

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
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As Engrossed: S2/27/25 H4/7/25

A Bill

SENATE BILL 238

By: Senator J. Payton
By: Representative Gonzales

For An Act To Be Entitled

AN ACT TO AMEND THE USED TIRE RECYCLING AND
ACCOUNTABILITY ACT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE USED TIRE RECYCLING AND
ACCOUNTABILITY ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 8-9-404, concerning rim removal fees, import fees, and commercial generator fees under the Used Tire Recycling and Accountability Act, is amended to read as follows:

8-9-404. Rim removal Tire recycling fees – ~~Import fees~~ – ~~Commercial generator fees~~ – Definitions Definition.

~~(a)(1) There is imposed a rim removal fee upon the transaction of removing a tire from a rim that is related to the sale of a replacement tire by a tire retailer.~~

~~(2) The rim removal fee shall be charged by the tire retailer to a person who:~~

~~(A) Purchases a replacement tire for a rim that necessitates the removal of a different tire from the same rim; or~~

~~(B) Purchases the service of removal of a tire from a rim and replacement with a tire that was not purchased from the tire retailer if the person requesting the rim removal cannot show proof of payment of the rim removal fee under this section for the replacement tire.~~

~~(3)(A) The rim removal fee shall be imposed at the rate of three dollars (\$3.00) for each new tire that replaces a tire removed from a rim and~~



~~one dollar (\$1.00) for each used tire that replaces the tire removed from the rim.~~

~~(B) Except for the rim removal fees imposed under this section, a tire retailer shall not charge any other fee to a person who purchases the service of removal of a tire from a rim.~~

~~(C) For any tires collected by a tire retailer, the tire retailer shall ensure that the tires are transported by a licensed tire transporter to a permitted tire collection center, a solid waste management facility, a tire processing facility, or another tire retailer.~~

~~(D) The tire retailer shall account for each tire removed from a rim in the manner prescribed by the Department of Finance and Administration.~~

~~(E) Each tire retailer shall register with the department and comply with all requirements related to collecting and reporting rim removal fees.~~

~~(4) The rim removal fees imposed under this section shall be added to the total cost charged by the tire retailer to the purchaser after all applicable gross receipts or compensating use taxes on the tires have been computed and shall be separately stated on the invoice or bill of sale.~~

~~(5)(A) The rim removal fees imposed under this section shall be paid monthly to the Secretary of the Department of Finance and Administration.~~

~~(B) However, the tire retailer may retain five percent (5%) of the rim removal fee imposed under subdivision (a)(3)(A) of this section for administrative costs.~~

~~(6)(A) The rim removal fees remitted under subdivision (a)(5)(A) of this section shall be collected by the secretary and shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq. and the business closure procedures under § 26-18-1001 et seq.~~

~~(B)(i) Each tire retailer shall file a return with the secretary on or before the twentieth of each month.~~

~~(ii) The return shall show the total rim removal fees collected for each tire removed from the rim during the preceding calendar month.~~

~~(iii) The tire retailer shall remit the rim removal fees with the return.~~

~~(iv) The secretary shall prescribe the form and contents of the return.~~

(a)(1)(A)(i) A tire recycling fee of three dollars (\$3.00) is imposed for each new small tire sold by a tire retailer in Arkansas, including without limitation new small tires sold as part of fleet services.

(ii) A tire retailer may charge a fee of up to ten percent (10%) over the tire recycling fee for each new small tire sold by the tire retailer and retain the excess over the tire recycling fee to cover administrative costs of the tire retailer.

(B) A tire retailer shall obtain a tire recycling account number from the Department of Finance and Administration and remit the tire recycling fees collected by the tire retailer to the department on a monthly basis.

(C) A tire retailer shall:

(i) Track all new small tires sold by the tire retailer; and

(ii) Provide an accounting to the department that includes the number and category of new small tires sold in Arkansas.

(D) A tire retailer is subject to field audits by the department.

(E)(i) If a person or entity brings a new small tire purchased from an entity other than the tire retailer to the tire retailer to be placed on a motor vehicle, the tire retailer shall require the person or entity to pay the tire recycling fee under subdivision (a)(1)(A) of this section unless the person or entity can show that the tire recycling fee was already paid.

(ii) The tire retailer shall not collect the tire recycling fee or require proof of payment of the tire recycling fee under subdivision (a)(1)(E)(i) of this section unless the small tire has eighty percent (80%) or more of the small tire's vent spews remaining.

(F) No later than the tenth business day of each month, a tire retailer shall submit a report to the department that reflects all new small tires sold by the tire retailer for the previous month and the corresponding tire recycling fees remitted to the department.

(2)(A) A tire recycling fee is imposed for each new small tire equipped in or on a new motor vehicle or trailer sold to a purchaser.

(B) The tire recycling fee under subdivision (a)(2)(A) of this section shall be three dollars (\$3.00) for each new small tire equipped in or on the new motor vehicle or trailer, including a new small tire used as a spare in or on the new motor vehicle or trailer.

