

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 314

By: Herbert of the Senate

and

Beutler of the House

COMMITTEE SUBSTITUTE

An Act relating to environment and natural resources;
amending 68 O.S. 1991, Section 53003, as renumbered
by Section 359, Chapter 145, O.S.L. 1993, and as
last amended by Section 1, Chapter 59, O.S.L. 1996,
and Section 4, Chapter 191, O.S.L. 1995 (27A O.S.
Supp. 1996, Sections 2-11-403 and 2-11-403.1),
which relate to waste tire recycling; updating
statutory language; deleting certain expiration
date; prohibiting assessment of waste tire fees on
certain tires which are managed in certain out-of-
state recycling facilities; requiring certain Tire
Recycling Fee Exemption Certificate; providing for
procedures; making certain requirements for
obtaining certificate; providing for obtaining of
certain documentation; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 53003, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 1, Chapter 59, O.S.L. 1996 (27A O.S. Supp. 1996, Section 2-11-403), is amended to read as follows:

Section 2-11-403. A. 1. Except as otherwise provided by this section, the following assessments shall be made for tires for use on motor vehicles as such term is defined by Section 1-134 of Title 47 of the Oklahoma Statutes.

a. At the time any tire:

- (1) with a rim diameter of seventeen and one-half (17 1/2) inches rim diameter or less is sold by a tire dealer, there shall be assessed a waste tire recycling fee of One Dollar (\$1.00) per tire,
- (2) with a rim diameter greater than seventeen and one-half (17 1/2) inches is sold by a tire dealer, there shall be assessed a waste tire recycling fee of Three Dollars and fifty cents (\$3.50) per tire, and
- (3) is sold by a tire dealer for use on a motorcycle, minibike, motor-driven cycle or motorized bicycle as defined in Sections 1-135, 1-133.1, 1-136 and 1-136.1 of Title 47 of the Oklahoma Statutes, there shall be assessed a waste tire recycling fee of One Dollar (\$1.00) per tire.

b. At any time a motor vehicle with a tire rim diameter of seventeen and one-half (17 1/2) inches or less is first registered in this state, there shall be assessed a waste tire recycling fee of One Dollar (\$1.00) per tire.

c. At any time a motor vehicle with a tire rim diameter of greater than seventeen and one-half (17 1/2) inches is first registered in this state, there shall be

assessed, except as otherwise provided by subparagraph d of this paragraph, a waste tire recycling fee of Three Dollars and fifty cents (\$3.50) per tire.

- d. At any time a motorcycle, minibike, motor-driven cycle or motorized bicycle is first registered in this state, there shall be assessed a waste tire recycling fee of One Dollar (\$1.00) per tire.

2. Motor vehicles registered pursuant to Section 1120 of Title 47 of the Oklahoma Statutes shall be exempt from the provisions of this subsection.

3. a. No fee shall be assessed by a tire dealer for used tires or retreaded tires for which the tire dealer can document that the recycling fee has been previously paid.

- b. No fee shall be assessed by a tire dealer for any tire sold when the waste tire generated as a result of the sale will be managed by the dealer in an out-of-state recycling facility. The tire dealer shall obtain a Tire Recycling Fee Exemption Certificate pursuant to Section 2-11-403.1 of this title.

B. Any person who furnishes to a tire dealer or to a motor license agent a valid Tire Recycling Fee Exemption Certificate issued according to Section 2-11-403.1 of this title shall be exempt from the assessments of subsection A of this section.

C. 1. The tire dealer and motor license agent shall remit such fee to the Oklahoma Tax Commission in the same manner as provided by Section 1365 of Title 68 of the Oklahoma Statutes. At the time of filing any report as required by the Oklahoma Tax Commission, the tire dealer shall remit therewith to the Tax Commission, except as otherwise provided by this section, ninety-seven and three-quarters percent (97.75%) of the fee due pursuant to this section.

2. Motor license agents shall remit all but One Dollar (\$1.00) of the fee assessed on each vehicle registered. The fees authorized to be retained by motor license agents pursuant to this paragraph shall not be considered compensation but may be retained in addition to the maximum sum of compensation authorized by Section 1143 of Title 47 of the Oklahoma Statutes.

3. Failure to remit such fee at the time of filing the returns shall cause ~~said~~ the fee to become delinquent. If ~~said~~ the fee becomes delinquent the tire dealer or motor license agent forfeits ~~his~~ any claim to the discount authorized by this section and shall remit to the Tax Commission one hundred percent (100%) of the amount of the fee due plus any penalty due.

D. If any amount of fee imposed or levied by subsection A of this section, or any part of such amount, is not paid before such fee becomes delinquent, there shall be collected on the total delinquent fee interest at the rate of one and one-quarter percent (1 1/4%) per month from the date of the delinquency until paid.

E. If any fee due under subsection A of this section, or any part thereof, is not paid within fifteen (15) days after such fee becomes delinquent, a penalty of ten percent (10%) on the total amount of fee due and delinquent shall be added thereto, collected and paid.

F. All penalties or interest imposed by this section shall be recoverable by the Tax Commission as a part of the fee imposed and all penalties and interest will be apportioned as provided for the apportionment of the fee on which such penalties or interest are collected.

~~G. The provisions of this section shall expire on December 31, 1999.~~

SECTION 2. AMENDATORY Section 4, Chapter 191, O.S.L. 1995 (27A O.S. Supp. 1996, Section 2-11-403.1), is amended to read as follows:

Section 2-11-403.1 A. 1. Any person may apply to the Department for a Tire Recycling Fee Exemption Certificate.

Applications must be on forms of the Department and must include a copy of a current contract providing for the transportation and lawful recycling of all of the person's waste tires.

2. Tire dealers who manage their waste tires in an out-of-state recycling facility may also apply for a Tire Recycling Fee Exemption Certificate, and must demonstrate that the designated receiving facility is permitted or authorized by the receiving state to recycle waste tires, and must maintain and make available to either the Department or the Tax Commission, upon request, documentation that the waste tires are actually arriving at the proper out-of-state facility.

B. If the Department has no reason to believe that all of the waste tires of the person will not be lawfully recycled under the contract, the Department shall issue a Tire Recycling Fee Exemption Certificate showing the name of the person and the period of time of the contract, not to exceed one (1) year.

C. The Department shall provide a copy of each Tire Recycling Fee Exemption Certificate to the Oklahoma Tax Commission. The Oklahoma Tax Commission shall neither require a fee or provide reimbursement under a Tire Recycling Fee Exemption Certificate.

D. Any person who avoids paying waste tire recycling fees with a Tire Recycling Fee Exemption Certificate and fails to comply with the contract upon which the Certificate was issued shall, in addition to any other penalties provided by law, be subject to revocation of the Certificate and a penalty of Five Hundred Dollars (\$500.00).

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-7188

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