



HOUSE BILL No. 5557

May 12 1994 Introduced by Reps Leland Bennane and Hood 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 the
2 solid waste management act Act No 641 of the Public Acts of
3 1978, being sections 299 401 to 299 437 of the Michigan Compiled
4 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.~~ A PERSON OR FOR THE CLEANUP OR COLLECTION OF SCRAP TIRES
 14 ACCUMULATED PRIOR TO JANUARY 1, 1991 AT A COLLECTION SITE, OR
 15 BOTH. HOWEVER, MONEY SHALL NOT BE EXPENDED PURSUANT TO THIS SUB-
 16 DIVISION FOR THE CLEANUP OR COLLECTION OF SCRAP TIRES NOT DETER-
 17 MINED BY THE DEPARTMENT TO BE ABANDONED SCRAP TIRES UNLESS THE
 18 COLLECTION SITE OWNER PROVIDES FOR 25% OF THE DEPARTMENT'S AUTHO-
 19 RIZED PER TIRE CLEANUP COSTS FOR ABANDONED SCRAP TIRES

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