(C) Tire recycling fees under subdivision (a)(2)(B) of this section shall be collected by the department at the same time as the new motor vehicle or trailer is registered by the purchaser with the department.

(b)(1) The department shall deposit the proceeds from ~~rim removal~~ tire recycling fees collected under subsection (a) of this section into the State Treasury as special revenues to the credit of the following funds in the following percentages:

(A) Ninety-three percent (93%) to be deposited into the Used Tire Recycling Fund; and

(B) Seven percent (7%), not to exceed the amount deposited in fiscal year 2025, to be deposited into the Division of Environmental Quality Fee Trust Fund.

(2) As used in this section, “proceeds from ~~rim removal~~ tire recycling fees” means all moneys collected and received by the department under this section for ~~rim removal~~ tire recycling fees imposed under subsection (a) of this section and interest and penalties on delinquent ~~rim removal~~ tire recycling fees.

~~(c)(1)(A) There is imposed an import fee of one dollar (\$1.00) on each used tire that is imported into Arkansas~~ A tire recycling fee may be imposed by a tire retailer on a large tire or an extra-large tire.

(2)(A) The amount of the tire recycling fee on a large tire or extra-large tire may not exceed the following fee per tire:

(1) For a large tire, five dollars (\$5.00); and

(ii) For an extra-large tire, thirty dollars

(\$30.00).

(B) A tire retailer may charge a fee of up to ten percent (10%) over the tire recycling fee for a new large tire or a new extra-large tire sold by the tire retailer and retain the excess over the tire recycling fee to cover administrative costs of the tire retailer.

(3) The tire recycling fee for a large tire or an extra-large tire may be changed by a tire accountability board only one (1) time per year at the time the business plan for the tire accountability zone is submitted

for the fiscal year.

(4)(A) The tire accountability board shall report the proposed tire recycling fee for a large tire or extra-large tire authorized under this subsection to the department by September 30 of each year.

(B) The department shall:

(i) Average the tire recycling fees proposed by the four (4) tire accountability boards; and

(ii) Set a statewide tire recycling fee for a large tire or an extra-large tire that may be charged by the tire retailer under this subsection.

~~(B) A person who imports a used tire shall be registered with the department and comply with all requirements related to collecting and reporting import fees.~~

~~(2) The import fee imposed under this subsection shall be paid by the person who imports the used tire to the department in accordance with the Arkansas Tax Procedure Act, § 26-18-101 et seq., the business closure procedures under § 26-18-1001 et seq., and any rules promulgated by the department.~~

~~(3)(A) The department shall deposit the proceeds from import fees imposed under this subsection into the State Treasury as special revenues to the credit of the following funds in the following percentages:~~

~~(i) Ninety three percent (93%) to be deposited into the Used Tire Recycling Fund; and~~

~~(ii) Seven percent (7%) to be deposited into the Division of Environmental Quality Fee Trust Fund.~~

~~(B) As used in this section, "proceeds from import fees" means all moneys collected and received by the department under this subsection and interest and penalties on delinquent import fees.~~

~~(d)(1) There is imposed a commercial generator fee upon the transaction of a commercial generator selling or delivering a new tire as part of fleet services The department has exclusive authority and responsibility to audit tire retailers for compliance with this subchapter.~~

~~(2) The commercial generator fee shall be charged by the commercial generator to a person who in the ordinary course of business is an end user that removes used tires from the rim and replaces them with a new tire.~~

~~(3)(A) The commercial generator fee shall be imposed at the rate of three dollars (\$3.00) for each new tire that is sold or delivered to an end user that removes used tires from the rim and replaces them with a new tire.~~

~~(B) Except for the commercial generator fees imposed under this section, the commercial generator shall not charge any other fee to the end user.~~

~~(C)(i) For any used tires collected by a commercial generator, the first transportation of the used tire from the end user to the commercial generator's facility does not require a licensed tire transporter.~~

~~(ii) Any subsequent transportation of the used tire by the commercial generator for recycling or disposal requires a licensed tire transporter and shall be accounted for using the electronic uniform used tire manifest system.~~

~~(D) Each commercial generator shall register with the department and comply with all requirements related to collecting and reporting commercial generator fees.~~

~~(4) The commercial generator fees imposed under this section shall be added to the total cost charged by the commercial generator to the end user after all applicable gross receipts or compensating use taxes on the tires have been computed and shall be separately stated on the invoice or bill of sale.~~

~~(5)(A) The commercial generator fees imposed under this section shall be paid monthly to the secretary.~~

~~(B) However, the commercial generator may retain five percent (5%) of the commercial generator fee imposed under subdivision (d)(3)(A) of this section for administrative costs.~~

~~(6)(A) The commercial generator fees remitted in subdivision (d)(5)(A) of this section shall be collected by the secretary and shall be subject to the Arkansas Tax Procedure Act, § 26-18-101 et seq., and the business closure procedures under § 26-18-1001 et seq.~~

