

# HOUSE BILL No. 5380

November 1, 2001, Introduced by Rep. Mead and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 16901, 16902, 16903, 16904a, 16905, 16906,  
and 16909 (MCL 324.16901, 324.16902, 324.16903, 324.16904a,  
324.16905, 324.16906, and 324.16909), sections 16901 and 16903 as  
amended and section 16904a as added by 1997 PA 17, and by adding  
section 16909a; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 16901. As used in this part:

2       (a) "Abandoned scrap tires" means an accumulation of scrap  
3 tires on property where the property owner is not, as determined  
4 by the department, responsible in whole or in part for the accu-  
5 mulation of the scrap tires. For the purposes of this  
6 subdivision, an owner who purchased or willingly took possession  
7 of an existing scrap tire collection site shall be considered by

1 the department to be responsible in whole or in part for the  
2 accumulation of the scrap tires.

3 (b) "Bond" means a performance bond from a surety company  
4 authorized to transact business in this state, a certificate of  
5 deposit, a cash bond, or an irrevocable letter of credit, in  
6 favor of the department.

7 (c) "Collection site" means a site, other than a landfill, a  
8 racecourse, or a feed storage location, that contains either of  
9 the following:

10 (i) One or more pieces of adjacent real property where 500  
11 or more scrap tires are accumulated and that is not associated  
12 with a retail operation as provided in subparagraph (ii) or with  
13 an automotive recycler as provided in subparagraph (iii).

14 (ii) One or more pieces of adjacent real property where  
15 1,500 or more scrap tires are accumulated if that property is  
16 owned or leased by a person who is a retailer and is not associ-  
17 ated with an automotive recycler as provided in  
18 subparagraph (iii).

19 (iii) One or more pieces of adjacent real property where  
20 2,500 or more scrap tires are accumulated if that property is  
21 owned or leased by a person who is an automotive recycler as  
22 defined in section 2a of the Michigan vehicle code, 1949 PA 300,  
23 MCL 257.2a.

24 (D) "CRUMB RUBBER" MEANS RUBBER MATERIAL DERIVED FROM TIRES  
25 THAT IS LESS THAN 1/8 INCH BY 1/8 INCH IN SIZE AND IS FREE OF ALL  
26 STEEL AND ALL FIBER.

1       (E) ~~(d)~~ "Department" means the department of environmental  
2 quality.

3       (F) "END USER" MEANS ANY OF THE FOLLOWING:

4       (i) A PERSON WHO POSSESSES A PERMIT TO BURN TIRES UNDER  
5 PART 55.

6       (ii) THE OWNER OR OPERATOR OF A LANDFILL THAT IS AUTHORIZED  
7 UNDER THE LANDFILL'S OPERATING LICENSE TO USE SCRAP TIRES.

8       (iii) A PERSON WHO CONVERTS SCRAP TIRES INTO CRUMB RUBBER  
9 THAT IS USED TO MANUFACTURE PRODUCTS THAT ARE SOLD IN THE MARKET  
10 BUT DOES NOT MANUFACTURE THE PRODUCTS THAT ARE SOLD IN THE  
11 MARKET.

12       (G) ~~(e)~~ "Feed storage location" means a location on 1 or  
13 more pieces of adjacent real property containing a commercially  
14 operated farming operation where not more than 3,000 scrap tires  
15 are used for the purpose of securing stored feed.

16       (H) ~~(f)~~ "Fund" means the scrap tire regulatory fund cre-  
17 ated in section 16908.

18       (I) ~~(g)~~ "Landfill" means ~~that term~~ A LANDFILL as ~~it is~~  
19 defined in section 11504 THAT IS LICENSED UNDER PART 115.

20       (J) ~~(h)~~ "Racecourse" means a commercially operated track  
21 for go-carts, vehicles, off-road recreational vehicles, or motor-  
22 cycles that uses not more than 3,000 scrap tires for bumpers  
23 along the track for safety purposes.

24       (K) ~~(i)~~ "Retailer" means a person who sells or offers for  
25 sale new, retreaded, or remanufactured tires to consumers in this  
26 state.

1       (1) ~~(j)~~ "Scrap tire" means a tire that is no longer being  
2 used for its original intended purpose INCLUDING, BUT NOT LIMITED  
3 TO, A USED TIRE, A REUSABLE TIRE CASING, OR PORTIONS OF TIRES.  
4 Scrap tire does not include CRUMB RUBBER OR a vehicle support  
5 stand.

