
ENGROSSED SUBSTITUTE HOUSE BILL 3054

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Transportation (originally sponsored by Representatives G. Simpson, Skinner, Hankins, Wood, Rockefeller, Clibborn, Hatfield, Clements, Armstrong and Delvin)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to vehicle tires; amending RCW 70.95.510,
2 70.95.530, and 70.95.535; and adding new sections to chapter 70.95 RCW.

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

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

6 (1) There is levied a one dollar per tire fee on the retail sale of
7 new replacement vehicle tires ((for a period of five years, beginning
8 October 1, 1989)). The fee imposed in this section shall be paid by
9 the buyer to the seller, and each seller shall collect from the buyer
10 the full amount of the fee. The fee collected from the buyer by the
11 seller ((less the ten percent amount retained by the seller as provided
12 in RCW 70.95.535 shall)) must be paid to the department of revenue in
13 accordance with RCW 82.32.045, and the proceeds remaining after the
14 deposit required by subsections (3) and (4) of this section, must be
15 deposited into the vehicle tire recycling account created under section
16 2 of this act. If the seller fails to collect the fee or fails to
17 remit the fee to the department of revenue in the manner prescribed,
18 the seller is personally liable to the state for the amount of the fee.

1 All other applicable provisions of chapter 82.32 RCW have full force
2 and application with respect to the fee imposed under this section.
3 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 one-dollar fee imposed in subsection (1) of this
9 section, thirty cents must be deposited into the motor vehicle account
10 and must be used by the department of transportation for road
11 maintenance, which must incorporate the use of material derived from
12 scrap tires.

13 (4) Of the one-dollar fee imposed in subsection (1) of this
14 section, three cents must be deposited into the state patrol highway
15 account and must be used by the state patrol for business inspection
16 and enforcement activities under RCW 46.55.230, 46.79.090, 46.80.150,
17 and 47.41.070.

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

20 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) and the state patrol highway account
23 as provided for in RCW 70.95.510(4), the remaining funds received under
24 RCW 70.95.510(1) must be deposited into the vehicle tire recycling
25 account and used by the department of ecology for purposes including
26 but not limited to those specified in RCW 70.95.535. The department of
27 revenue shall deduct two percent from the funds collected under RCW
28 70.95.510 for the purpose of administering and collecting the fee from
29 new replacement tire retailers.

30 NEW SECTION. Sec. 3. A new section is added to chapter 70.95 RCW
31 to read as follows:

32 The department of ecology shall convene a committee consisting of
33 one representative from the department of ecology and four members of
34 the legislature, one from each caucus of the house of representatives
35 and the senate. Legislative members from the house of representatives

1 must be appointed by the speaker of the house, and legislative members
2 from the senate must be appointed by the president of the senate. The
3 committee is charged with the following duties:

4 (1) The committee shall prepare a statewide prioritized list of
5 waste tire piles and a plan for their removal. The committee shall
6 contact each county and request that the appropriate county departments
7 (a) locate and identify waste tire piles in their county, and (b)
8 submit a plan for removal. The statewide prioritized list of waste
9 tire piles and plan for proper removal must be completed by January 1,
10 2005, and updated by annual reports to the legislature.

11 (2) The committee shall develop a plan for tracking the movement of
12 waste tires to be completed by January 1, 2005, and updated by annual
13 reports to the legislature. The plan must include the following
14 elements:

15 (a) A list of licensed waste tire transporters and storage
16 businesses;

17 (b) Quantities of waste tires being transported;

18 (c) Locations where waste tires are being collected;

19 (d) Locations where waste tires are transported;

20 (e) What the waste tires are being used for;

21 (f) Recommendations for additional enforcement; and

22 (g) Recommendations for preventing future waste tire piles from
23 forming.

24 **Sec. 4.** RCW 70.95.530 and 1988 c 250 s 1 are each amended to read
25 as follows:

26 Moneys in the vehicle tire recycling account may be appropriated to
27 the department of ecology for the following purposes:

28 (1) To provide ~~((for))~~ funding to state and local governments for
29 the removal of discarded vehicle tires from ~~((unauthorized))~~ illegal
30 tire ~~((dump sites))~~ piles;

31 (2) To ~~((accomplish the other purposes of RCW 70.95.020(5)); and~~

32 ~~((3) To fund the study authorized in section 2, chapter 250, Laws of~~
33 ~~1988))~~ support the programs provided for in RCW 70.95.535(2) and
34 section 3 of this act.

35 In spending funds in the account under this section, the department
36 of ecology shall ~~((identify communities with the most severe problems~~

1 ~~with waste tires and~~) provide funds first to those (~~communities~~)
2 counties with high-priority sites to remove accumulations of waste
3 tires.

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

6 (1) Every person engaged in making retail sales of new replacement
7 vehicle tires in this state (~~shall retain ten percent of the~~
8 ~~collected~~) may collect a service fee that is separate from the one-
9 dollar fee collected under RCW 70.95.510. The moneys (~~retained may~~)
10 from the service fee must be used for costs associated with the proper
11 management of the waste vehicle tires by the retailer.

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

15 (~~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~~) Competitive grants to (~~local~~) county governments for
19 removal of illegal waste tire piles and 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) Statewide illegal tire pile cleanups, as provided for in RCW
28 70.95.530, and local citizen scrap tire amnesty events;

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

31 (3) No less than twenty-three percent of the funds contained in the
32 vehicle tire recycling account must be awarded to county governments
33 for removal of illegal waste tire piles.

34 (4) County governments that are recipients of the enforcement
35 program grant funding must submit an annual report to the department of
36 ecology for each year the grant funding is expended, detailing the uses

1 of the funds and including information on what enforcement activities
2 were supported with the grant funds.

3 (5) No more than three percent of the funds contained in the
4 vehicle tire recycling account may be used by the department of ecology
5 for administration purposes.

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