~~(B)(i)(a) Each commercial generator shall file a return with the secretary on or before the twentieth of each month.~~

~~(b) The return shall show the total commercial generator fees collected for each tire sold or delivered to the end user during the preceding calendar month.~~

~~(e) The commercial generator shall remit the commercial generator fees with the return.~~

~~(ii) The secretary shall prescribe the form and contents of the return.~~

~~(7) The department shall deposit the proceeds from commercial generator fees collected under this subsection into the State Treasury as special revenues to the credit of the following funds in the following percentages:~~

~~(A) Ninety three percent (93%) to be deposited into the Used Tire Recycling Fund; and~~

~~(B) Seven percent (7%) to be deposited into the Division of Environmental Quality Fee Trust Fund.~~

~~(8) As used in this section, "proceeds from commercial generator fees" means all moneys collected and received by the department under this section for commercial generator fees imposed under this subsection and interest and penalties on delinquent commercial generator fees.~~

~~(e)(1) It is the purpose and intent of this section that only one (1) of the following fees imposed under this section be charged for the transaction of removing a tire from a rim that is related to the sale of a replacement tire:~~

~~(A) The rim removal fee; or~~

~~(B) The commercial generator fee.~~

~~(2) If a person establishes that he or she has paid one (1) of the fees for a tire, the tire retailer or tire generator shall not charge an additional fee for that tire.~~

This section applies to in-state and out-of-state tire retailers that sell tires within the state.

(2) The department shall enforce this section under the Arkansas Tax Procedure Act, § 26-18-101 et seq., and the business closure procedures under § 26-18-1001 et seq.

SECTION 2. Arkansas Code § 8-9-405(b)(9)(A), concerning the used tire program reimbursements, is amended to read as follows:

(9)(A) Establish a minimum of two (2) tire collection centers within each county served by the used tire program that accepts tires from tire retailers at no charge if the tire retailer establishes that it:

(i) Collects the ~~rim removal~~ tire recycling fee imposed under § 8-9-404(a); and

(ii) Complies with the electronic uniform used tire manifest system under § 8-9-407.

SECTION 3. Arkansas Code § 8-9-405(b)(9), concerning the establishment of tire collection centers within each county under the used tire programs, is amended to add an additional subdivision to read as follows:

(C) A tire collection center shall be monitored and emptied regularly to allow continuous use of the tire collection center for waste tire disposal; and

SECTION 4. Arkansas Code § 8-9-410(b)(1), concerning the used tire programs and the tire accountability boards, is amended to read as follows:

(b)(1) Each new used tire program is governed by a tire accountability board that is composed of ~~eleven (11)~~ thirteen (13) members:

(A) Five (5) county judges, elected by the county judges of the used tire program;

(B) Two (2) county judges, appointed from the two (2) most populous counties in the used tire program according to the most recent federal census; ~~and~~

(C) Four (4) mayors, elected by the mayors of all of the cities in the used tire program; and

(D) Two (2) tire retailers, appointed by the Governor.

SECTION 5. Arkansas Code § 8-9-412 is repealed.

~~8-9-412. Additional fees.~~

~~(a) A used tire program may charge an additional fee for the collection and recycling of extra-large tires from sources other than registered tire retailers and for any tires in excess of the maximum under § 8-9-414(b)(7).~~

~~(b) If a used tire program charges an additional fee under this section, the fee shall be collected and retained by the used tire program for costs related to the processing of extra-large tires.~~

SECTION 6. Arkansas Code § 8-9-413 is amended to read as follows:

8-9-413. *Applicability.*

The fees imposed by this subchapter shall not apply to+

~~(1) Large retreaded tires;~~

~~(2) Tires included as part of the equipment of a new vehicle; or~~

~~(3) Tires tires included as part of the equipment of a used vehicle if included in or on the used vehicle at the time of sale and in the sales price of the used vehicle.~~

SECTION 7. Arkansas Code Title 8, Chapter 9, Subchapter 4, is amended to add an additional section to read as follows:

8-9-416. Online tire sales.

To the extent practicable, the tire recycling fees under this subchapter shall be levied and collected on all online tire sales that otherwise would be subject to tire recycling fees under this subchapter.

SECTION 8. Arkansas Code § 19-6-301(104), concerning enumerated special revenues collected as Division of Environmental Quality fees, is amended to read as follows:

(104) All Division of Environmental Quality fees, unless otherwise provided by law, § 8-1-105, landfill operator license fees, § 8-6-909, and that portion of ~~new tire waste~~ tire recycling fees, § 8-9-404;

SECTION 9. Arkansas Code § 19-6-301(165), concerning the enumeration of special revenues related to rim removal fees and import fees, is amended to read as follows:

(165) That portion of ~~rim removal~~ tire recycling fees ~~and import fees~~, § 8-9-404;

/s/J. Payton