

SENATE BILL No. 548

June 4, 2003, Introduced by Senator GARCIA and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 16901 and 40103 (MCL 324.16901 and
324.40103), section 16901 as amended by 2002 PA 496 and section
40103 as amended by 2000 PA 191.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. As used in this part:

2 (a) "Abandoned scrap tires" means an accumulation of scrap
3 tires on property where the property owner is not, as determined
4 by the department, responsible in whole or in part for the
5 accumulation of the scrap tires. For the purposes of this
6 subdivision, an owner who purchased or willingly took possession
7 of an existing scrap tire collection site shall be considered by
8 the department to be responsible in whole or in part for the
9 accumulation of the scrap tires.

1 (b) "Bond" means a performance bond from a surety company
2 authorized to transact business in this state, a certificate of
3 deposit, a cash bond, or an irrevocable letter of credit, in
4 favor of the department.

5 (c) "Collection site" means a site, other than a disposal
6 area licensed under part 115, a racecourse, or a feed storage
7 location, that contains any of the following:

8 (i) One or more pieces of adjacent real property where 500 or
9 more scrap tires are accumulated and that is not associated with
10 a retail operation as provided in subparagraph (ii), an
11 automotive recycler as provided in subparagraph (iii), or a
12 commercial contractor as provided in subparagraph (iv).

13 (ii) One or more pieces of adjacent real property where 1,500
14 or more scrap tires are accumulated if that property is owned or
15 leased by a person who is a retailer and is not associated with
16 an automotive recycler as provided in subparagraph (iii).

17 (iii) One or more pieces of adjacent real property where
18 2,500 or more scrap tires are accumulated if that property is
19 owned or leased by a person who is an automotive recycler as
20 defined in section 2a of the Michigan vehicle code, 1949 PA 300,
21 MCL 257.2a.

22 (iv) One or more pieces of adjacent real property where more
23 than 150 cubic yards of scrap tire processed material is
24 accumulated if that property is owned or leased by a commercial
25 contractor that is authorized to use the scrap tire processed
26 material as an aggregate replacement in a manner approved by a
27 designation of inertness for scrap tires or is otherwise

1 authorized for such use by the department under part 115.

2 (d) "Department" means the department of environmental
3 quality.

4 (e) "End-user" means any of the following:

5 (i) A person who possesses a permit to burn tires under
6 part 55.

7 (ii) The owner or operator of a landfill that is authorized
8 under the landfill's operating license to use scrap tires.

9 (iii) A person who converts scrap tires into scrap tire
10 processed material used to manufacture other products that are
11 sold in the market but does not manufacture the products that are
12 sold in the market.

13 (f) "Feed storage location" means a location on 1 or more
14 pieces of adjacent real property containing a commercially
15 operated farming operation where not more than 3,000 scrap tires
16 are used for the purpose of securing stored feed.

17 (g) "Fund" means the scrap tire regulatory fund created in
18 section 16908.

19 (h) "Landfill" means a landfill as defined in section 11504
20 that is licensed under part 115.

21 (i) "Racecourse" means a commercially operated track for
22 go-carts, vehicles, off-road recreational vehicles, or
23 motorcycles that uses not more than 3,000 scrap tires for bumpers
24 along the track for safety purposes.

25 (j) "Retailer" means a person who sells or offers for sale
26 new, retreaded, or remanufactured tires to consumers in this
27 state.

1 (k) "Scrap tire" means a tire that is no longer being used
2 for its original intended purpose including, but not limited to,
3 a used tire, a reusable tire casing, or portions of tires. Scrap
4 tire does not include a vehicle support stand.

5 (l) "Scrap tire hauler" means a person who, as part of a
6 commercial business, transports scrap tires. Except as otherwise
7 provided in this section, a person who transports more than 7
8 scrap tires in any truckload shall be considered to be in the
9 commercial business of transporting scrap tires. Scrap tire
10 hauler does not include any of the following:

11 (i) A person who is not operating a commercial business who
12 is transporting his or her own tires to a location authorized in
13 section 16902(1).

14 (ii) A member of a nonprofit service organization who is
15 participating in a community service project and is transporting
16 scrap tires to a location authorized in section 16902(1).

17 (iii) The owner of a farm as defined in section 2 of the
18 Michigan right to farm act, 1981 PA 93, MCL 286.472, who
19 transports only scrap tires that originated from his or her farm
20 operation or is intended for use in a feed storage location.

21 (iv) A solid waste hauler as defined in part 115 that is
22 transporting solid waste to a disposal area licensed under part
23 115.

