



HOUSE BILL No. 4833

May 16, 1995, Introduced by Reps. Leland, Varga, Willard, Bennane, DeMars, Nye, Murphy, Wetters, Vaughn, Scott, Anthony, Hood, Harder, Griffin, Kilpatrick and Middaugh and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 2 and 9 of Act No. 133 of the Public Acts of 1990, entitled "Scrap tire regulatory act," section 2 as amended by Act No. 209 of the Public Acts of 1993, being sections 299.562 and 299.569 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2 and 9 of Act No. 133 of the Public
2 Acts of 1990, section 2 as amended by Act No. 209 of the Public
3 Acts of 1993, being sections 299.562 and 299.569 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 2. As used in this act:

6 (A) "ABANDONED SCRAP TIRES" MEANS AN ACCUMULATION OF SCRAP
7 TIRES ON PROPERTY WHERE THE PROPERTY OWNER IS NOT, AS DETERMINED
8 BY THE DEPARTMENT, RESPONSIBLE IN WHOLE OR IN PART FOR THE

1 ACCUMULATION OF THE SCRAP TIRES. FOR THE PURPOSE OF THIS
2 SUBDIVISION, AN OWNER WHO PURCHASED OR WILLINGLY TOOK POSSESSION
3 OF AN EXISTING SCRAP TIRE COLLECTION SITE SHALL BE CONSIDERED BY
4 THE DEPARTMENT TO BE RESPONSIBLE IN WHOLE OR IN PART FOR THE
5 ACCUMULATION OF THE SCRAP TIRES.

6 (B) ~~(a)~~ "Bond" means a performance bond from a surety com-
7 pany authorized to transact business in this state, a certificate
8 of deposit, a cash bond, or an irrevocable letter of credit, in
9 favor of the director.

10 (C) ~~(b)~~ "Collection site" means a site, other than a land-
11 fill, a racecourse, or a feed storage location that contains
12 either of the following:

13 (i) One or more pieces of adjacent real property where 500
14 or more scrap tires are accumulated and that is not associated
15 with a retail operation as provided in subparagraph (ii).

16 (ii) One or more pieces of adjacent real property where
17 1,500 or more scrap tires are accumulated if that property is
18 adjacent to and owned or leased by a person who is a retailer.

19 (D) ~~(c)~~ "Department" means the department of natural
20 resources.

21 (E) ~~(d)~~ "Feed storage location" means a location on 1 or
22 more pieces of adjacent real property containing a commercially
23 operated farming operation where not more than 3,000 scrap tires
24 are used for the purpose of securing stored feed.

25 (F) ~~(e)~~ "Fund" means the scrap tire regulatory fund cre-
26 ated in section 9.

1 (G) ~~(f)~~ "Landfill" means that term as it is defined in
2 SECTION 5 OF the solid waste management act, Act No. 641 of the
3 Public Acts of 1978, being ~~sections 299.401 to 299.437~~

4 SECTION 299.405 of the Michigan Compiled Laws.

5 (H) ~~(g)~~ "Person" means an individual, partnership, corpo-
6 ration, association, governmental entity, or other legal entity.

7 (I) ~~(h)~~ "Racecourse" means a commercially operated track
8 for go-carts, vehicles, off-road recreational vehicles, or motor-
9 cycles that uses not more than 3,000 scrap tires for bumpers
10 along the track for safety purposes.

11 (J) ~~(i)~~ "Retailer" means a person who sells or offers for
12 sale new, retreaded, or remanufactured tires to consumers in this
13 state.

14 (K) ~~(j)~~ "Scrap tire" means a tire that is no longer being
15 used for its original intended purpose. Scrap tire does not
16 include a vehicle support stand.

17 (L) ~~(k)~~ "Scrap tire hauler" means a person who, as part of
18 a commercial business, transports scrap tires, other than a solid
19 waste hauler as defined in Act No. 641 of the Public Acts of
20 1978, who transports 7 or fewer scrap tires along with other
21 solid waste in any truckload.

22 (M) ~~(l)~~ "Scrap tire processor" means a person engaged in
23 the business of storing, buying, or otherwise acquiring scrap
24 tires, and reducing their volume by shredding or otherwise facil-
25 itating recycling or resource recovery techniques for scrap
26 tires. A scrap tire processor includes a person who, in addition

1 to processing the scrap tires, incinerates the tires or converts
2 the tires into a product or another end use.

3 (N) ~~(m)~~ "Tire" means a continuous solid or pneumatic
4 rubber covering encircling the wheel of a tractor, other farm
5 machinery, or a vehicle.

6 (O) ~~(n)~~ "Tire storage area" means a location within a col-
7 lection site where tires are accumulated.

8 (P) ~~(o)~~ "Vehicle" means every device in, upon, or by which
9 any person or property is or may be transported or drawn upon a
10 highway, excepting devices exclusively moved by human power or
11 used exclusively upon stationary rails or tracks and excepting a
12 mobile home as defined in section 2 of the mobile home commission
13 act, Act No. 96 of the Public Acts of 1987, being section
14 125.2302 of the Michigan Compiled Laws.

15 (Q) ~~(p)~~ "Vehicle support stand" means equipment used to
16 support a stationary vehicle consisting of an inflated tire and
17 wheel that is attached to another wheel.

18 Sec. 9. (1) The scrap tire regulatory fund is created in
19 the state treasury. The fund shall receive money as provided by
20 law and any gifts or contributions to the fund. The state trea-
21 surer shall direct the investment of the fund. Interest and
22 earnings of the fund shall be credited to the fund. Money in the
23 fund at the close of the fiscal year shall remain in the fund and
24 shall not revert to the general fund.

25 (2) Money in the fund shall be used, upon appropriation, for
26 all of the following purposes:

1 (a) Not more than 50% of the money in the fund, annually,
2 for administrative costs of the department associated with this
3 act including the implementation and enforcement of this act, or
4 for the employment of not more than 13.5 full-time equated
5 positions.

6 (b) For the administrative costs of the secretary of state
7 associated with the collection of the tire disposal surcharge
8 pursuant to section 806 of the Michigan vehicle code, Act No. 300
9 of the Public Acts of 1949, being section 257.806 of the Michigan
10 Compiled Laws.

11 (c) For the cleanup or collection of abandoned scrap tires
12 ~~on land owned by the state or a city, village, township, or~~
13 ~~county~~ AND SCRAP TIRES ACCUMULATED PRIOR TO JANUARY 1, 1991 AT
14 COLLECTION SITES. HOWEVER, MONEY SHALL NOT BE EXPENDED PURSUANT
15 TO THIS SUBDIVISION FOR THE CLEANUP OR COLLECTION OF SCRAP TIRES
16 NOT DETERMINED BY THE DEPARTMENT TO BE ABANDONED SCRAP TIRES,
17 UNLESS THE COLLECTION SITE OWNER PROVIDES FOR 25% OF THE
18 DEPARTMENT'S AUTHORIZED PER TIRE CLEANUP COSTS FOR ABANDONED
19 SCRAP TIRES.

20 (3) The department shall annually report to the legislature
21 on the utilization of revenues of the fund.