
By: Delegates Stocksdale, Donoghue, Elliott, Hurson, and Getty

Introduced and read first time: January 31, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tire Recycling Fee - Disposition**

3 FOR the purpose of requiring tire recycling fees to be paid to counties and municipal
4 corporations in a certain manner; requiring certain jurisdictions to use tire recycling
5 fees for certain purposes; eliminating payment of tire recycling fees to the State
6 Used Tire Cleanup and Recycling Fund; providing for the application of this Act;
7 and generally relating to scrap tires and disposal.

8 BY repealing and reenacting, with amendments,
9 Article - Environment
10 Section 9-228(g) and 9-274
11 Annotated Code of Maryland
12 (1996 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Environment**

16 9-228.

17 (g) (1) (i) Beginning on February 1, 1992, a tire recycling fee shall be
18 imposed on the first sale of a new tire in the State by a tire dealer, including new tires
19 sold as part of a new or used vehicle, trailer, farm implement, or other similar machinery.

20 (ii) A county, municipal corporation, or any agency of a county or
21 municipal corporation may not impose any tax, fee, or other charge on the first sale of a
22 new tire by a tire dealer.

23 (2) The tire recycling fee:

24 (i) May not exceed \$1.00 per tire; and

25 (ii) Shall be established by the Board of Public Works.

26 (3) For a sale made by a tire dealer to a person who resells tires, the tire
27 dealer shall separately state its recycling fees paid by the tire dealer on the invoice or
28 other document of sale.

29 (4) Each tire dealer shall:

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1 (i) Pay the tire recycling fee; and

2 (ii) Complete and submit, under oath, a return and remit the fees to
3 the Comptroller of the Treasury on or before the 21st day of the month that follows the
4 month in which the sale was made, and for other periods and on other dates that the
5 Comptroller specifies by regulation, including periods for which no fees were due.

6 (5) A tire dealer who timely files a tire recycling fee return and pays the tire
7 recycling fees due is allowed, for the expense of administering and paying the fee, a credit
8 equal to 1.2% of the gross amount of tire recycling fees that the tire dealer is to pay to the
9 Comptroller.

10 (6) If the amount of the tire recycling fee is separately stated in a retail sale,
11 the tire recycling fee is not subject to any tax under Title 11 of the Tax - General Article
12 or Title 13 of the Transportation Article.

13 (7) At the end of each quarter, the Comptroller shall forward [all] THE tire
14 recycling fees to [the Used Tire Cleanup and Recycling Fund, less the costs of
15 administration] EACH COUNTY AND MUNICIPAL CORPORATION OF THE STATE PRO
16 RATA, IN THE PROPORTION THAT THE NUMBER OF MOTOR VEHICLE
17 REGISTRATIONS IN THE COUNTY OR MUNICIPAL CORPORATION BEARS TO THE
18 TOTAL NUMBER OF MOTOR VEHICLE REGISTRATIONS IN THE STATE.

19 (8) Except to the extent they are inconsistent with this subsection, the
20 provisions of Title 13 of the Tax - General Article applicable to the sales and use tax shall
21 govern the administration, collection, and enforcement of the tire recycling fee under this
22 subsection.

23 (9) The Comptroller:

24 (i) Shall administer the tire recycling fee; and

25 (ii) May adopt any regulations that are necessary or appropriate to
26 administer, collect, and enforce the tire recycling fee.

27 (10) A COUNTY OR MUNICIPAL CORPORATION SHALL USE ALL TIRE
28 RECYCLING FEES COLLECTED UNDER THIS SECTION FOR SCRAP TIRE DISPOSAL AND
29 SOLID WASTE MANAGEMENT.

30 9-274.

31 (a) The State Used Tire Cleanup and Recycling Fund shall consist of moneys
32 made available under:

33 (1) Loan authorizations;

34 (2) Funds appropriated in the State budget; OR

35 (3) [Fees collected for the sale of tires by retail dealers under § 9-228(g) of
36 this subtitle; or

37 (4) Bond and security forfeitures collected under § 9-228(k) of this subtitle.

38 (b) [(1)] The Fund is limited to a maximum of \$15,000,000.

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1 [(2) If the sum of unallocated funds in the Fund and the projected fees for
2 the next fiscal year exceeds \$15,000,000, the Board of Public Works shall adjust the fees
3 for the next fiscal year on a pro rata basis so that the sum of unallocated and actual fees
4 does not exceed \$15,000,000.]

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed
6 only prospectively and may not be applied or interpreted to have any effect on or
7 application to any tire recycling fee collected before the effective date of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.