

1 AN ACT concerning environmental safety.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Department of Public Health Act is
5 amended by adding Section 6.5 as follow:

6 (20 ILCS 2305/6.5 new)

7 Sec. 55.8. West Nile Virus. From moneys appropriated
8 from the Used Tire Management Fund pursuant to subsection
9 (b-5) of Section 55.6 of the Environmental Protection Act,
10 the Department shall make grants to county health
11 departments, in amounts based on the population of the
12 county, to be used for expenses related to the West Nile
13 Virus. The City of Chicago shall receive a percentage of the
14 amount of the moneys distributed to Cook County based on its
15 population compared to the population of the county.

16 Section 10. The Environmental Protection Act is amended
17 by changing Sections 55.6 and 55.8 as follows:

18 (415 ILCS 5/55.6) (from Ch. 111 1/2, par. 1055.6)

19 Sec. 55.6. Used Tire Management Fund.

20 (a) There is hereby created in the State Treasury a
21 special fund to be known as the Used Tire Management Fund.
22 There shall be deposited into the Fund all monies received as
23 (1) recovered costs or proceeds from the sale of used tires
24 under Section 55.3 of this Act, (2) repayment of loans from
25 the Used Tire Management Fund, or (3) penalties or punitive
26 damages for violations of this Title, except as provided by
27 subdivision (b)(4) or (b)(4-5) of Section 42.

28 (b) Beginning January 1, 1992, in addition to any other
29 fees required by law, the owner or operator of each site

1 required to be registered under subsection (d) of Section 55
2 shall pay to the Agency an annual fee of \$100. Fees collected
3 under this subsection shall be deposited into the
4 Environmental Protection Permit and Inspection Fund.

5 (b-5) Pursuant to appropriation, for each tire sold at
6 retail or offered for retail sale in this State, 50 cents of
7 the fee imposed under Section 55.8 of the Environmental
8 Protection Act shall be allocated to the Department of Public
9 Health for the purposes specified in Section 6.5 of the
10 Department of Public Health Act.

11 (c) Pursuant to appropriation, monies up to an amount of
12 \$2 million per fiscal year from the Used Tire Management Fund
13 shall be allocated as follows:

14 (1) 38% shall be available to the Agency for the
15 following purposes, provided that priority shall be given
16 to item (i):

17 (i) To undertake preventive, corrective or
18 removal action as authorized by and in accordance
19 with Section 55.3, and to recover costs in
20 accordance with Section 55.3.

21 (ii) For the performance of inspection and
22 enforcement activities for used and waste tire
23 sites.

24 (iii) To assist with marketing of used tires
25 by augmenting the operations of an industrial
26 materials exchange service.

27 (iv) To provide financial assistance to units
28 of local government for the performance of
29 inspecting, investigating and enforcement activities
30 pursuant to subsection (r) of Section 4 at used and
31 waste tire sites.

32 (v) To provide financial assistance for used
33 and waste tire collection projects sponsored by
34 local government or not-for-profit corporations.

1 (vi) For the costs of fee collection and
2 administration relating to used and waste tires, and
3 to accomplish such other purposes as are authorized
4 by this Act and regulations thereunder.

5 (2) 23% shall be available to the Department of
6 Commerce and Community Affairs for the following
7 purposes, provided that priority shall be given to item
8 (A):

9 (A) To provide grants or loans for the
10 purposes of:

11 (i) assisting units of local government
12 and private industry in the establishment of
13 facilities and programs to collect, process and
14 utilize used and waste tires and tire derived
15 materials;

16 (ii) demonstrating the feasibility of
17 innovative technologies as a means of
18 collecting, storing, processing and utilizing
19 used and waste tires and tire derived
20 materials; and

21 (iii) applying demonstrated technologies
22 as a means of collecting, storing, processing,
23 and utilizing used and waste tires and tire
24 derived materials.

25 (B) To develop educational material for use by
26 officials and the public to better understand and
27 respond to the problems posed by used tires and
28 associated insects.

29 (C) (Blank).

30 (D) To perform such research as the Director
31 deems appropriate to help meet the purposes of this
32 Act.

33 (E) To pay the costs of administration of its
34 activities authorized under this Act.

1 (3) 25% shall be available to the Illinois
2 Department of Public Health for the following purposes:

3 (A) To investigate threats or potential
4 threats to the public health related to mosquitoes
5 and other vectors of disease associated with the
6 improper storage, handling and disposal of tires,
7 improper waste disposal, or natural conditions.

8 (B) To conduct surveillance and monitoring
9 activities for mosquitoes and other arthropod
10 vectors of disease, and surveillance of animals
11 which provide a reservoir for disease-producing
12 organisms.

13 (C) To conduct training activities to promote
14 vector control programs and integrated pest
15 management as defined in the Vector Control Act.

16 (D) To respond to inquiries, investigate
17 complaints, conduct evaluations and provide
18 technical consultation to help reduce or eliminate
19 public health hazards and nuisance conditions
20 associated with mosquitoes and other vectors.

21 (E) To provide financial assistance to units
22 of local government for training, investigation and
23 response to public nuisances associated with
24 mosquitoes and other vectors of disease.

25 (4) 2% shall be available to the Department of
26 Agriculture for its activities under the Illinois
27 Pesticide Act relating to used and waste tires.

