

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1138

By: O'Neal

AS INTRODUCED

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 (27A O.S. Supp. 1996, Section 2-11-403), which relates to the Oklahoma Waste Tire Recycling Act; removing assessment of a fee on first registered vehicles; and providing an effective date.

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)~~ a. 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)~~ b. 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)~~ c. 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. 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. 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 fee to become delinquent. If said fee becomes delinquent the tire dealer ~~or motor license agent~~ forfeits his 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. This act shall become effective November 1, 1997.

46-1-5356

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