6       (M) ~~(k)~~ "Scrap tire hauler" means a person who, as part of  
7 a commercial business, transports scrap tires, other than a solid  
8 waste hauler as defined in part 115 who transports 7 or fewer  
9 scrap tires along with other solid waste in any truckload.

10       (N) ~~(l)~~ "Scrap tire processor" means a person WHO IS  
11 AUTHORIZED BY THIS PART TO ACCUMULATE SCRAP TIRES AND IS engaged  
12 in the business of ~~storing,~~ buying ~~,~~ or otherwise acquiring  
13 scrap tires ~~,~~ and reducing their volume by shredding or other-  
14 wise facilitating recycling or resource recovery techniques for  
15 scrap tires. ~~A scrap tire processor includes a person who, in~~  
16 ~~addition to processing the scrap tires, incinerates the tires or~~  
17 ~~converts the tires into a product or another end use.~~

18       (O) "SCRAP TIRE RECYCLER" MEANS A PERSON WHO IS AUTHORIZED  
19 BY THIS PART TO ACCUMULATE SCRAP TIRES, WHO ACQUIRES SCRAP TIRES,  
20 AND WHO CONVERTS SCRAP TIRES INTO A PRODUCT THAT IS SOLD OR  
21 REUSED IN A MANNER AUTHORIZED BY THIS PART.

22       (P) ~~(m)~~ "Tire" means a continuous solid or pneumatic  
23 rubber covering encircling the wheel of a tractor or other farm  
24 machinery or of a vehicle.

25       (Q) ~~(n)~~ "Tire storage area" means a location within a col-  
26 lection site where tires are accumulated.

1       (R) ~~(o)~~ "Vehicle" means every device in, upon, or by which  
 2 any person or property is or may be transported or drawn upon a  
 3 highway, excepting devices exclusively moved by human power or  
 4 used exclusively upon stationary rails or tracks and excepting a  
 5 mobile home as defined in section 2 of the mobile home commission  
 6 act, 1987 PA 96, MCL 125.2302.

7       (S) ~~(p)~~ "Vehicle support stand" means equipment used to  
 8 support a stationary vehicle consisting of an inflated tire and  
 9 wheel that is attached to another wheel.

10       Sec. 16902. (1) ~~A person shall not discard a tire on any~~  
 11 ~~property that is not in compliance with sections 16903 and~~  
 12 ~~16904.~~ A PERSON SHALL ONLY DELIVER, OR BY CONTRACT, AGREEMENT,  
 13 OR OTHERWISE CAUSE THE DELIVERY OF, A SCRAP TIRE TO A COLLECTION  
 14 SITE REGISTERED UNDER SECTION 16904, A LANDFILL, AN END-USER, A  
 15 SCRAP TIRE PROCESSOR, A TIRE RETAILER, OR A SCRAP TIRE RECYCLER,  
 16 THAT IS IN COMPLIANCE WITH THIS PART.

17       (2) ~~A person shall not dispose of a scrap tire in any~~  
 18 ~~manner other than a manner authorized by this part or by part 55~~  
 19 ~~or part 115.~~ A PERSON WHO BY CONTRACT, AGREEMENT, OR OTHERWISE  
 20 ARRANGES FOR THE REMOVAL OF SCRAP TIRES SHALL DO SO WITH A SOLID  
 21 WASTE HAULER AS DEFINED IN PART 115 WHO TRANSPORTS 7 OR FEWER  
 22 SCRAP TIRES ALONG WITH OTHER SOLID WASTE IN ANY TRUCKLOAD OR A  
 23 SCRAP TIRE HAULER WHO IS REGISTERED PURSUANT TO SECTION 16905(1)  
 24 AND WHO BY CONTRACT, AGREEMENT, OR OTHERWISE IS OBLIGATED TO  
 25 DELIVER THE SCRAP TIRES TO A DESTINATION AS REQUIRED IN SUBSEC-  
 26 TION (1).