28 (5) 2% shall be available to the Pollution Control
29 Board for administration of its activities relating to
30 used and waste tires.

31 (6) 10% shall be available to the Department of
32 Natural Resources for the Illinois Natural History Survey
33 to perform research to study the biology, distribution,
34 population ecology, and biosystematics of tire-breeding

1 arthropods, especially mosquitoes, and the diseases they
2 spread.

3 (d) By January 1, 1998, and biennially thereafter,
4 each State agency receiving an appropriation from the Used
5 Tire Management Fund shall report to the Governor and the
6 General Assembly on its activities relating to the Fund.

7 (e) Any monies appropriated from the Used Tire
8 Management Fund, but not obligated, shall revert to the Fund.

9 (f) In administering the provisions of subdivisions (1),
10 (2) and (3) of subsection (c) of this Section, the Agency,
11 the Department of Commerce and Community Affairs, and the
12 Illinois Department of Public Health shall ensure that
13 appropriate funding assistance is provided to any
14 municipality with a population over 1,000,000 or to any
15 sanitary district which serves a population over 1,000,000.

16 (g) Pursuant to appropriation, monies in excess of \$2
17 million per fiscal year from the Used Tire Management Fund
18 shall be used as follows:

19 (1) 55% shall be available to the Agency to
20 undertake preventive, corrective or renewed action as
21 authorized by and in accordance with Section 55.3 and to
22 recover costs in accordance with Section 55.3.

23 (2) 45% shall be available to the Department of
24 Commerce and Community Affairs to provide grants or loans
25 for the purposes of:

26 (i) assisting units of local government and
27 private industry in the establishment of facilities
28 and programs to collect, process and utilize waste
29 tires and tire derived material;

30 (ii) demonstrating the feasibility of
31 innovative technologies as a means of collecting,
32 storing, processing, and utilizing used and waste
33 tires and tire derived materials; and

34 (iii) applying demonstrated technologies as a

1 means of collecting, storing, processing, and
2 utilizing used and waste tires and tire derived
3 materials.

4 (Source: P.A. 91-856, eff. 6-22-00; 92-16, eff. 6-28-01.)

5 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

6 Sec. 55.8. Tire retailers.

7 (a) ~~Beginning July 1, 1992,~~ Any person selling tires at
8 retail or offering tires for retail sale in this State shall:

9 (1) collect from retail customers a fee of \$1.50
10 ~~one-dollar~~ per tire sold and delivered in this State to
11 be paid to the Department of Revenue and deposited into
12 the Used Tire Management Fund, less a collection
13 allowance of 10 cents per tire to be retained by the
14 retail seller and a collection allowance of 10 cents per
15 tire to be retained by the Department of Revenue and paid
16 into the General Revenue Fund;

17 (2) accept for recycling used tires from customers,
18 at the point of transfer, in a quantity equal to the
19 number of new tires purchased; and

20 (3) post in a conspicuous place a written notice at
21 least 8.5 by 11 inches in size that includes the
22 universal recycling symbol and the following statements:
23 "DO NOT put used tires in the trash."; "Recycle your used
24 tires."; and "State law requires us to accept used tires
25 for recycling, in exchange for new tires purchased."

26 (b) A person who accepts used tires for recycling under
27 subsection (a) shall not allow the tires to accumulate for
28 periods of more than 90 days.

29 (c) The requirements of subsection (a) of this Section
30 do not apply to mail order sales nor shall the retail sale of
31 a motor vehicle be considered to be the sale of tires
32 at retail or offering of tires for retail sale. Instead of
33 filing returns, retailers of tires may remit the tire user

1 fee of \$1.00 per tire to their suppliers of tires if the
2 supplier of tires is a registered retailer of tires and
3 agrees or otherwise arranges to collect and remit the tire
4 fee to the Department of Revenue, notwithstanding the fact
5 that the sale of the tire is a sale for resale and not a sale
6 at retail. A tire supplier who enters into such an
7 arrangement with a tire retailer shall be liable for the tax
8 on all tires sold to the tire retailer and must (i) provide
9 the tire retailer with a receipt that separately reflects the
10 tire tax collected from the retailer on each transaction and
11 (ii) accept used tires for recycling from the retailer's
12 customers. The tire supplier shall be entitled to the
13 collection allowance of 10 cents per tire.

14 The retailer of the tires must maintain in its books and
15 records evidence that the appropriate fee was paid to the
16 tire supplier and that the tire supplier has agreed to remit
17 the fee to the Department of Revenue for each tire sold by
18 the retailer. Otherwise, the tire retailer shall be directly
19 liable for the fee on all tires sold at retail. Tire
20 retailers paying the fee to their suppliers are not entitled
21 to the collection allowance of 10 cents per tire.

22 (d) The requirements of subsection (a) of this Section
23 shall apply exclusively to tires to be used for vehicles
24 defined in Section 1-217 of the Illinois Vehicle Code,
25 aircraft tires, special mobile equipment, and implements of
26 husbandry.

27 (e) The requirements of paragraph (1) of subsection (a)
28 do not apply to the sale of reprocessed tires. For purposes
29 of this Section, "reprocessed tire" means a used tire that
30 has been recapped, retreaded, or regrooved and that has not
31 been placed on a vehicle wheel rim.

32 (Source: P.A. 90-14, eff. 7-1-97.)

33 Section 99. Effective date. This Act takes effect on

1 July 1, 2003.