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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 186 Session of  
1993

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INTRODUCED BY MELIO, JAROLIN, STEELMAN, KENNEY, VAN HORNE,  
CAWLEY, LUCYK, TRELLO, GIGLIOTTI, MCGEEHAN, DALEY, TANGRETTI  
AND BELFANTI, FEBRUARY 3, 1993

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REFERRED TO COMMITTEE ON RULES, FEBRUARY 3, 1993

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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 consume scarce  
16 and valuable space in landfills.

17 (3) Tire piles pose many environmental and health  
18 hazards due to their susceptibility to fires, which result in

1 noxious emissions, and their service as a breeding site for  
2 mosquitoes, which can carry several diseases.

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

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

### 11 Section 3. Definitions.

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

15 "Department." The Department of Environmental Resources of  
16 the Commonwealth.

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

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

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

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

### 29 Section 4. Study by Department of Environmental Resources.

30 (a) Waste tire recycling and reuse study.--Within 18 months

1 of the effective date of this act, the department shall submit  
2 to the Governor and the General Assembly a report which shall  
3 include, but not be limited to, the following information:

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

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

11 (3) Prioritization of methods of recycling and reuse of  
12 waste tires.

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

15 (5) Methods of encouraging the demand for and use of  
16 recycled rubber products.

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

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

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

30 (c) Distribution of study.--The department shall promptly

1 make available to the Department of Transportation,  
2 municipalities and other interested persons the results of the  
3 study required by this section.

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

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

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

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

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