1 (3) THE DRIVER OF A VEHICLE IS PRESUMED TO BE RESPONSIBLE  
2 FOR SCRAP TIRES DISCARDED OR DISPOSED OF FROM THAT VEHICLE IN  
3 VIOLATION OF THIS SECTION SUBJECT TO THE FOLLOWING:

4 (A) IN A PROCEEDING FOR A VIOLATION OF THIS SECTION, PROOF  
5 THAT THE PARTICULAR VEHICLE DESCRIBED IN THE CITATION, COMPLAINT,  
6 OR WARRANT WAS USED IN THE VIOLATION, TOGETHER WITH PROOF THAT  
7 THE DEFENDANT NAMED IN THE CITATION, COMPLAINT, OR WARRANT WAS  
8 THE REGISTERED OWNER OF THE VEHICLE AT THE TIME OF THE VIOLATION,  
9 CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE REGISTERED OWNER OF  
10 THE VEHICLE WAS THE DRIVER OF THE VEHICLE AT THE TIME OF THE  
11 VIOLATION.

12 (B) IN A PROCEEDING FOR A VIOLATION OF THIS SECTION INVOLV-  
13 ING A LEASED MOTOR VEHICLE, PROOF THAT THE PARTICULAR VEHICLE  
14 DESCRIBED IN THE CITATION, COMPLAINT, OR WARRANT WAS USED IN THE  
15 VIOLATION, TOGETHER WITH PROOF THAT THE DEFENDANT NAMED IN THE  
16 CITATION, COMPLAINT, OR WARRANT WAS THE LESSEE OF THE VEHICLE AT  
17 THE TIME OF THE VIOLATION, CONSTITUTES A REBUTTABLE PRESUMPTION  
18 THAT THE LESSEE OF THE VEHICLE WAS THE DRIVER OF THE VEHICLE AT  
19 THE TIME OF THE VIOLATION.

20 Sec. 16903. (1) A person who owns or operates a collection  
21 site where less than 2,500 scrap tires have been accumulated that  
22 are not stored in a building or stored in a covered vehicle shall  
23 comply with all of the following:

24 (a) Only tires shall be accumulated in a tire storage area.

25 (b) Except as provided in subdivision (f), the tires shall  
26 be accumulated in piles no greater than 15 feet in height with  
27 horizontal dimensions no greater than 200 by 40 feet.

1 (c) Except as provided in subdivision (f), the tires shall  
2 not be within 20 feet of the property line or within 60 feet of a  
3 building or structure.

4 (d) The tires shall be maintained in a manner that limits  
5 the potential of mosquito breeding by complying with 1 or more of  
6 the following:

7 (i) The tires shall be covered by plastic sheets or other  
8 impermeable barriers to prevent the accumulation of  
9 precipitation.

10 (ii) The tires shall be chemically treated to eliminate mos-  
11 quito breeding.

12 (iii) The tires shall be shredded or chipped into pieces no  
13 larger than 4 inches by 6 inches and stored in piles that allow  
14 complete water drainage.

15 (e) Except as provided in subdivision (f), there shall be a  
16 minimum separation of 30 feet between tire piles. ~~However, a~~  
17 ~~collection site that was in operation on the effective date of~~  
18 ~~the 1997 amendments to this subdivision has 2 years after this~~  
19 ~~date to comply with this subdivision. During this 2-year period,~~  
20 ~~there shall be a minimum of 20 feet between tire piles. A col-~~  
21 ~~lection site that has not, within 6 months after the effective~~  
22 ~~date of the 1997 amendments to this subdivision, made significant~~  
23 ~~progress toward compliance with the 30-foot separation distance~~  
24 ~~provided in this subdivision shall not receive scrap tires until~~  
25 ~~the collection site complies with the 30-foot separation~~  
26 ~~distance. The department may grant an exemption to the 30-foot~~  
27 ~~separation distance provided in this subdivision for a specified~~

~~1 period of time if the owner or operator demonstrates to the~~  
~~2 department's satisfaction that expansion of the collection site~~  
~~3 is not possible due to the unavailability of additional space and~~  
~~4 that the owner or operator has made a good faith effort to find~~  
~~5 markets for the excess scrap tires that would have to be removed~~  
~~6 in order to comply with the 30-foot separation distance.~~ The  
7 open space between tire piles shall at all times be free of rub-  
8 bish, equipment, and other materials.

9 (f) Tire piles shall be accessible to fire fighting  
10 equipment. If the requirement of this subdivision is met, the  
11 local fire department that serves the jurisdiction in which the  
12 collection site is located may approve a variance from the  
13 requirements of subdivisions (b), (c), and (e). Such an approv-  
14 al, if granted, shall be in writing.