24 (m) "Scrap tire processed material" means rubber material
25 derived from tires that is marketable and no larger than 2 inches
26 by 2 inches in size. Scrap tire processed material also includes
27 rubber material derived from tires that is larger than 2 inches

1 by 2 inches if the rubber material was produced by a scrap tire
2 processor pursuant to a written contract that provides for the
3 quantity and the quality of the material and a time frame in
4 which the volume of material is to be provided, and the contract
5 is made available to the department upon request.

6 (n) "Scrap tire processor" means a person who is authorized
7 by this part to accumulate scrap tires and is engaged in the
8 business of buying or otherwise acquiring scrap tires and
9 reducing their volume by shredding or otherwise facilitating
10 recycling or resource recovery techniques for scrap tires.

11 (o) "Scrap tire recycler" means a person who is authorized by
12 this part to accumulate scrap tires, who acquires scrap tires,
13 and who converts scrap tires into a product that is sold or
14 reused in a manner authorized by this part.

15 (p) "Solid waste hauler" means a solid waste hauler as
16 defined in part 115 who transports less than 25% by weight or
17 volume of scrap tires along with other solid waste in any
18 truckload.

19 (q) "Tire" means a continuous solid or pneumatic rubber
20 covering encircling the wheel of a tractor or other farm
21 machinery or of a vehicle.

22 (r) "Tire storage area" means a location within a collection
23 site where tires are accumulated.

24 (s) "Vehicle" means every device in, upon, or by which ~~any~~
25 a person or property is or may be transported or drawn upon a
26 highway, excepting devices exclusively moved by human power or
27 used exclusively upon stationary rails or tracks and excepting a

1 ~~mobile~~ **manufactured** home as defined in section 2 of the ~~mobile~~
2 ~~home~~ **manufactured housing** commission act, 1987 PA 96,
3 MCL 125.2302.

4 (t) "Vehicle support stand" means equipment used to support a
5 stationary vehicle consisting of an inflated tire and wheel that
6 is attached to another wheel.

7 Sec. 40103. (1) "Game" means any of the following animals:

- 8 (a) Badger.
- 9 (b) Bear.
- 10 (c) Beaver.
- 11 (d) Bobcat.
- 12 (e) Brant.
- 13 (f) Coot.
- 14 (g) Coyote.
- 15 (h) Crow.
- 16 (i) Deer.
- 17 (j) Duck.
- 18 (k) Elk.
- 19 (l) Fisher.
- 20 (m) Florida gallinule.
- 21 (n) Fox.
- 22 (o) Geese.
- 23 (p) Hare.
- 24 (q) Hungarian partridge.
- 25 (r) Marten.
- 26 (s) Mink.
- 27 (t) Moose.

- 1 (u) Muskrat.
- 2 (v) Opossum.
- 3 (w) Otter.
- 4 (x) Pheasant.
- 5 (y) Quail.
- 6 (z) Rabbit.
- 7 (aa) Raccoon.
- 8 (bb) Ruffed grouse.
- 9 (cc) Sharptailed grouse.
- 10 (dd) Skunk.
- 11 (ee) Snipe.
- 12 (ff) Sora rail.
- 13 (gg) Squirrel.
- 14 (hh) Weasel.
- 15 (ii) Wild turkey.
- 16 (jj) Woodchuck.
- 17 (kk) Woodcock.
- 18 (ll) Virginia rail.

19 (2) "Interim order of the department" means an order of the
20 department issued under section 40108.

21 (3) "Kind" means an animal's sex, age, or physical
22 characteristics.

23 (4) "Normal agricultural practices" means generally accepted
24 agricultural and management practices as defined by the
25 commission of agriculture.

26 (5) "Open season" means the dates during which game may be
27 legally taken.

1 (6) "Parts" means any or all portions of an animal, including
2 the skin, plumage, hide, fur, entire body, or egg of an animal.

3 (7) "Protected" or "protected animal" means an animal or kind
4 of animal that is designated by the department as an animal that
5 shall not be taken.

6 (8) "Residence" means a permanent building serving as a
7 temporary or permanent home. Residence may include a cottage,
8 cabin, or ~~mobile~~ **manufactured** home, but does not include a
9 structure designed primarily for taking game, a tree blind, a
10 tent, a recreational or other vehicle, or a camper.

11 Enacting section 1. This amendatory act does not take
12 effect unless Senate Bill No. 544
13 of the 92nd Legislature is enacted into
14 law.