

HOUSE BILL No. 6100

August 4, 2004, Introduced by Rep. Accavitti and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 16901b, 16901d, and 16901f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901b. If a retailer sells a new, retreaded, or
2 remanufactured tire to a consumer, the retailer shall accept from
3 the consumer a used tire, or the remains thereof, that the new
4 tire is intended to replace.

5 Sec. 16901d. (1) A retailer shall charge a consumer a fee
6 of 50 cents for each new tire sold to the consumer. The fee
7 shall be added to the total cost to the consumer after all the
8 applicable sales taxes on the tires have been computed.

9 (2) The retailer may retain 6% of the fees collected under
10 subsection (1), as reimbursement for fee collection and

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1 processing costs. The retailer shall submit the balance of the
2 fees collected to the state treasurer together with a report on
3 the total number of new tires sold during the preceding
4 collection period.

5 (3) The department of treasury shall administer, collect, and
6 enforce the fee authorized by this section in the same manner as
7 provided for the administration, collection, and enforcement of
8 the general sales tax under the general sales tax act, 1933 PA
9 167, MCL 205.51 to 205.78, and 1941 PA 122, MCL 205.1 to 205.32.
10 The department of treasury may promulgate rules for the
11 administration of this section pursuant to the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

13 (4) The department of treasury shall deposit the fees
14 collected by the department of treasury under this section in the
15 used tire return fund created in section 16901f.

16 Sec. 16901f. (1) The used tire return fund is created
17 within the state treasury.

18 (2) The state treasurer may receive money or other assets
19 from any source for deposit into the used tire return fund. The
20 state treasurer shall direct the investment of the used tire
21 return fund. The state treasurer shall credit to the used tire
22 return fund interest and earnings from used tire return fund
23 investments.

24 (3) Money in the used tire return fund at the close of the
25 fiscal year shall remain in the used tire return fund and shall
26 not lapse to the general fund.

27 (4) Money from the used tire return fund shall be expended,

1 upon appropriation, only for 1 or more of the following
2 purposes:

3 (a) Not more than 4% to the department of treasury to fund
4 the program administered by the department of treasury under
5 section 16901d.

6 (b) Not more than 5% for deposit in the environmental
7 education fund created in section 2505.

8 (c) Not less than 91% for deposit in the fund.