

CERTIFICATION OF ENROLLMENT

SENATE BILL 5976

Chapter 261, Laws of 2009

61st Legislature
2009 Regular Session

TIRE REPLACEMENT FEES--EXTENSION

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 1, 2009
YEAS 36 NAYS 11

BRAD OWEN

President of the Senate

Passed by the House April 14, 2009
YEAS 57 NAYS 40

FRANK CHOPP

Speaker of the House of Representatives

Approved April 28, 2009, 4:27 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5976** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 29, 2009

**Secretary of State
State of Washington**

SENATE BILL 5976

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Senator Haugen

Read first time 02/11/09. Referred to Committee on Transportation.

1 AN ACT Relating to extending tire replacement fees; amending RCW
2 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to
3 chapter 70.95 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature restates its goal to fully
6 clean up unauthorized waste tire piles in Washington state in an
7 expeditious fashion. In partnership with local governments and the
8 private sector, the legislature encourages ongoing efforts to prevent
9 the creation of future unauthorized waste tire piles. The legislature
10 notes a positive trend in tire recycling in recent years and encourages
11 all parties to continue these strong recycling efforts.

12 **Sec. 2.** RCW 70.95.510 and 2005 c 354 s 2 are each amended to read
13 as follows:

14 (1) There is levied a one dollar per tire fee on the retail sale of
15 new replacement vehicle tires (~~for a period of five years, beginning~~
16 ~~July 1, 2005~~). The fee imposed in this section (~~shall~~) must be paid
17 by the buyer to the seller, and each seller shall collect from the
18 buyer the full amount of the fee. The fee collected from the buyer by

1 the seller less the ten percent amount retained by the seller as
2 provided in RCW 70.95.535(1) (~~shall~~) must be paid to the department
3 of revenue in accordance with RCW 82.32.045.

4 (2) The department of revenue shall incorporate into the agency's
5 regular audit cycle a reconciliation of the number of tires sold and
6 the amount of revenue collected by the businesses selling new
7 replacement vehicle tires at retail. The department of revenue shall
8 collect on the business excise tax return from the businesses selling
9 new replacement vehicle tires at retail:

10 (a) The number of tires sold; and

11 (b) The fee levied in this section.

12 (3) All other applicable provisions of chapter 82.32 RCW have full
13 force and application with respect to the fee imposed under this
14 section. The department of revenue shall administer this section.

15 (4) For the purposes of this section, "new replacement vehicle
16 tires" means tires that are newly manufactured for vehicle purposes and
17 does not include retreaded vehicle tires.

18 **Sec. 3.** RCW 70.95.521 and 2007 c 518 s 708 are each amended to
19 read as follows:

20 The waste tire removal account is created in the state treasury.
21 (~~All receipts from tire fees imposed under RCW 70.95.510 must be~~
22 ~~deposited in the account. Moneys in the account may be spent only~~
23 ~~after appropriation.)) Expenditures from the account may be used for
24 the cleanup of unauthorized waste tire piles (~~and~~), measures that
25 prevent future accumulation of unauthorized waste tire piles, and road
26 wear related maintenance on state and local public highways. During
27 the 2007-2009 fiscal biennium, the legislature may transfer from the
28 waste tire removal account to the motor vehicle fund such amounts as
29 reflect the excess fund balance of the waste tire removal account.~~

30 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.95 RCW
31 to read as follows:

32 (1) All receipts from tire fees imposed under RCW 70.95.510, except
33 as provided in subsection (2) of this section, must be deposited in the
34 waste tire removal account created under RCW 70.95.521. Moneys in the
35 account may be spent only after appropriation. Expenditures from the

1 account may be used for the cleanup of unauthorized waste tire piles
2 and measures that prevent future accumulation of unauthorized waste
3 tire piles.

4 (2) On September 1st of odd-numbered years, the state treasurer
5 must transfer any cash balance in excess of one million dollars from
6 the waste tire removal account created under RCW 70.95.521 to the motor
7 vehicle account for the purpose of road wear related maintenance on
8 state and local public highways.

9 **Sec. 5.** RCW 70.95.530 and 2005 c 354 s 5 are each amended to read
10 as follows:

11 (1) Moneys in the waste tire removal account may be appropriated to
12 the department of ecology:

13 (a) To provide for funding to state and local governments for the
14 removal of discarded vehicle tires from unauthorized tire dump sites;
15 and

16 (b) To accomplish the other purposes of RCW 70.95.020 as they
17 relate to waste tire cleanup under this chapter(~~;~~and

18 ~~(c) To conduct a study of existing tire cleanup sites. The office~~
19 ~~of financial management shall oversee the study process and approve the~~
20 ~~completed study. The completed study shall be delivered to the house~~
21 ~~of representatives and senate transportation committees by November 15,~~
22 ~~2005. In conducting the study, the department shall consult on a~~
23 ~~regular basis with interested parties. The following identified~~
24 ~~elements at a minimum shall be included in the completed study:~~

25 ~~(i) Identification of existing tire cleanup sites in the state of~~
26 ~~Washington;~~

