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ENGROSSED SUBSTITUTE HOUSE BILL 1705

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State of Washington

58th Legislature

2003 Regular Session

By House Committee on Fisheries, Ecology & Parks (originally sponsored by Representatives Simpson, Chandler, Cooper, Newhouse, Skinner, Romero, Hankins, Hatfield, Mastin, Delvin, Lovick, Campbell, Wood, Sump, Grant, Hudgins, Dunshee, Rockefeller, Moeller and Linville)

READ FIRST TIME 03/04/03.

1 AN ACT Relating to tire recycling; amending RCW 70.95.510 and  
2 70.95.535; adding a new section to chapter 70.95 RCW; creating a new  
3 section; repealing RCW 70.95.530; providing an expiration date; and  
4 declaring an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 70.95.510 and 1989 c 431 s 92 are each amended to read  
7 as follows:

8 (1) There is levied a ((one-dollar)) seventy-five cents per tire  
9 fee on the retail sale of new replacement vehicle tires for a period of  
10 five years, beginning ((October 1, 1989)) on the effective date of this  
11 act. The fee imposed in this section shall be paid by the buyer to the  
12 seller, and each seller shall collect from the buyer the full amount of  
13 the fee. The fee collected from the buyer by the seller, less the ten  
14 percent amount retained by the seller as provided in ((RCW 70.95.535))  
15 subsection (4) of this section, shall be paid to the department of  
16 revenue in accordance with RCW 82.32.045, and the proceeds remaining  
17 after the deposit required by subsection (3) of this section, must be

1 deposited into the vehicle tire recycling account created under section  
2 2 of this act. All other applicable provisions of chapter 82.32 RCW  
3 have full force and application with respect to the fee imposed under  
4 this section. The department of revenue shall administer this section.

5 (2) For the purposes of this section, "new replacement vehicle  
6 tires" means tires that are newly manufactured for vehicle purposes and  
7 used tires available for resale, but does not include retreaded vehicle  
8 tires.

9 (3) Of the seventy-five cent fee imposed in subsection (1) of this  
10 section, twenty-five cents must be deposited into the motor vehicle  
11 account and must be used by the department of transportation for road  
12 maintenance, which may incorporate the use of material derived from  
13 scrap tires.

14 (4) Every person engaged in making retail sales of new replacement  
15 vehicle tires in this state shall retain ten percent of the collected  
16 seventy-five cent fee imposed in subsection (1) of this section. The  
17 moneys retained may be used for costs associated with the proper  
18 management of the waste vehicle tires by the retailer.

19 NEW SECTION. Sec. 2. A new section is added to chapter 70.95 RCW  
20 to read as follows:

21 (1) The vehicle tire recycling account is created within the state  
22 treasury. After the deposit of funds into the motor vehicle account as  
23 provided for in RCW 70.95.510(3), the remaining funds received under  
24 RCW 70.95.510(1) must be deposited in the vehicle tire recycling  
25 account and used by the department for purposes including but not  
26 limited to those specified in RCW 70.95.535. Expenditures from the  
27 account may occur only after appropriation by the legislature. The  
28 department of revenue shall deduct two percent from the funds collected  
29 under RCW 70.95.510 for the purpose of administering and collecting the  
30 fee from new replacement tire retailers.

31 (2) Moneys in the vehicle tire recycling account may be  
32 appropriated to the department for the purposes identified in RCW  
33 70.95.535.

34 (3) To provide increased accountability, by January 1st of each  
35 year, the department shall submit a report to the legislature outlining  
36 how the revenues deposited into the vehicle tire recycling account were  
37 used over the previous twelve-month period. The report must include,

1 but is not limited to, identifying the local jurisdictions that  
2 received grant funding, the location and description of any illegal  
3 tire piles cleaned up, a description of any scrap tire demonstration  
4 projects funded, and the status of the statewide tire carrier tracking  
5 system.

