
SUBSTITUTE HOUSE BILL 1705

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
18 deposited into the vehicle tire recycling account created under section

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

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

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

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

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

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

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

33 (3) To provide increased accountability, by January 1st of each
34 year, the department shall submit a report to the legislature outlining
35 how the revenues deposited into the vehicle tire recycling account were
36 used over the previous twelve-month period. The report must include,
37 but is not limited to, identifying the local jurisdictions that

1 received grant funding, the location and description of any illegal
2 tire piles cleaned up, a description of any scrap tire demonstration
3 projects funded, and the status of the statewide tire carrier tracking
4 system.

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

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

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

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

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

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

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

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

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

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

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

34 (h) To accomplish the other purposes of RCW 70.95.020(5).

35 (2) Prior to spending funds from the vehicle tire recycling account
36 for the removal or cleanup of unlawfully disposed tires, the department
37 must ensure that all legal remedies and cost recovery efforts available

1 against the owner of the unlawfully disposed tires, or the property on
2 which the unlawful tire piles are located, have been exhausted. The
3 department should assist local jurisdictions, where appropriate, with
4 enforcement actions against individuals unlawfully disposing of tires.

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

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

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

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

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

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