15 (g) Tires, including shredded tires, shall be isolated from  
16 other stored materials that may create hazardous products if  
17 there is a fire, including, but not limited to, lead acid batte-  
18 ries, fuel tanks, solvent barrels, and pesticide containers.

19 (h) The collection site shall be subject to an annual  
20 inspection and additional inspections at any reasonable time by  
21 THE DEPARTMENT, A PEACE OFFICER, OR the local fire department  
22 that serves the jurisdiction in which the collection site is  
23 located.

24 (i) All persons employed to work at the collection site  
25 shall be trained in emergency response operations. The owner or  
26 operator of the collection site shall maintain training records  
27 and shall make these records available to the local fire

1 department that serves the jurisdiction in which the collection  
2 site is located.

3       (j) The person who owns ~~a~~ THE collection site shall main-  
4 tain a performance bond in favor of the department. The amount  
5 of the bond shall be not less than the sum of \$25,000.00 per  
6 quarter acre, or fraction thereof, of outdoor tire storage area,  
7 and notwithstanding the limitation provided in subsection (1),  
8 \$2.00 per square foot of tire storage area in a building and  
9 \$750.00 for each vehicle used as a tire storage area. However,  
10 for collection sites with fewer than 2,500 tires, the bond shall  
11 not exceed \$2,500.00. A person who elects to use a certificate  
12 of deposit as bond shall receive any accrued interest on that  
13 certificate of deposit upon release of the bond by the  
14 department. A person who elects to post cash as bond shall  
15 accrue interest on that bond at the annual rate of 6%, to be  
16 accrued quarterly, except that the interest rate payable to an  
17 applicant shall not exceed the rate of interest accrued on the  
18 state common cash fund for the quarter in which an accrual is  
19 determined. Interest shall be paid to the applicant upon release  
20 of the bond by the department. Any interest greater than 6%  
21 shall be deposited into the fund. The department may utilize a  
22 bond required under this part for removing scrap tires from a  
23 collection site, for bringing the collection site into compliance  
24 with this part, for other costs of cleanup at the collection  
25 site, and for costs of fire suppression and costs associated with  
26 responding to a fire or an emergency at a collection site, in  
27 case of an emergency at the collection site, insolvency of the

1 collection site owner, or if the owner or operator of the  
2 collection site fails to comply with the requirements of this  
3 section and does not cause the removal of the tires at the direc-  
4 tion of the department or a court of competent jurisdiction.

5 (2) A person who owns or operates a collection site where at  
6 least 2,500 but less than 100,000 scrap tires have been accumu-  
7 lated that are not stored in a building shall comply with all of  
8 the following:

9 (a) All of the requirements of subsection (1).

10 (b) The TIRE STORAGE area ~~in which the tires are~~  
11 ~~accumulated~~ shall be completely enclosed with a fence that is at  
12 least 6 feet tall with lockable gates and that is designed to  
13 prevent easy access.

14 (c) An earthen berm not less than 5 feet in height shall ~~be~~  
15 ~~positioned outside of the fence in which the tires are enclosed~~  
16 COMPLETELY ENCLOSE THE TIRE STORAGE AREA EXCEPT TO ALLOW FOR NEC-  
17 ESSARY INGRESS AND EGRESS.

18 (d) The collection site shall contain sufficient drainage so  
19 that water does not pool or collect on the property.

20 (e) The approach road to the tire storage area and on-site  
21 access roads to the tire storage area shall be of all-weather  
22 construction and maintained in good condition and free of debris  
23 and equipment so that it is passable at all times for fire  
24 fighting equipment vehicles.

25 (f) Tire storage areas shall be mowed regularly or otherwise  
26 kept free of weeds, vegetation, and other growth at all times.

1 (g) An emergency procedures plan shall be prepared and  
2 displayed at the collection site. The plan shall include  
3 telephone numbers of the local fire and police departments. The  
4 plan shall be reviewed by the local fire department prior to  
5 being posted.

6 (h) Scrap tires shall not be accumulated in excess of 10,000  
7 cubic yards of scrap tires per acre.

8 (3) A person who owns or operates a collection site where  
9 100,000 or more scrap tires have been accumulated that are not  
10 stored in a building shall comply with all of the requirements of  
11 subsections (1) and (2) and that person shall operate as a scrap  
12 tire processor.

