

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 878

By: Leewright

4
5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Used Tire Recycling
8 Act; amending 27A O.S. 2011, Section 2-11-401.2, as
9 amended by Section 2, Chapter 286, O.S.L. 2017 (27A
10 O.S. Supp. 2018, Section 2-11-401.2), which relates
11 to used tire recycling fees; modifying fee schedule
12 for certain tires; providing an effective date; and
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-11-401.2,
16 as amended by Section 2, Chapter 286, O.S.L. 2017 (27A O.S. Supp.
17 2018, Section 2-11-401.2), is amended to read as follows:

18 Section 2-11-401.2. A. 1. Except as otherwise provided by
19 this section, the following assessments shall be made for tires for
20 use on vehicles:

a. at the time any tire:

- 21 (1) with a rim diameter of less than or equal to
22 nineteen and one-half (19 1/2) inches is sold by
23 a tire dealer, there shall be assessed a used
24 tire recycling fee of ~~Two Dollars and fifty cents~~

1 ~~(\$2.50)~~ Two Dollars and ninety cents (\$2.90) per
2 tire,

3 (2) with a rim diameter greater than nineteen and
4 one-half (19 1/2) inches and a tread width of
5 twelve (12) inches or less is sold by a tire
6 dealer, there shall be assessed a used tire
7 recycling fee of ~~Three Dollars and fifty cents~~
8 ~~(\$3.50)~~ Six Dollars (\$6.00) per tire,

9 (3) with a rim diameter greater than nineteen and
10 one-half (19 1/2) inches and a tread width of
11 greater than twelve (12) inches is sold by a tire
12 dealer, there shall be assessed a used tire
13 recycling fee of ~~Seven Dollars (\$7.00)~~ Ten
14 Dollars (\$10.00) per tire, and

15 (4) is sold by a tire dealer for use on a motorcycle
16 or motor-driven cycle, there shall be assessed a
17 used tire recycling fee of One Dollar (\$1.00) per
18 tire,

19 b. at any time a motor vehicle with a tire rim diameter
20 of less than or equal to nineteen and one-half (19
21 1/2) inches is first registered in this state, there
22 shall be assessed a used tire recycling fee of ~~Two~~
23 ~~Dollars and fifty cents (\$2.50)~~ Two Dollars and ninety

1 cents (\$2.90) per tire, except as otherwise provided
2 by subparagraphs e and f of this paragraph,

3 c. at any time a vehicle with a tire rim diameter of
4 greater than nineteen and one-half (19 1/2) inches is
5 first registered in this state, there shall be
6 assessed a used tire recycling fee of ~~Three Dollars~~
7 ~~and fifty cents (\$3.50)~~ Six Dollars (\$6.00) per tire,
8 except as otherwise provided by subparagraphs e, f and
9 g of this paragraph,

10 d. at any time a trailer or semitrailer with a tire rim
11 diameter of less than or equal to nineteen and one-
12 half (19 1/2) inches is first titled in this state,
13 there shall be assessed a used tire recycling fee of
14 ~~Two Dollars and fifty cents (\$2.50)~~ Two Dollars and
15 ninety cents (\$2.90) per tire,

16 e. at any time a motorcycle or motor-driven cycle is
17 first registered in this state, there shall be
18 assessed a used tire recycling fee of One Dollar
19 (\$1.00) per tire,

20 f. at the time a motor vehicle is first titled in this
21 state, to be registered under the provisions of
22 Section 1120 of Title 47 of the Oklahoma Statutes,
23 there shall be assessed a used tire recycling fee of
24 Seven Dollars (\$7.00), and

1 g. at the time a trailer or semitrailer is first titled
2 in this state, to be registered under the provisions
3 of Section 1133 of Title 47 of the Oklahoma Statutes,
4 there shall be assessed a used tire recycling fee of
5 Five Dollars (\$5.00).

6 2. No fee shall be assessed by a tire dealer for reusable tires
7 or retreaded tires for which the tire dealer can document that the
8 recycling fee has been previously paid.

9 3. All-terrain vehicles and off-road motorcycles registered
10 pursuant to the provisions of Section 1132 of Title 47 of the
11 Oklahoma Statutes shall be exempt from the provisions of this
12 section.

13 B. 1. For tires used on implements of husbandry and
14 agricultural equipment with a rim diameter of less than or equal to
15 nineteen and one-half (19 1/2) inches and that are less than thirty
16 (30) inches in total diameter, there shall be assessed a used tire
17 recycling fee of ~~Two Dollars and fifty cents (\$2.50)~~ Two Dollars and
18 ninety cents (\$2.90) per tire.

19 2. For tires used on implements of husbandry and agricultural
20 equipment with a rim diameter of greater than nineteen and one-half
21 (19 1/2) inches and that are less than thirty (30) inches in total
22 diameter, there shall be assessed a used tire recycling fee of ~~Three~~
23 ~~Dollars and fifty cents (\$3.50)~~ Six Dollars (\$6.00) per tire.

1 3. For tires used on implements of husbandry and agricultural
2 equipment that are greater than thirty (30) inches in total diameter
3 and less than or equal to forty-four (44) inches in total diameter,
4 there shall be assessed a used tire recycling fee of Eight Dollars
5 (\$8.00) per tire. No fee shall be assessed by a tire dealer if the
6 customer retains the used agricultural tire for use on a farm or
7 ranch. The customer may return the used tire to the tire dealer at
8 a later date and shall be assessed the proper fee.

9 4. For tires used on implements of husbandry and agricultural
10 equipment that are greater than forty-four (44) inches in total
11 diameter and less than or equal to seventy-two (72) inches in total
12 diameter and not more than thirty (30) inches wide, there shall be
13 assessed a used tire recycling fee of Sixteen Dollars (\$16.00) per
14 tire. No fee shall be assessed by a tire dealer if the customer
15 retains the used agricultural tire for use on a farm or ranch. The
16 customer may return the used tire to the tire dealer at a later date
17 and shall be assessed the proper fee.

18 5. A tire dealer may pay the assessed fee for any used
19 agricultural tire in current inventory and include that tire in the
20 used tire recycling program.

21 C. 1. The tire dealer and motor license agent shall remit such
22 fee to the Oklahoma Tax Commission in the same manner as provided by
23 Section 1365 of Title 68 of the Oklahoma Statutes.

1 2. Except as otherwise provided by this section, the tire
2 dealer shall remit to the Tax Commission ninety-seven and three-
3 quarters percent (97.75%) of the fee due pursuant to this section at
4 the time of filing any report as required by the Tax Commission.

5 3. Motor license agents shall remit ninety percent (90%) of the
6 fee assessed on each vehicle registered.

7 4. Failure to remit the fee at the time of filing the returns
8 shall cause the fee to become delinquent. If the fee becomes
9 delinquent the tire dealer or motor license agent forfeits any claim
10 to the discount authorized by this section and shall remit to the
11 Tax Commission one hundred percent (100%) of the amount of the fee
12 due plus any penalty due.

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

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

22 F. All penalties or interest imposed by this section shall be
23 recoverable by the Tax Commission as a part of the fee imposed and
24

1 all penalties and interest shall be apportioned the same as the fee
2 on which the penalties or interest are collected.

3 SECTION 2. This act shall become effective July 1, 2019.

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

8
9 57-1-136 QD 2/6/2019 9:33:09 AM

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25