

AMENDED IN ASSEMBLY MARCH 12, 1996
AMENDED IN ASSEMBLY FEBRUARY 29, 1996

CALIFORNIA LEGISLATURE—1995-96 REGULAR SESSION

ASSEMBLY BILL

No. 2108

Introduced by Assembly Member Mazzoni

January 29, 1996

An act to amend Section 42885 of, and to add Section 42962.5 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2108, as amended, Mazzoni. Solid waste: new tires: disposal fee: waste tire haulers.

(1) Existing law, the California Integrated Waste Management Act of 1989, regulates the handling and management of solid waste and is administered by the California Integrated Waste Management Board.

Existing law, the California Tire Recycling Act, a part of the waste management act, requires every person who leaves tires for disposal with a seller of new or used tires to pay a disposal fee of \$.25 per tire to the seller. The tire recycling act authorizes the seller to retain 10% of that fee as reimbursement for any costs associated with the collection of the fee and requires the remainder to be remitted to the state on a quarterly basis for deposit in the California Tire Recycling Management Fund, which the act creates in the State Treasury.

This bill would instead require that fee to be paid by every person who purchases a new tire, as defined, from a retail seller of new tires, *permit the seller to retain 10% of the fee as reimbursement for costs*, and ~~would~~ require the ~~full amount collected remainder~~ to be remitted to the state on a quarterly basis.

(2) The waste management act requires every person who engages in the transportation of waste tires to hold a valid waste tire hauler registration, except as specified, and requires any person engaged in the transportation of waste tires to follow specified requirements.

This bill would authorize any traffic officer, as defined, and any peace officer, as specified, to enforce those provisions as authorized representatives of the board.

Vote: majority. Appropriation: no. Fiscal committee: 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
2 Code is amended to read:

3 42885. (a) On and after January 1, 1997, every person
4 who purchases a new tire, as defined in subdivision (c),
5 from a retail seller of new tires shall pay a disposal fee of
6 twenty-five cents (\$0.25) per tire to the seller. The retail
7 seller shall collect the disposal fee at the time of sale ~~and~~
8 ~~remit all fees collected~~, *may retain 10 percent of the fee*
9 *as reimbursement for any costs associated with the*
10 *collection of the fee, and shall remit the remainder* to the
11 state on a quarterly schedule for deposit in the California
12 Tire Recycling Management Fund, which is hereby
13 created in the State Treasury.

14 (b) The board, or its agent authorized pursuant to
15 Section 42882, shall be reimbursed for its costs of
16 collection, auditing, and refunds associated with the
17 California Tire Recycling Management Fund, but not to
18 exceed 3 percent of the total annual revenue deposited
19 in the fund.

20 (c) For purposes of this section, “new tire” means a
21 pneumatic or solid tire intended for use with on-road or



1 off-road motor vehicles, motorized equipment,
2 construction equipment, or farm equipment that is sold
3 separately from the motor vehicle, motorized
4 equipment, construction equipment, or farm equipment.
5 “New tire” does not include retreaded or recycled tires
6 or tires that are mounted on wheels and sold as part of a
7 vehicle or equipment.

8 (d) This section shall become inoperative on June 30,
9 1999, and, as of January 1, 2000, is repealed, unless a later
10 enacted statute, which becomes effective on or before
11 January 1, 2000, deletes or extends the dates on which it
12 becomes inoperative and is repealed.

13 SEC. 2. Section 42962.5 is added to the Public
14 Resources Code, to read:

15 42962.5. Any traffic officer, as defined in Section 625
16 of the Vehicle Code, and any peace officer, as specified in
17 Section 830.1 of the Penal Code, may enforce this chapter
18 as authorized representatives of the board.