13 Sec. 16904a. ~~-(1) An~~ EXCEPT AS PROVIDED IN SECTION 16906,  
14 AN end-user is exempt from this part for scrap tires stored on  
15 the site of the end-user if not less than 75% of the scrap tires,  
16 by weight or volume, that are stored on site each calendar year  
17 are recycled or used for resource recovery during that year, and  
18 the end-user annually certifies his or her compliance with this  
19 section on a form approved by the department.

20 ~~-(2) As used in this section:~~

21 ~~(a) "Crumb rubber" means rubber material derived from tires~~  
22 ~~that is less than 1/8 inch by 1/8 inch in size and is free of all~~  
23 ~~steel and all fiber.~~

24 ~~(b) "End user" means any of the following:~~

25 ~~(i) A person who possesses a permit to burn tires under part~~  
26 ~~55.~~

1       ~~(ii) A person who possesses a permit to construct a landfill~~  
2 ~~under part 115.~~

3       ~~(iii) A person who only engineers scrap tires into crumb~~  
4 ~~rubber that is used to manufacture products that are sold in the~~  
5 ~~market.~~

6       Sec. 16905. (1) By January 31 of each year, a scrap tire  
7 hauler shall annually register with the department on a form pro-  
8 vided by, and containing the information required by, the  
9 department. A scrap tire hauler who does not provide all of the  
10 information required by the department shall not be considered  
11 registered under this part.

12       (2) A scrap tire hauler when transporting scrap tires shall  
13 have in his or her possession a copy of the current unexpired  
14 scrap tire hauler registration and shall present it upon demand  
15 of a peace officer. The scrap tire hauler registration number  
16 issued by the department shall be visibly displayed on a vehicle  
17 transporting scrap tires.

18       (3) A scrap tire hauler shall maintain a record of each load  
19 of scrap tires he or she transports on forms approved by the  
20 department. These records shall be maintained for a period of 5  
21 years and shall be made available, upon request, to the depart-  
22 ment or to a peace officer at reasonable hours. These records  
23 shall contain at least the following information:

24       (a) The name, address, telephone number, authorized signa-  
25 ture, and registration number of the scrap tire hauler.

1 (b) The name, address, telephone number, and authorized  
2 signature of the person who contracts for the removal of the  
3 scrap tires.

4 (C) THE NAME, ADDRESS, TELEPHONE NUMBER, AND, UPON DELIVERY,  
5 THE AUTHORIZED SIGNATURE OF THE OWNER OR OPERATOR OF THE COLLEC-  
6 TION SITE, LANDFILL, END-USER, SCRAP TIRE PROCESSOR, TIRE RETAIL-  
7 ER, OR SCRAP TIRE RECYCLER, WHERE THE TIRES ARE TO BE DELIVERED.

8 (D) ~~(c)~~ The date of removal ~~—~~ AND THE number of scrap  
9 tires ~~—, and intended final destination of the scrap tires~~ BEING  
10 TRANSPORTED.

11 (4) A scrap tire hauler shall not dispose of scrap tires at  
12 a ~~site~~ LOCATION other than the ~~site~~ LOCATION identified on  
13 the record required by subsection (3).

14 (5) The original record as required by subsection (3) shall  
15 be in the possession of the scrap tire hauler during the actual  
16 transportation of the scrap tires. A copy of the record provided  
17 for in subsection (3) shall be provided to the person who con-  
18 tracts for the removal of scrap tires at the time of removal of  
19 the tires from the originating ~~site~~ LOCATION. A copy shall  
20 also be provided to the registered scrap tire collection site,  
21 ~~or licensed~~ THE landfill, END-USER, SCRAP TIRE PROCESSOR, TIRE  
22 RETAILER, OR SCRAP TIRE RECYCLER to which the scrap tires are  
23 delivered at the time of delivery.

24 (6) A person who, ~~contracts~~ BY CONTRACT, AGREEMENT, OR  
25 OTHERWISE, ARRANGES for the removal of scrap tires shall  
26 ~~contract~~ DO SO WITH A SOLID WASTE HAULER AS DEFINED IN PART 115  
27 WHO TRANSPORTS 7 OR FEWER SCRAP TIRES ALONG WITH OTHER SOLID

1 WASTE IN ANY TRUCKLOAD OR with a scrap tire hauler who is  
2 registered under subsection (1).

3 (7) IN A PROCEEDING FOR A VIOLATION OF THIS SECTION, PROOF  
4 THAT A PERSON TRANSPORTED MORE THAN 7 SCRAP TIRES ON A VEHICLE AT  
5 THE SAME TIME CONSTITUTES A REBUTTABLE PRESUMPTION THAT THE  
6 PERSON IS ENGAGING IN THE COMMERCIAL BUSINESS OF TRANSPORTING  
7 SCRAP TIRES.

