
By: Senator Craig

Introduced and read first time: January 31, 1997

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Scrap Tire Disposal - Fee and Reimbursements**

3 FOR the purpose of altering the limit of the State Used Tire Cleanup and Recycling
4 Fund; establishing a certain limitation on the use of certain funds reimbursed to the
5 State Used Tire Cleanup and Recycling Fund; eliminating a certain tire recycling
6 fee and a certain limitation on local government after a certain date; requesting the
7 Board of Public Works to decrease the tire recycling fee during certain fiscal years;
8 providing for the effective date of a portion of this Act; and generally relating to
9 scrap tires and disposal.

10 BY repealing and reenacting, with amendments,
11 Article - Environment
12 Section 9-274 and 9-275
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article - Environment
17 Section 9-276
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1996 Supplement)

20 BY repealing
21 Article - Environment
22 Section 9-228(g)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1996 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Environment
27 Section 9-274
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 1996 Supplement)
30 (As enacted by Section 1 of this Act)

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

3 **Article - Environment**

4 9-274.

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

7 (1) Loan authorizations;

8 (2) Funds appropriated in the State budget;

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

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

12 (b) (1) The Fund is limited to a maximum of [~~\$15,000,000~~] \$10,000,000.

13 (2) If the sum of unallocated funds in the Fund and the projected fees for
14 the next fiscal year exceeds [~~\$15,000,000~~] \$10,000,000, the Board of Public Works shall
15 adjust the fees for the next fiscal year on a pro rata basis so that the sum of unallocated
16 and actual fees does not exceed [~~\$15,000,000~~] \$10,000,000.

17 9-275.

18 (a) Subject to the appropriation process in the annual operating budget AND
19 SUBSECTION (C) OF THIS SECTION, the Department shall use the State Used Tire
20 Cleanup and Recycling Fund solely:

21 (1) For removal, restoration, or remedial action, including the restoration of
22 natural resources where feasible and site maintenance and monitoring, in response to the
23 disposal or storage of scrap tires in violation of this subtitle, including:

24 (i) All costs incurred by the State in inspecting and monitoring any
25 site where scrap tires are processed, stored, or disposed of in violation of this subtitle and
26 assessing the threat to the public health and the environment of the site, the costs of
27 investigations conducted for the purpose of defining necessary remedial action, and the
28 costs of litigation expenses incurred in obtaining reimbursement for expenditures; and

29 (ii) All costs incurred in providing public information concerning a site
30 where scrap tires are processed, stored, or disposed of; and

31 (2) With the approval of the Board of Public Works, to provide financial
32 assistance:

33 (i) Through the service for projects approved by the Department to
34 reduce, recover, and recycle scrap tires; and

35 (ii) To the service for costs related to the implementation of scrap tire
36 recycling systems, including the costs of:

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

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

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

6 (4) Each tire dealer shall:

7 (i) Pay the tire recycling fee; and

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

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

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

19 (7) At the end of each quarter, the Comptroller shall forward all tire
20 recycling fees to the Used Tire Cleanup and Recycling Fund, less the costs of
21 administration.

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

26 (9) The Comptroller:

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

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

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]

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1 [(4)] (3) Bond and security forfeitures collected under § 9-228(k) of this
2 subtitle.

3 (b) [(1)] The Fund is limited to a maximum of \$10,000,000.

4 [(2) If the sum of unallocated funds in the Fund and the projected fees for
5 the next fiscal year exceeds \$10,000,000, the Board of Public Works shall adjust the fees
6 for the next fiscal year on a pro rata basis so that the sum of unallocated and actual fees
7 does not exceed \$10,000,000.]

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Board of Public Works
9 is requested to decrease the tire recycling fee imposed under § 9-228(g) of the
10 Environment Article to a reasonable level below the current ceiling of \$1.00 per tire
11 during fiscal years 1999 and 2000, prior to the elimination of the fee under this Act.

12 SECTION 4. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this
13 Act shall take effect October 1, 1997, and Section 2 of this Act shall take effect July 1,
14 2000.