE STATE OF ARKANSAS; TO AMEND § 8-
22 9-405 FOR TIMELY UPDATES OF FORMULAS FOR
23 DISTRIBUTION OF WASTE TIRE GRANT FUNDS.
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 8-9-402 is amended to read as follows:
29 8-9-402. Definitions.

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

31 (1) "Automobile tire" means any tire with a rim size of less
32 than nineteen and one-half inches (19.5");

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

36 (3) "Motor vehicle" means an automobile, motorcycle, truck,



1 trailer, semitrailer, truck tractor and semitrailer combination, or any other
2 vehicle operated on the roads of this state, used to transport persons or
3 property and propelled by power other than muscular power, ~~but the term does~~
4 ~~not include traction engines, road rollers, such vehicles as run only upon a~~
5 ~~track, bicycles, mopeds, or farm tractors and trailers;~~

6 (4) "Original equipment tire" means any automobile tire included
7 as part of the equipment of a new motor vehicle sold at retail for the first
8 time;

9 ~~(4)(5)~~ "Tire" means a continuous solid or pneumatic rubber
10 covering which is used for encircling the a wheel ~~of a motor vehicle;~~

11 ~~(5)(6)~~ "Tire manufacturer" means a manufacturing operation
12 engaged in the final assembly of the basic components of a tire;

13 ~~(6)(7)~~ "Truck ~~or specialty~~ tire" means any tire with a rim size
14 ~~of~~ between nineteen and one-half inches (19.5") ~~or larger and twenty-five~~
15 inches (25");

16 (8) "Specialty tire" means any tire not specifically covered by
17 any other definition herein including, but not limited to, traction engines,
18 road rollers, vehicles which run only upon a track, bicycles, mopeds, and
19 farm tractors and trailers;

20 ~~(7)(9)~~ "Used tire" means a tire that is repairable or
21 retreadable for its original intended purpose but shall not include a tire
22 being held for ninety (90) days or less for the purpose of retreading or
23 repairing the tire;

24 ~~(8)(10)~~ "Waste tire" means a tire that is no longer repairable
25 or retreadable or no longer suitable for its original intended purpose
26 because of wear, damage, or defect;

27 ~~(9)(11)~~ "Waste tire collection center" means a site where used
28 or waste tires are collected from the public prior to being offered for
29 recycling and where fewer than three thousand (3,000) loosely stored tires
30 are kept on the site on any given day or up to a maximum of ten thousand
31 (10,000) tires which have been compacted or baled;

32 ~~(10)(12)~~ "Waste tire processing facility" means a site where
33 equipment is used to cut, chip, grind, or otherwise alter used or waste
34 tires;

35 ~~(11)(13)~~ "Waste tire site" means a site at which one thousand
36 (1,000) or more unpermitted used or waste tires are accumulated, whether

1 loosely stored or compacted and baled or a combination thereof; and

2 ~~(12)~~(14) "Waste tires originating from a tire manufacturer"
3 means those new tires which originate from a tire assembly process and are
4 determined by the tire manufacturer to be either defective or unfit for use
5 on a motor vehicle.

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

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

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

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

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

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

30 ~~(ii) Provided, however, in no instance shall the fee~~
31 ~~prescribed in subdivision (a)(2)(B) of this section exceed four dollars~~
32 ~~(\$4.00) per tire.~~

33 (B) A fee shall be imposed at the rate of five dollars
34 (\$5.00) per truck tire.

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

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

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

10 ~~(3)~~(4) Such fees, other than fees on specialty tires, shall be
11 added to the total cost to the purchaser at retail after all applicable sales
12 taxes on the tires have been computed and shall be separately stated on the
13 invoice or bill of sale.

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

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

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

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

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

35 ~~(6)~~(7) The fees imposed by this section do not apply to recapped
36 tires ~~or tires included as part of the equipment of a new motor vehicle~~.

1 ~~(7)~~(8) The terms "sold at retail" and "retail sales" do not
2 include the sale of new tires to a person solely for the purpose of resale,
3 provided the subsequent retail sale in this state is subject to the fee.
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5 SECTION 3. Arkansas Code § 8-9-404(d) is amended to read as follows:

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

9 ~~Provided, however, that all subdivision (a)(2)(B) fees levied by solid waste~~
10 ~~management districts shall be remitted monthly to the solid waste management~~
11 ~~districts within which the fees were collected.~~
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13 SECTION 4. Arkansas Code § 8-9-405(c) is amended to add a new
14 subdivision (4) to read as follows:

15 (4) Any formula for distribution of grant funds which takes into
16 account population data shall use data from the latest available federal
17 decennial census.
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/s/ Boyd