8 Sec. 16906. ~~The department shall contact each local health~~  
9 ~~department as defined in section 1105 of the public health code,~~  
10 ~~Act No. 368 of the Public Acts of 1978, being section 333.1105 of~~  
11 ~~the Michigan Compiled Laws, and shall request that local health~~  
12 ~~department to provide a list, including the location and owner,~~  
13 ~~if known, of all known significant tire piles within its~~  
14 ~~jurisdiction.~~

15 (1) A PERSON WHO GENERATES SCRAP TIRES BY CAUSING THE  
16 REMOVAL OF SCRAP TIRES FROM A PROPERTY, INCLUDING AN END-USER,  
17 SHALL MAINTAIN AT THE SITE OF GENERATION RECORDS OF ALL SCRAP  
18 TIRES DELIVERED TO A COLLECTION SITE, A LANDFILL, AN END-USER, A  
19 SCRAP TIRE PROCESSOR, A TIRE RETAILER, OR A SCRAP TIRE RECYCLER.  
20 THESE RECORDS SHALL BE MAINTAINED AT THE SITE OF GENERATION FOR A  
21 PERIOD OF 5 YEARS AND SHALL BE MADE AVAILABLE UPON REQUEST TO THE  
22 DEPARTMENT OR TO A PEACE OFFICER AT REASONABLE HOURS. THESE  
23 RECORDS SHALL CONTAIN ALL OF THE INFORMATION REQUIRED OF A SCRAP  
24 TIRE HAULER IN SECTION 16905(3). BY THE TENTH DAY OF EACH MONTH,  
25 A PERSON REQUIRED TO MAINTAIN RECORDS UNDER THIS SUBSECTION SHALL  
26 SUBMIT TO THE DEPARTMENT, IN A MANNER REQUIRED BY THE DEPARTMENT,

1 A COPY OF ALL RECORDS FOR SCRAP TIRES REMOVED FROM A PROPERTY  
2 DURING THE PREVIOUS MONTH.

3 (2) A PERSON, OTHER THAN A SOLID WASTE HAULER AS DEFINED IN  
4 PART 115 WHO TRANSPORTS 7 OR FEWER SCRAP TIRES ALONG WITH OTHER  
5 SOLID WASTE IN ANY TRUCKLOAD OR A SCRAP TIRE HAULER WHO RECEIVES  
6 SCRAP TIRES, INCLUDING AN END-USER, SHALL MAINTAIN A RECORD OF  
7 ALL SCRAP TIRES RECEIVED. THESE RECORDS SHALL BE MAINTAINED FOR  
8 A PERIOD OF 5 YEARS AND SHALL BE MADE AVAILABLE UPON REQUEST TO  
9 THE DEPARTMENT OR A PEACE OFFICER AT REASONABLE HOURS. THESE  
10 RECORDS SHALL CONTAIN ALL OF THE INFORMATION REQUIRED OF A SCRAP  
11 TIRE HAULER IN SECTION 16905(3).

12 (3) UPON DELIVERY OF SCRAP TIRES TO A LOCATION AUTHORIZED  
13 UNDER SECTION 16902, THE OWNER, OPERATOR, OR AUTHORIZED AGENT OF  
14 THAT LOCATION SHALL SIGN THE RECORD, INDICATING ACCEPTANCE OF THE  
15 SCRAP TIRES, AND PROVIDE A COPY OF THE SIGNED RECORD TO THE  
16 PERSON DELIVERING THE TIRES TO THE LOCATION. WITHIN 10 DAYS, THE  
17 OWNER OR OPERATOR OF THE LOCATION RECEIVING THE SCRAP TIRES SHALL  
18 FORWARD A COPY OF THE SIGNED RECORD TO THE DEPARTMENT IN A MANNER  
19 REQUIRED BY THE DEPARTMENT.