27 ~~(ii) The estimated number of tires in each tire cleanup site;~~

28 ~~(iii) A map identifying the location of each one of the tire~~
29 ~~cleanup sites;~~

30 ~~(iv) A photograph of each one of the tire cleanup sites;~~

31 ~~(v) The estimated cost for cleanup of each tire [cleanup] site by~~
32 ~~cost component;~~

33 ~~(vi) The estimated reimbursement of costs to be recovered from~~
34 ~~persons or entities that created or have responsibility for the tire~~
35 ~~cleanup site;~~

36 ~~(vii) Identification of the type of reimbursements for recovery by~~
37 ~~each of the tire cleanup sites;~~

1 ~~(viii) The estimated time frame to begin the cleanup project and~~
2 ~~the estimated completion date for each tire cleanup site;~~

3 ~~(ix) An assessment of local government functions relating to~~
4 ~~unauthorized tire piles, including cleanup, enforcement, and public~~
5 ~~health;~~

6 ~~(x) Identification of needs in the areas in (c)(ix) of this~~
7 ~~subsection for each one of the counties; and~~

8 ~~(xi) A statewide cleanup plan based on multiple funding options~~
9 ~~between twenty cents and sixty cents for each new tire sold at retail~~
10 ~~in the state starting on July 1, 2005. The plan shall include the~~
11 ~~estimated time frame to begin each of the tire cleanup sites and the~~
12 ~~estimated completion date for each one of the sites. In addition, the~~
13 ~~plan must include a process to be followed in selecting entities to~~
14 ~~perform the tire site cleanups. The 2006 legislature shall determine~~
15 ~~the final distribution of the tire cleanup fee and the appropriations~~
16 ~~for this statewide tire cleanup plan)).~~

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

21 (3) ~~((Immediately after July 1, 2005, the department of ecology~~
22 ~~shall initiate a pilot project in a city with a population between~~
23 ~~three and four thousand within a county with a population less than~~
24 ~~twenty thousand to contract to clean up a formerly licensed tire pile~~
25 ~~in existence for ten or more years. To begin the project, the~~
26 ~~department shall seek to use financial assurance funds set aside for~~
27 ~~clean up of the tire pile. For purposes of this subsection, population~~
28 ~~figures are the official 2004 population as estimated by the office of~~
29 ~~financial management for purposes of state revenue allocation.))~~ On
30 September 1st of even-numbered years, the department of ecology shall
31 provide a report to the house and senate transportation committees on
32 the progress being made on the cleanup of unauthorized waste tire piles
33 in the state and efforts underway to prevent the formation of future
34 unauthorized waste tire piles. The report must detail any additional
35 unauthorized waste tire piles discovered since the last report and
36 present a plan to clean up these new unauthorized waste tire piles if
37 they have not already done so, as well as include a listing of
38 authorized waste tire piles and transporters. The report must also

1 include the status of funds available to the program and a needs
2 assessment of the program. On September 1, 2010, the department shall
3 also make recommendations to the committees for an ongoing program to
4 prevent the formation of future unauthorized waste tire piles. Such a
5 program, if required, must include joint efforts with local governments
6 and the tire industry.

7 **Sec. 6.** RCW 70.95.555 and 2005 c 354 s 6 are each amended to read
8 as follows:

9 Any person engaged in the business of transporting or storing waste
10 tires shall be licensed by the department. To obtain a license, each
11 applicant must:

12 (1) Provide assurances that the applicant is in compliance with
13 this chapter and the rules regarding waste tire storage and
14 transportation;

15 (2) Accept liability for and authorize the department to recover
16 any costs incurred in any cleanup of waste tires transported or newly
17 stored by the applicant in violation of this section, or RCW 70.95.560,
18 70.95.515, or 70.95.570, or rules adopted thereunder, after July 1,
19 2005;

20 ~~(3) ((Until January 1, 2006, post a bond in the sum of ten thousand~~
21 ~~dollars in favor of the state of Washington for waste tires transported~~
22 ~~or stored before July 1, 2005. In lieu of the bond, the applicant may~~
23 ~~submit financial assurances acceptable to the department;~~

24 ~~(4))~~ After January 1, 2006, for waste tires transported or stored
25 before July 1, 2005, or for waste tires transported or stored after
26 July 1, 2005, post a bond in an amount to be determined by the
27 department sufficient to cover the liability for the cost of cleanup of
28 the transported or stored waste tires, in favor of the state of
29 Washington. In lieu of the bond, the applicant may submit financial
30 assurances acceptable to the department;

31 ~~((+5))~~ (4) Be registered in the state of Washington as a business
32 and be in compliance with all state laws, rules, and local ordinances;

33 ~~((+6))~~ (5) Have a federal tax identification number and be in
34 compliance with all applicable federal codes and regulations; and

35 ~~((+7))~~ (6) Report annually to the department the amount of tires

1 transported and their disposition. Failure to report shall result in
2 revocation of the license.

Passed by the Senate April 1, 2009.

Passed by the House April 14, 2009.

Approved by the Governor April 28, 2009.

Filed in Office of Secretary of State April 29, 2009.