6 **Sec. 3.** RCW 70.95.535 and 1989 c 431 s 93 are each amended to read  
7 as follows:

8 ~~(1) ((Every person engaged in making retail sales of new~~  
9 ~~replacement vehicle tires in this state shall retain ten percent of the~~  
10 ~~collected one dollar fee. The moneys retained may be used for costs~~  
11 ~~associated with the proper management of the waste vehicle tires by the~~  
12 ~~retailer.~~

13 ~~(2))~~ The department of ecology ~~((will))~~ may administer the funds  
14 contained in the vehicle tire recycling account for ~~((the))~~ purposes  
15 ~~((specified in RCW 70.95.020(5)))~~ including, but not limited to:

16 ~~(a) ((Making grants to local governments for pilot demonstration~~  
17 ~~projects for on site shredding and recycling of tires from unauthorized~~  
18 ~~dump sites;~~

19 ~~(b))~~ Grants to local government for enforcement programs;

20 ~~((c))~~ (b) Implementation of a public information and education  
21 program to include posters, signs, and informational materials to be  
22 distributed to retail tire sales and tire service outlets;

23 ~~((d))~~ (c) Product marketing studies for recycled tires and  
24 alternatives to land disposal;

25 (d) Scrap tire demonstration projects including those implemented  
26 by state agencies;

27 (e) Except as provided in subsection (2) of this section, statewide  
28 unlawful tire pile cleanups and local citizen scrap tire amnesty  
29 events;

30 (f) Statewide tire carrier tracking, reporting, and enforcement of  
31 the movement of tires within this state;

32 (g) Except as provided in subsection (2) of this section, to  
33 provide for funding to state and local governments for the removal of  
34 discarded vehicle tires from unauthorized tire dump sites;

35 (h) To accomplish the other purposes of RCW 70.95.020(6).

36 (2) Prior to spending funds from the vehicle tire recycling account  
37 for the removal or cleanup of unlawfully disposed tires, the department

1 must ensure that all legal remedies and cost recovery efforts available  
2 against the owner of the unlawfully disposed tires, or the property on  
3 which the unlawful tire piles are located, have been exhausted. The  
4 department should assist local jurisdictions, where appropriate, with  
5 enforcement actions against individuals unlawfully disposing of tires.

6 (3)(a) Local governments that are recipients of grant funding for  
7 enforcement programs must submit an annual report to the department for  
8 each year the grant funding is expended, detailing the uses of the  
9 funds and including information on what enforcement activities were  
10 supported with the grant funds.

11 (b) Local governments that are recipients of grant funding for  
12 illegal tire pile cleanups shall submit an annual report to the  
13 department for each year the grant funding is expended. The report  
14 must, at a minimum, identify the owners of the tire piles, the  
15 locations of the tire piles cleaned up, how many tires were removed,  
16 where and how the tires were disposed, and why cost recovery could not  
17 be obtained from the owners of the tire piles. The department shall  
18 forward this information to the legislature on an annual basis.

19 (4) In spending funds in the account under this section, the  
20 department shall identify communities with the most severe problems  
21 with waste tires and provide funds first to those communities to remove  
22 accumulations of waste tires.

23 (5) It is the intent of the legislature that in spending funds from  
24 the vehicle tire recycling account, the department will not implement  
25 a program or otherwise spend funds that competes with private  
26 businesses that engage in tire recycling.

27 NEW SECTION. Sec. 4. (1) The department of ecology shall  
28 implement an educational campaign for a period of one year, beginning  
29 no later than twelve months following the effective date of this act,  
30 to inform and educate local jurisdictions and the various vehicle tire  
31 industries who sell, dispose of, and recycle vehicle tires, on the  
32 current laws related to vehicle tire disposal and recycling, and the  
33 current vehicle tire recycling program administered by the department.

34 (2) By September 1, 2003, the department shall submit a report to  
35 the legislature on illegal tire piles located in the state. At a  
36 minimum, the report must include information identifying every known  
37 illegal tire pile in the state, the city and county where each illegal

1 tire pile is located, the estimated number of tires in each illegal  
2 tire pile, and the expected cost associated with cleaning up each  
3 illegal tire pile.

4 (3) Moneys from the vehicle tire recycling account may be used to  
5 fund this section.

6 (4) This section expires December 31, 2005.

7 NEW SECTION. **Sec. 5.** RCW 70.95.530 (Vehicle tire recycling  
8 account--Use) and 1988 c 250 s 1 & 1985 c 345 s 7 are each repealed.

9 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
10 preservation of the public peace, health, or safety, or support of the  
11 state government and its existing public institutions, and takes effect  
12 immediately.

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