20 Sec. 16909. (1) A person who violates this part ~~is guilty~~  
21 ~~of a misdemeanor punishable by imprisonment for not more than 90~~  
22 ~~days or a fine of not more than \$10.00 for each tire that is dis-~~  
23 ~~posed of or accumulated in violation of this part, or both~~ WHEN  
24 FEWER THAN 50 TIRES ARE INVOLVED IS GUILTY OF A MISDEMEANOR PUN-  
25 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF  
26 NOT LESS THAN \$200.00 OR MORE THAN \$500.00, OR BOTH.

1 (2) A PERSON WHO VIOLATES THIS PART WHEN 50 OR MORE TIRES  
2 ARE INVOLVED IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
3 IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A FINE OF NOT LESS  
4 THAN \$500.00 OR MORE THAN \$10,000.00, OR BOTH, FOR EACH  
5 VIOLATION.

6 (3) A PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION  
7 OF THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-  
8 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN  
9 \$1,000.00 OR MORE THAN \$25,000.00, OR BOTH, FOR EACH VIOLATION.

10 (4) A PERSON WHO KNOWINGLY MAKES OR CAUSES TO BE MADE A  
11 FALSE STATEMENT OR ENTRY ON AN APPLICATION FOR A REGISTRATION OR  
12 CERTIFICATION OR IN A RECORD REQUIRED BY THIS PART IS GUILTY OF A  
13 FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A  
14 FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN \$25,000.00, OR BOTH,  
15 FOR EACH VIOLATION.

16 (5) ~~-(2)-~~ In addition to ~~-, or as an alternative to, the~~  
17 ~~penalties provided under subsection (1)-~~ ANY OTHER PENALTY PRO-  
18 VIDED FOR IN THIS SECTION, the court may order a person who vio-  
19 lates this part to perform not more than 100 hours of community  
20 service.

21 (6) ~~-(3)- Each~~ FOR ANY VIOLATION OF THIS PART, EACH day that  
22 a violation continues ~~-may constitute-~~ CONSTITUTES a separate  
23 violation.

24 (7) ~~-(4)- A law enforcement officer or a conservation~~  
25 PEACE officer may issue an appearance ticket AS DESCRIBED AND  
26 AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF

1 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, to a  
2 person who is in violation of this part.

3 SEC. 16909A. (1) IF THE DEPARTMENT OR A PEACE OFFICER HAS  
4 PROBABLE CAUSE TO BELIEVE THAT A PERSON IS VIOLATING THIS PART,  
5 THE DEPARTMENT OR A PEACE OFFICER MAY SEARCH WITHOUT A WARRANT A  
6 VEHICLE OR ANY TRANSPORTATION RELATED EQUIPMENT USED OR OPERATED  
7 IN A MANNER OR FOR A PURPOSE IN VIOLATION OF THIS PART. A VEHI-  
8 CLE OR TRANSPORTATION RELATED EQUIPMENT USED IN VIOLATION OF THIS  
9 PART IS SUBJECT TO SEIZURE AND FORFEITURE AS PROVIDED IN CHAPTER  
10 47 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
11 MCL 600.4701 TO 600.4709.

12 (2) THE COURT MAY AWARD COURT COSTS AND OTHER EXPENSES OF  
13 LITIGATION INCLUDING ATTORNEY FEES TO A PARTY WHO SUCCESSFULLY  
14 BRINGS AN ACTION UNDER THIS SECTION.

15 (3) THE DEPARTMENT OR A PEACE OFFICER MAY ENTER AT REASON-  
16 ABLE TIMES ANY TIRE RETAIL ESTABLISHMENT, VEHICLE OWNED OR OPER-  
17 ATED BY A SCRAP TIRE HAULER FOR THE TRANSPORT OF SCRAP TIRES, OR  
18 COLLECTION SITE OR OTHER PLACE WHERE SCRAP TIRES ARE OR HAVE BEEN  
19 RECEIVED, STORED, ACCUMULATED, DISCARDED, DISPOSED OF, OR FROM  
20 WHICH SCRAP TIRES HAVE BEEN TRANSPORTED AND MAY INSPECT THE LOCA-  
21 TION OR OTHER PLACE FOR THE PURPOSES OF ENFORCING OR ADMINISTER-  
22 ING THIS PART.

23 Enacting section 1. Section 16902a of the natural resources  
24 and environmental protection act, 1994 PA 451, MCL 324.16902a, is  
25 repealed.

26 Enacting section 2. This amendatory act does not take  
27 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_

1 (request no. 00185'01 a \*) of the 91st Legislature is enacted  
2 into law.