

Act No. 268
Public Acts of 1995
Approved by the Governor
January 7, 1996
Filed with the Secretary of State
January 8, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Rep. Nye

Reps. Anthony, Baade, Bobier, Brater, Bush, Byl, Cherry, Clack, Curtis, DeHart, DeMars, Dolan, Freeman, Gernaat, Gire, Goschka, Green, Hammerstrom, Harder, Hill, Jellema, Jersevic, Kelly, Kukuk, LaForge, Law, Leland, McBryde, Middaugh, Middleton, Olshove, Oxender, Palamara, Perricone, Pitoniak, Prusi, Ryan, Schroer, Scott, Sikkema, Tesanovich, Vaughn, Voorhees, Wetters and Willard named co-sponsors

ENROLLED HOUSE BILL No. 4276

AN ACT to amend sections 16901 and 16908 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," being sections 324.16901 and 324.16908 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 16901 and 16908 of Act No. 451 of the Public Acts of 1994, being sections 324.16901 and 324.16908 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 16901. As used in this part:

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

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

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

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

(ii) One or more pieces of adjacent real property where 1,500 or more scrap tires are accumulated if that property is adjacent to and owned or leased by a person who is a retailer.

(d) "Department" means the department of environmental quality.

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

(f) "Fund" means the scrap tire regulatory fund created in section 16908.

(g) "Landfill" means that term as it is defined in section 11504.

(h) "Racecourse" means a commercially operated track for go-carts, vehicles, off-road recreational vehicles, or motorcycles that uses not more than 3,000 scrap tires for bumpers along the track for safety purposes.

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

(j) "Scrap tire" means a tire that is no longer being used for its original intended purpose. Scrap tire does not include a vehicle support stand.

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

(l) "Scrap tire processor" means a person engaged in the business of storing, buying, or otherwise acquiring scrap tires, and reducing their volume by shredding or otherwise facilitating recycling or resource recovery techniques for scrap tires. A scrap tire processor includes a person who, in addition to processing the scrap tires, incinerates the tires or converts the tires into a product or another end use.

(m) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a tractor, other farm machinery, or a vehicle.

(n) "Tire storage area" means a location within a collection site where tires are accumulated.

(o) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.

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

Sec. 16908. (1) The scrap tire regulatory fund is created in the state treasury. The fund shall receive money as provided by law and any gifts or contributions to the fund. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(2) Money in the fund shall be used, upon appropriation, for all of the following purposes:

(a) Not more than 50% of the money in the fund, annually, for administrative costs of the department associated with this part including the implementation and enforcement of this part, or for the employment of not more than 13.5 full-time equated positions.

(b) For the administrative costs of the secretary of state associated with the collection of the tire disposal surcharge pursuant to section 806 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.806 of the Michigan Compiled Laws.

(c) For the cleanup or collection of abandoned scrap tires and scrap tires accumulated prior to January 1, 1991 at collection sites.

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

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.