

AMENDED IN SENATE MARCH 22, 2011

SENATE BILL

No. 758

Introduced by Senator Fuller

February 18, 2011

~~An act to amend Section 800 of the Public Resources Code, relating to powerplants. An act to amend Section 42885 of the Public Resources Code, relating to recycling.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 758, as amended, Fuller. ~~Powerplants: siting.~~ *Recycling: tires.*

The California Tire Recycling Act requires a person who purchases a new tire to pay a California tire fee in the amount of \$1.75, of which \$0.75 of the fee is designated for programs and projects that mitigate or remediate air pollution caused by waste tires and the remainder is deposited in the California Tire Recycling Management Fund, for expenditure by the Department of Resources Recycling and Recovery, upon appropriation by the Legislature, for programs related to the disposal of waste tires. After January 1, 2015, existing law decreases the amount of the fee to \$0.75 and provides for the deposit of all of that amount in that fund.

This bill would decrease the amount of the California tire fee that is imposed until January 1, 2015, to \$1.15.

~~Existing law declares, among other things, that it is the policy of the state to encourage the use of nuclear energy, geothermal resources, and such other energy sources as are currently under development, wherever feasible, recognizing that such use has the potential of providing direct economic benefit to the public, while helping to conserve limited fossil fuel resources and promoting air cleanliness.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42885 of the Public Resources Code, as
2 amended by Section 55 of Chapter 77 of the Statutes of 2006, is
3 amended to read:

4 42885. (a) For purposes of this section, “California tire fee”
5 means the fee imposed pursuant to this section.

6 (b) (1) A person who purchases a new tire, as defined in
7 subdivision (g), shall pay a California tire fee of ~~one dollar and~~
8 ~~seventy-five cents (\$1.75)~~ *one dollar and fifteen cents (\$1.15)* per
9 tire.

10 (2) The retail seller shall charge the retail purchaser the amount
11 of the California tire fee as a charge that is separate from, and not
12 included in, any other fee, charge, or other amount paid by the
13 retail purchaser.

14 (3) The retail seller shall collect the California tire fee from the
15 retail purchaser at the time of sale and may retain 1 ½ percent of
16 the fee as reimbursement for any costs associated with the
17 collection of the fee. The retail seller shall remit the remainder to
18 the state on a quarterly schedule for deposit in the California Tire
19 Recycling Management Fund, which is hereby created in the State
20 Treasury.

21 (c) ~~The board~~ *department*, or its agent authorized pursuant to
22 Section 42882, shall be reimbursed for its costs of collection,
23 auditing, and making refunds associated with the California Tire
24 Recycling Management Fund, but not to exceed 3 percent of the
25 total annual revenue deposited in the fund.

26 (d) The California tire fee imposed pursuant to subdivision (b)
27 shall be separately stated by the retail seller on the invoice given
28 to the customer at the time of sale. Any other disposal or
29 transaction fee charged by the retail seller related to the tire
30 purchase shall be identified separately from the California tire fee.

31 (e) A person or business who knowingly, or with reckless
32 disregard, makes a false statement or representation in a document
33 used to comply with this section is liable for a civil penalty for

1 each violation or, for continuing violations, for each day that the
2 violation continues. Liability under this section may be imposed
3 in a civil action and shall not exceed twenty-five thousand dollars
4 (\$25,000) for each violation.

5 (f) In addition to the civil penalty that may be imposed pursuant
6 to subdivision (e), the ~~board~~ *department* may impose an
7 administrative penalty in an amount not to exceed five thousand
8 dollars (\$5,000) for each violation of a separate provision or, for
9 continuing violations, for each day that the violation continues,
10 on a person who intentionally or negligently violates a permit,
11 rule, regulation, standard, or requirement issued or adopted
12 pursuant to this chapter. The ~~board~~ *department* shall adopt
13 regulations that specify the amount of the administrative penalty
14 and the procedure for imposing an administrative penalty pursuant
15 to this subdivision.

16 (g) For purposes of this section, “new tire” means a pneumatic
17 or solid tire intended for use with on-road or off-road motor
18 vehicles, motorized equipment, construction equipment, or farm
19 equipment that is sold separately from the motorized equipment,
20 or a new tire sold with a new or used motor vehicle, as defined in
21 Section 42803.5, including the spare tire, construction equipment,
22 or farm equipment. “New tire” does not include retreaded, reused,
23 or recycled tires.

24 (h) The California tire fee shall not be imposed on a tire sold
25 with, or sold separately for use on, any of the following:

26 (1) A self-propelled wheelchair.

27 (2) A motorized tricycle or motorized quadricycle, as defined
28 in Section 407 of the Vehicle Code.

29 (3) A vehicle that is similar to a motorized tricycle or motorized
30 quadricycle and is designed to be operated by a person who, by
31 reason of the person’s physical disability, is otherwise unable to
32 move about as a pedestrian.

33 (i) This section shall remain in effect only until January 1, 2015,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2015, deletes or extends that date.

36 ~~SECTION 1. Section 800 of the Public Resources Code is~~
37 ~~amended to read:~~

38 ~~800. It is the policy of the State of California that the location~~
39 ~~and operation of thermal electric powerplants shall enhance public~~
40 ~~benefits and protect against or minimize adverse effects on the~~

1 public, the ecology of the land and its wildlife, and the ecology of
 2 state waters and their aquatic life, and that the public's opportunity
 3 to enjoy the material, physical, and aesthetic benefits of its
 4 resources shall be preserved to the greatest extent feasible.

5 The Legislature declares that it is also the policy of the state to
 6 encourage the use of nuclear energy, geothermal resources, and
 7 those other energy sources as are currently under development,
 8 wherever feasible, recognizing that their use has the potential of
 9 providing direct economic benefit to the public, while helping to
 10 conserve limited fossil fuel resources and promoting air cleanliness.

11 The Legislature further declares that it is the policy of the state
 12 to encourage planning by the state's electric utilities toward the
 13 above-stated objectives and to assist the utilities in their evaluations
 14 of the effects on the environment of proposed thermal powerplant
 15 sites and to that end the State Energy Resources Conservation and
 16 Development Commission has been established to effect such
 17 coordination with the utilities and to carry out specific
 18 responsibilities as may be defined in the Public Utilities Code and
 19 the Public Resources Code.

20 The Legislature finds that the state should conduct research
 21 relating to the conservation, enhancement and prudent use of its
 22 resources, including those associated with the siting of thermal
 23 powerplants.

24 The Legislature finds that the state should also stimulate, sponsor
 25 and conduct appropriate research and study on new methods of
 26 powerplant siting which offer potential for enhanced public benefits
 27 in location, operation, and protection of the environment with such
 28 investigations including underground and underocean sites,
 29 manmade islands, powerplant parks, the desirability of locations
 30 on or near tidal lagoons, and other concepts which may appear
 31 attractive in minimizing the impact on the environment of the large
 32 projected increase in California electric generating capacity.

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