

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1629 Session of  
1991

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TOMLINSON, FOX AND GAMBLE, JUNE 11, 1991

REFERRED TO COMMITTEE ON CONSERVATION, JUNE 11, 1991

AN ACT

1 Requiring the Department of Environmental Resources to conduct a  
2 waste tire recycling and reuse study; and imposing a  
3 surcharge.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Waste Tire  
8 Recycling and Reuse Investigation Act.

9 Section 2. Legislative findings and declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) This Commonwealth accumulates approximately  
12 12,000,000 waste tires each year. Many of these tires are  
13 stockpiled or dumped illegally due to the expense and  
14 difficulty associated with proper disposal.

15 (2) Waste tires are incompressible and thus consume much  
16 scarce and valuable space in landfills.

1           (3) Tire piles pose many environmental and health  
2 hazards due to their susceptibility to fires, which result in  
3 noxious emissions, and their service as a breeding site for  
4 mosquitos, which can carry several diseases.

5           (4) The chemical composition of tires makes them capable  
6 of recycling and reuse as a fuel source, as an additive to  
7 asphalt, etc.

8           (5) To promote the health and welfare of its citizens,  
9 to protect the environment and to explore economic  
10 opportunities, the Commonwealth should explore the methods of  
11 recycling and reuse of waste tires and the markets for  
12 recycled rubber.

### 13 Section 3. Definitions.

14       The following words and phrases when used in this act shall  
15 have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17       "Department." The Department of Environmental Resources of  
18 the Commonwealth.

19       "New vehicle tire." An originally manufactured tire for use  
20 on a vehicle. The term does not include any remanufactured,  
21 recapped, retreaded or otherwise restored tire.

22       "Purchase price of a new tire." The purchase price of a new  
23 vehicle tire that shall be subject to the surcharge in section 5  
24 shall not include any other taxes on new vehicle tires.

25       "Vehicle." Every device in, upon or by which any person or  
26 property is or may be transported or drawn upon a highway,  
27 except devices used exclusively upon rails or tracks. The term  
28 does not include a pedalcycle.

29       "Waste tire." A tire no longer suitable for its intended  
30 purpose because of wear, damage or defect.

1 Section 4. Study by Department of Environmental Resources.

2 (a) Waste tire recycling and reuse study.--Within 18 months  
3 of the effective date of this act, the department shall submit  
4 to the Governor and the General Assembly a report which shall  
5 include, but not be limited to, the following information:

6 (1) The volume of waste tires in this Commonwealth,  
7 including the geographic distribution and the location and  
8 size of waste tire storage, disposal, collection and  
9 processing sites.

10 (2) Assessment of current technology for recycling and  
11 reuse of waste tires, including deficiencies in existing  
12 technology.

13 (3) Prioritization of methods of recycling and reuse of  
14 waste tires.

15 (4) Current and future market projections for the use of  
16 recycled rubber products.

17 (5) Methods of encouraging the demand for and use of  
18 recycled rubber products.

19 (6) Recommendations regarding the most appropriate  
20 methods of recycling and reuse of waste tires, markets for  
21 recycled rubber, incentives to encourage recycling and reuse  
22 of waste tires and use of recycled rubber, and the need for  
23 legislation addressing this issue.

24 (7) Recommendation regarding the continuance or  
25 discontinuance of the surcharge on new vehicle tires  
26 established under section 5(a).

27 (b) Updating study.--Within five years after completion of  
28 the waste tire recycling and reuse study required under  
29 subsection (a), the department shall submit to the Governor and  
30 the General Assembly an updated study, taking into account

1 information developed since completion of the initial study.

2 (c) Distribution of study.--The department shall promptly  
3 make available to the Department of Transportation,  
4 municipalities and other interested persons the results of the  
5 study required by this section.

6 Section 5. Funding for waste tire recycling and reuse study.

7 (a) Surcharge on the purchase price of new vehicle tires.--A  
8 surcharge of \$1.00 shall be place on the purchase price of each  
9 new vehicle tire sold in this Commonwealth. This surcharge shall  
10 not apply to new vehicle tires sold by wholesalers to retailers  
11 for resale or to vehicle manufacturers.

12 (b) Collection.--The surcharge established in subsection (a)  
13 shall be collected by the seller. The seller shall remit, on a  
14 quarterly basis, 99% of the surcharge collected to the  
15 Department of Revenue and may retain 1% for costs of collection  
16 if the report is filed in a timely manner. The Department of  
17 Revenue shall deposit the money collected in the General Fund of  
18 the State Treasury. This money shall be held in trust solely for  
19 the purposes of this act and shall be earmarked for the use of,  
20 and annually appropriated to, the department for the  
21 disbursement solely for that purpose. Moneys from the  
22 department's appropriations from the preceding fiscal year shall  
23 be used for the purposes of this act in the interim between  
24 collection of the surcharge and appropriation to the department.

25 (c) Use of proceeds of surcharge.--The proceeds of the  
26 surcharge which are appropriated to the department shall be used  
27 for the purpose of defraying the cost of conducting the waste  
28 tire recycling and reuse study, for research and demonstration  
29 projects relating to the feasibility of technologies for the  
30 recycling and reuse of waste tires, for programs to promote tire

1 recycling and reuse in this Commonwealth and for any other  
2 purpose consistent with this act.

3 (d) Penalty for failure to remit or collect surcharge.--  
4 Failure to remit surcharges collected in a timely manner shall  
5 cause the surcharges to become delinquent, and the retailer,  
6 wholesaler or vehicle dealer shall forfeit his claim to the  
7 discount authorized in subsection (b) and shall remit 100% of  
8 the surcharges due plus a penalty of \$1.00 per tire for each  
9 tire for which a surcharge is due. Failure to collect the  
10 surcharge required by subsection (a) shall subject the retailer,  
11 wholesaler or vehicle dealer to a penalty of \$2.00 per tire for  
12 each tire for which the surcharge has not been collected. The  
13 Department of Revenue may promulgate rules and regulations as  
14 may be necessary to carry out the purposes of this subsection.  
15 Section 6. Effective date.  
16 This act shall take effect immediately.