

SENATE BILL 871

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2002 Regular Session
2lr2971
CF 2lr2972

By: **Senator Bromwell**

Introduced and read first time: February 25, 2002

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Used Tire Cleanup and Recycling Fund - Fees**

3 FOR the purpose of altering the maximum amount for a certain used tire recycling
4 fee; and generally relating to the State Used Tire Cleanup and Recycling Fund.

5 BY repealing and reenacting, with amendments,
6 Article - Environment
7 Section 9-228(g)
8 Annotated Code of Maryland
9 (1996 Replacement Volume and 2001 Supplement)

10 BY repealing and reenacting, without amendments,
11 Article - Environment
12 Section 9-275
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 2001 Supplement)

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

17 **Article - Environment**

18 9-228.

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

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

26 (2) The tire recycling fee:

1 (i) May not exceed [40 cents] \$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
10 the month in which the sale was made, and for other periods and on other dates that
11 the 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
13 tire recycling fees due is allowed, for the expense of administering and paying the fee,
14 a credit equal to 1.2% of the gross amount of tire recycling fees that the tire dealer is
15 to pay to the Comptroller.

16 (6) If the amount of the tire recycling fee is separately stated in a retail
17 sale, the tire recycling fee is not subject to any tax under Title 11 of the Tax - General
18 Article 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
24 shall govern the administration, collection, and enforcement of the tire recycling fee
25 under this 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 9-275.

31 (a) Subject to the appropriation process in the annual operating budget, the
32 Department shall use the State Used Tire Cleanup and Recycling Fund solely:

33 (1) For removal, restoration, emergency, or remedial action, including
34 the restoration of natural resources where feasible, site maintenance and monitoring,
35 and fire cessation, if requested by a local government, not to exceed \$100,000 for each

1 fire cessation emergency action in that jurisdiction, in response to the disposal or
2 storage of scrap tires in violation of this subtitle, including:

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

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

11 (2) For activities related to scrap tire recycling programs, including
12 research, planning, monitoring, public education, and market development, and for
13 associated administrative costs; and

14 (3) With the approval of the Board of Public Works, to provide financial
15 assistance:

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

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

20 1. Preparation of a scrap tire recycling system under §
21 9-228(e) of this subtitle;

22 2. Implementation of any program established by the service
23 as a part of a scrap tire recycling system; and

24 3. Assisting in funding the establishment of a private or
25 public scrap tire collection, processing, or recycling facility.

26 (b) Subject to § 2-1246 of the State Government Article, the Department shall
27 provide the standing committees of the Maryland General Assembly with primary
28 jurisdiction over this section with a status report on the Fund on or before November
29 1 of each year. The report shall include an accounting of all moneys expended for each
30 of the purposes specified in subsection (a) of this section.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002.