

HOUSE BILL No. 5037

October 5, 2011, Introduced by Rep. Geiss and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 176 RETREAD TIRES

SEC. 17601. AS USED IN THIS PART:

(A) "DEPARTMENT" MEANS THE DEPARTMENT OF TREASURY.

(B) "TIRE" MEANS A CONTINUOUS SOLID OR PNEUMATIC RUBBER
COVERING DESIGNED TO ENCIRCLE THE WHEEL OF A MOTOR VEHICLE DESIGNED
FOR ON-ROAD USE.

(C) "RETREAD TIRE" MEANS A USED TIRE WHOSE CASING HAS BEEN
RETREADED, RECAPPED, OR RECASSED.

(D) "RETAIL SELLER" MEANS A PERSON WHO SELLS A RETREAD TIRE IN
A RETAIL TRANSACTION IN THE NORMAL COURSE OF BUSINESS.

SEC. 17603. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A FEE OF

1 \$5.00 IS IMPOSED FOR EACH RETREAD TIRE SOLD BY A RETAIL SELLER.

2 (2) A RETAIL SELLER SHALL ADD THE AMOUNT OF THE FEE IMPOSED BY
3 SUBSECTION (1) TO THE TOTAL PRICE OF THE GOODS OR SERVICES SOLD AND
4 SHALL INDICATE THE FEE SEPARATELY ON ANY SALES RECEIPT, INVOICE, OR
5 OTHER RECORD OF THE SALE OF THE RETREAD TIRE.

6 (3) A RETAIL SELLER SHALL COLLECT THE FEE IMPOSED BY
7 SUBSECTION (1) FROM THE PURCHASER. NOT LATER THAN 30 DAYS AFTER THE
8 LAST DAY OF A CALENDAR QUARTER IN WHICH A FEE IS COLLECTED UNDER
9 THIS SUBSECTION BY A RETAIL SELLER, THE RETAIL SELLER SHALL REMIT
10 THE COLLECTED FEES TO THE DEPARTMENT WITH A COMPLETED RETURN ON A
11 FORM PRESCRIBED BY THE DEPARTMENT.

12 (4) A RETAIL SELLER SHALL KEEP AT ITS PRINCIPAL PLACE OF
13 BUSINESS A RECORD OF ALL OF THE FOLLOWING, REPORTED ON A QUARTERLY
14 BASIS:

15 (A) THE TOTAL NUMBER OF RETREAD TIRES THAT THE RETAIL SELLER
16 ACQUIRED FOR SALE AT RETAIL.

17 (B) THE TOTAL NUMBER OF RETREAD TIRES THAT THE RETAIL SELLER
18 SOLD.

19 (C) THE AMOUNT OF FEES COLLECTED UNDER SUBSECTION (3).

20 SEC. 17605. (1) THE FEE IMPOSED BY THIS PART SHALL BE
21 ADMINISTERED BY THE DEPARTMENT PURSUANT TO 1941 PA 122, MCL 205.1
22 TO 205.31, AND THIS PART. IF THE PROVISIONS OF 1941 PA 122, MCL
23 205.1 TO 205.31, AND THIS PART CONFLICT, THE PROVISIONS OF THIS
24 PART APPLY.

25 (2) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS PART
26 PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,
27 MCL 24.201 TO 24.328.

1 (3) MONEY COLLECTED BY THE DEPARTMENT UNDER SECTION 17603
2 SHALL BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND CREATED
3 IN SECTION 503A AND EXPENDED BY THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY UPON APPROPRIATION ONLY TO SUPPORT RETREAD TIRE RECYCLING,
5 CLEANUP OF ROADSIDE WASTE FROM DETERIORATED RETREAD TIRES, AND
6 OTHER RECYCLING AND LITTER CLEANUP IN THIS STATE.