

HB0364



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0364

Introduced 1/26/2007, by Rep. Jack McGuire

SYNOPSIS AS INTRODUCED:

415 ILCS 5/55.8

from Ch. 111 1/2, par. 1055.8

Amends the Environmental Protection Act. With respect to the additional 50-cent new or used tire fee collected from retail customers, eliminates a provision terminating the fee on January 1, 2008. Makes revisory changes. Effective July 1, 2007.

LRB095 03769 CMK 23798 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Environmental Protection Act is amended by
5 changing Section 55.8 as follows:

6 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
7 Sec. 55.8. Tire retailers.

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

11 (1) beginning on June 20, 2003 (the effective date of
12 Public Act 93-32), collect from retail customers a fee of
13 \$2 per new or ~~and~~ used tire sold and delivered in this
14 State, to be paid to the Department of Revenue and
15 deposited into the Used Tire Management Fund, less a
16 collection allowance of 10 cents per tire to be retained by
17 the retail seller and a collection allowance of 10 cents
18 per tire to be retained by the Department of Revenue and
19 paid into the General Revenue Fund;

20 (1.5) beginning on July 1, 2003, collect from retail
21 customers an additional 50 cents per new or used tire sold
22 and delivered in this State. The money collected from this
23 fee shall be deposited into the Emergency Public Health

1 ~~Fund. This fee shall no longer be collected beginning on~~
2 ~~January 1, 2008.~~;

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

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

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

15 (c) The requirements of subsection (a) of this Section do
16 not apply to mail order sales nor shall the retail sale of a
17 motor vehicle be considered to be the sale of tires at retail
18 or offering of tires for retail sale. Instead of filing
19 returns, retailers of tires may remit the tire user fee of
20 \$1.00 per tire to their suppliers of tires if the supplier of
21 tires is a registered retailer of tires and agrees or otherwise
22 arranges to collect and remit the tire fee to the Department of
23 Revenue, notwithstanding the fact that the sale of the tire is
24 a sale for resale and not a sale at retail. A tire supplier who
25 enters into such an arrangement with a tire retailer shall be
26 liable for the tax on all tires sold to the tire retailer and

1 must (i) provide the tire retailer with a receipt that
2 separately reflects the tire tax collected from the retailer on
3 each transaction and (ii) accept used tires for recycling from
4 the retailer's customers. The tire supplier shall be entitled
5 to the collection allowance of 10 cents per tire.

6 The retailer of the tires must maintain in its books and
7 records evidence that the appropriate fee was paid to the tire
8 supplier and that the tire supplier has agreed to remit the fee
9 to the Department of Revenue for each tire sold by the
10 retailer. Otherwise, the tire retailer shall be directly liable
11 for the fee on all tires sold at retail. Tire retailers paying
12 the fee to their suppliers are not entitled to the collection
13 allowance of 10 cents per tire.

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

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

23 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
24 10-13-03.)

25 Section 99. Effective date. This Act takes effect July 1,
26 2007.