

CHAPTER 314

HEALTH AND ENVIRONMENT

SENATE BILL 09-289

BY SENATOR(S) Schwartz;
 also REPRESENTATIVE(S) Primavera, Fischer, Green, Labuda, Ryden, Schafer S., Solano.

AN ACT

CONCERNING THE RECYCLING DEVELOPMENT FEE FOR WASTE TIRES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-17-202 (1) (a) (I), the introductory portion to 25-17-202 (1) (a) (IV), and 25-17-202 (1) (b), (2) (a), and (4), Colorado Revised Statutes, are amended to read:

25-17-202. Waste tire recycling development fee - cash fund created - definition - repeal. (1) (a) (I) On and after ~~July 1, 2000~~ THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (I), AS AMENDED, a recycling development fee of seventy-five cents shall be collected on ~~any waste motor vehicle~~ THE SALE OF ANY NEW tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, such fee shall be collected on THE SALE OF ANY NEW TIRE FOR ANY truck, ~~tires~~, including ANY truck tractor, trailer, ~~and~~ OR semitrailer, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. ~~The fee authorized by this section shall be collected only at such time as the owner of the tire delivers or transfers the waste tire to a retailer of new tires for disposal and shall be stated and shown as a separate and distinct item on the statement~~ THE RECEIPT from the retailer to the customer FOR EVERY NEW MOTOR VEHICLE TIRE SOLD IN COLORADO SHALL CONTAIN THE FOLLOWING STATEMENT IN NO LESS THAN FIFTEEN-POINT, BOLD-FACED TYPE: "SECTION 25-17-202, COLORADO REVISED STATUTES, REQUIRES RETAILERS TO COLLECT A \$1.50 WASTE TIRE RECYCLING DEVELOPMENT FEE ON THE SALE OF EACH NEW MOTOR VEHICLE TIRE.

(IV) On and after ~~July 1, 2007~~ THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (IV), AS AMENDED, an additional fee of fifty cents shall be collected on ~~any waste motor~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~vehicle~~ THE SALE OF ANY NEW tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds. In addition, the fee imposed by this subparagraph (IV) shall also be collected on THE SALE OF ANY NEW TIRE FOR ANY truck, ~~tires; including tires on truck tractors, trailers, and semitrailers~~ ANY TRUCK TRACTOR, TRAILER, OR SEMITRAILER, weighing more than fifteen thousand pounds; except that no fee shall be collected for tires that are recapped or otherwise reprocessed for use. From the moneys collected by the new fee imposed by this subparagraph (IV), fifty percent shall be credited to the recycling resources economic opportunity fund created in section 25-16.5-106.5. The remaining fifty percent shall be credited to the waste tire cleanup fund created in section 24-32-114 (1), C.R.S., and shall be distributed as follows:

(b) ~~For the purposes of this part 2:~~ THE DEPARTMENT MAY REALLOCATE UNCOMMITTED MONEYS AMONG FUNDING CATEGORIES DESCRIBED IN THIS SUBSECTION (1) AT THE END OF EACH FISCAL QUARTER.

(f) ~~(Deleted by amendment, L. 2000, p. 806, § 1, effective May 24, 2000.)~~

(H) ~~"Motor vehicle tire" means any tire used for a motor vehicle, as such term is defined in section 42-1-102 (58), C.R.S.~~

(HH) and (IV) ~~(Deleted by amendment, L. 2000, p. 806, § 1, effective May 24, 2000.)~~

(2) (a) ~~The Retailers of new MOTOR VEHICLE tires or a retailer of motor vehicles that accepts exchanged property as described in section 39-26-102 (7) (a) (H), C.R.S., shall collect the fee; EXCEPT THAT NO FEE ESTABLISHED UNDER THIS SECTION SHALL BE DUE IF THE NEW MOTOR VEHICLE TIRE IS FOR FARM EQUIPMENT EXEMPT FROM SALES AND USE TAXES PURSUANT TO SECTION 39-26-716, C.R.S., OR A FARM TRACTOR OR IMPLEMENT OF HUSBANDRY EXEMPT FROM REGISTRATION PURSUANT TO SECTION 42-3-104, C.R.S.~~

(4) Any person who fails to comply with ~~the provisions of~~ this section shall be subject to ~~the provisions of~~ section 39-21-118, C.R.S. THE DEPARTMENT OF REVENUE SHALL NOTIFY RETAILERS OF NEW MOTOR VEHICLE TIRES CONCERNING THE NEW REQUIREMENTS IN THIS SECTION ENACTED BY SENATE BILL 09-289, ENACTED IN 2009.

SECTION 2. 30-20-121 (2), Colorado Revised Statutes, is amended, and the said 30-20-121 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

30-20-121. Moratorium on monofill for tires - whole tire disposal ban - reports - plan - definition - repeal. (2) SUBSECTION (1) OF this section ~~is~~ AND THIS SUBSECTION (2) ARE repealed, effective July 1, 2014.

(3) NO PERSON SHALL DISPOSE OF A WASTE TIRE IN A MONOFILL TIRE LANDFILL UNLESS THE PERSON SHREDS THE WASTE TIRE INTO TWELVE-INCH LONG OR SMALLER PIECES.

(4) EACH COUNTY THAT HAS A MONOFILL TIRE LANDFILL SHALL ANNUALLY

REPORT TO THE DEPARTMENT REGARDING THE STATUS OF THE LANDFILL. THE DEPARTMENT SHALL ADOPT A PLAN TO ELIMINATE ALL MONOFILL TIRE LANDFILLS WITHIN TEN YEARS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (4).

(5) FOR PURPOSES OF THIS SECTION, "MONOFILL TIRE LANDFILL" MEANS A "WASTE TIRE MONOFILL" AS DEFINED IN SECTION 30-20-1001.

SECTION 3. 25-17-204 (3) (a) (II), Colorado Revised Statutes, is amended to read:

25-17-204. Waste tire haulers - registration - rules - violations. (3) The solid and hazardous waste commission shall promulgate rules to implement this section, including:

(a) Requirements that persons who transport waste tires for storage or disposal:

(II) Register with the department of public health and environment AND ANNUALLY PROVIDE A COPY OF THE CURRENTLY VALID REGISTRATION TO EACH RETAILER OF MOTOR VEHICLE TIRES FROM WHOM THE PERSON ACCEPTS FOR COMMERCIAL PURPOSES A WASTE TIRE; and

SECTION 4. 30-20-1006 (2), Colorado Revised Statutes, is amended to read:

30-20-1006. Limitations on the disposal of tires. (2) (a) A person shall dispose of waste tires by delivery to a retailer or wholesaler engaging in waste tire collection or recycling, to a waste tire monofill, or to a collection or recycling facility operating under the laws of this state or under rules promulgated by the United States environmental protection agency.

(b) A PERSON, INCLUDING A RETAILER, WHOLESALER, AND A COLLECTION OR RECYCLING FACILITY, SHALL ARRANGE FOR THE COMMERCIAL HAULING OF WASTE TIRES ONLY WITH A HAULER WHO IS CURRENTLY REGISTERED PURSUANT TO SECTION 25-17-204, C.R.S.

SECTION 5. 30-20-1007, Colorado Revised Statutes, is amended to read:

30-20-1007. Waste tires - collection for recycling. A retailer selling replacement tires in the state may NOT REFUSE TO accept from customers, at the point of transfer, waste tires of the same general type and in a quantity at least equal to the number of new tires purchased. ~~if offered by customers.~~

SECTION 6. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except

that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to acts occurring on or after the applicable effective date of this act.

Approved: May 21, 2009