

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