

AMENDED IN SENATE APRIL 5, 1999

**SENATE BILL**

**No. 876**

**Introduced by Senator Escutia**

February 25, 1999

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An act to amend Sections 42807 and 42950 of, *and to add Sections 42801.5, 42803.5, 42804.5, 42805.5, 42805.6, and 42806.5 to*, the Public Resources Code, relating to waste tires, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 876, as amended, Escutia. Waste tires.

**Existing**

(1) *Existing* law contains varying definitions of "waste tire" for purposes of the law governing major and minor waste tire facility permits and other ~~law~~ laws governing tire hauler registration.

This bill would conform those definitions, and would specify that the term "waste tire" includes a repairable tire, a scrap tire, and an altered tire, but does not include a used tire or granulated rubber.

**This**

*The bill would define the term "used tire," for purposes of those laws, as a tire that has been removed from the wheel of a vehicle but is still suitable for its originally intended purpose. The bill would require that a used tire originally manufactured for highway use to meet specified requirements and would require a used tire be organized for resale in a rack or a stack, but not in pile, in a specified manner. The bill would additionally define the terms "altered tire,"*

“granulated rubber,” “originally intended purpose,”  
 “repairable tire,” and “scrap tire.”

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

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

1 SECTION 1. This act shall be known and may be cited  
 2 as the California Waste Tire Recycling Enhancement Act.

3 SEC. 2. The Legislature finds and declares all of the  
 4 following:

5 (a) There are more than 15 million tires in stockpiles  
 6 around the state with an additional 30 million tires being  
 7 generated yearly.

8 (b) In addition, an estimated 3.3 million tires are  
 9 imported to California each year.

10 (c) Of these 48.3 million tires, about 19.1 million are  
 11 being recycled at this time.

12 (d) Without significant market expansion for the  
 13 usage of these waste tires, waste tire stockpiles, legal and  
 14 illegal, will continue to grow.

15 (e) When tires are improperly stockpiled or catch fire,  
 16 the adverse effects may include pests, toxic smoke and  
 17 residues, and contaminated air, soil, and water.

18 (f) Section 42871 of the Health and Safety Code  
 19 requires the California Integrated Waste Management  
 20 Board to submit a waste tire report to the Governor and  
 21 the Legislature on or before May 1, 1999, that includes  
 22 recommendations to enhance waste tire recycling.

23 (g) The purpose of the California Waste Tire  
 24 Recycling Enhancement Act is to improve the existing  
 25 program.

26 SEC. 3. *Section 42801.5 is added to the Public*  
 27 *Resources Code, to read:*

28 42801.5. “Altered tire” means a waste tire that is no  
 29 longer whole, including, but not limited to, a waste tire  
 30 that has been shredded, chopped, or split apart. The term  
 31 “altered tire” does not include granulated rubber.



1 SEC. 4. Section 42802.5 is added to the Public  
2 Resources Code, to read:

3 42802.5. “Granulated rubber” means rubber granules  
4 derived from a waste tire that are less than or equal to,  
5 one-quarter inch in diameter.

6 SEC. 5. Section 42804.5 is added to the Public  
7 Resources Code, to read:

8 42804.5. “Originally intended purpose” means the  
9 intended use of the tire when it was originally  
10 manufactured, including, but not limited to, highway or  
11 aircraft use.

12 SEC. 6. Section 42805.5 is added to the Public  
13 Resources Code, to read:

14 42805.5. “Repairable tire” means a worn, damaged, or  
15 defective tire that is retreadable, recappable, or  
16 regrooveable, or that can be otherwise repaired to return  
17 the tire to its originally intended purpose.

18 SEC. 7. Section 42805.6 is added to the Public  
19 Resources Code, to read:

20 42805.6. “Scrap tire” means a tire that is not  
21 repairable.

22 SEC. 8. Section 42806.5 is added to the Public  
23 Resources Code, to read:

24 42806.5. “Used tire” means a tire that has been  
25 removed from the wheel of a vehicle but is still suitable  
26 for its originally intended purpose. A used tire originally  
27 manufactured for highway use shall meet the  
28 requirements of Article 4 (commencing with Section  
29 27450) of Chapter 5 of Division 12 of the Vehicle Code. A  
30 used tire shall be organized for resale in a rack or a stack,  
31 but not in a pile, in a manner approved by the local fire  
32 marshal and vector control authorities, or in accordance  
33 with all applicable state regulations.

34 SEC. 9. Section 42807 of the Public Resources Code is  
35 amended to read:

36 42807. “Waste tire” means a tire that has been  
37 removed from the wheel of a vehicle and is no longer  
38 suitable for its originally intended purpose due to wear,  
39 damage, defect, or deviation from the manufacturer’s  
40 original specifications. The term “waste tire” includes a



1 repairable tire, a scrap tire, and an altered tire. The term  
2 “waste tire” does not include a used tire or granulated  
3 rubber.

4 ~~SEC. 4.—~~

5 *SEC. 10.* Section 42950 of the Public Resources Code  
6 is amended to read:

7 42950. For purposes of this chapter, the following  
8 definitions apply:

9 (a) “Agricultural purposes” means the use of waste  
10 tires as bumpers on agricultural equipment or as a ballast  
11 to maintain covers or structures at an agricultural site.

12 (b) “Altered tire” means a waste tire that is no longer  
13 whole, including, but not limited to, a waste tire that has  
14 been shredded, chopped, or split apart. The term  
15 “altered tire” does not include granulated rubber.

16 (c) “Applicant” means any person seeking to register  
17 as a waste tire hauler.

18 ~~(e)—~~

19 (d) “Common carrier” means a “common carrier,” as  
20 defined in Section 211 of the Public Utilities Code.

21 ~~(d)—~~

22 (e) “Granulated rubber” means rubber granules  
23 derived from a waste tire that are less than or equal to,  
24 one-quarter inch in diameter.

25 (f) “Originally intended purpose” means the intended  
26 use of the tire when it was originally manufactured,  
27 including, but not limited to, highway or aircraft use.

28 (g) “Repairable tire” means a worn, damaged, or  
29 defective tire that is retreadable, recappable, or  
30 regrooveable, or that can be otherwise repaired to return  
31 the tire to its originally intended purpose.

32 (h) “Scrap tire” means a tire that is not repairable.

33 (i) “Used tire” means a tire that has been removed  
34 from the wheel of a vehicle but is still suitable for its  
35 originally intended purpose. A used tire originally  
36 manufactured for highway use shall meet the  
37 requirements of Article 4 (commencing with Section  
38 27450) of Chapter 5 of Division 12 of the Vehicle Code. A  
39 used tire shall be organized for resale in a rack or a stack,  
40 but not in a pile, in a manner approved by the local fire



1 *marshal and vector control authorities, or in accordance*  
2 *with all applicable state regulations.*

3 (j) “Waste tire” means a tire that has been removed  
4 from the wheel of a vehicle and is no longer suitable for  
5 its originally intended use due to wear, damage, defect,  
6 or deviation from the manufacturer’s specifications. The  
7 term “waste tire” includes a repairable tire, a scrap tire,  
8 and an altered tire. The term “waste tire” does not  
9 include a used tire or granulated rubber.

10 ~~SEC. 5.~~

11 *SEC. 11.* This act is an urgency statute necessary for  
12 the immediate preservation of the public peace, health,  
13 or safety within the meaning of Article IV of the  
14 Constitution and shall go into immediate effect. The facts  
15 constituting the necessity are:

16 In order to improve waste tire recycling efforts at the  
17 earliest time possible, it is necessary that this act take  
18 effect immediately.

