



SPONSOR: Rep. Ewing & Sen. Venables

HOUSE OF REPRESENTATIVES

143rd GENERAL ASSEMBLY

HOUSE BILL NO. 455  
AS AMENDED BY  
SENATE AMENDMENT NOS. 2 & 4

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO ENVIRONMENTAL CONTROL AND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend § 6040(a), Title 7 of the Delaware Code by deleting subsections (a)(1) and (a)(5) and redesignating the remaining subsections accordingly.

Section 2. Amend new § 6040(a)(3), Title 7 of the Delaware Code by deleting it in its entirety and replacing it with the following:

“(a)(3)” ‘Scrap tire pile’ means an accumulation of 100 or more scrap tires, whether or not they are lying one upon another, that:

- a. Has been accumulated or located in the same general vicinity, or accumulated or located on a parcel of real property; and
- b. Is not enclosed by a building.”.

Section 3. Amend new § 6040(a)(4), Title 7 of the Delaware Code by striking “July 1, 1997” and replacing it with the phrase “enactment of this section”.

Section 4. Amend new § 6040(a)(5), Title 7 of the Delaware Code by striking “July 1, 1997” and replacing it with the phrase “enactment of this Section”.

Section 5. Amend § 6040(b), Title 7 of the Delaware Code by deleting it in its entirety and replacing it with the following:

“(b) The Secretary shall, after notice and public hearing, promulgate regulations to establish standards for storage of scrap tires. Such standards shall include:

- (1) A limit on the number of scrap tires that may be stored at any given location;
- (2) A limit on the length of time that scrap tires may be stored at a given location;
- (3) Appropriate mosquito control methods to be employed at scrap tire piles; and
- (4) Proper methods for managing scrap tire piles.”.

Section 6. Amend § 6040(c), Title 7 of the Delaware Code by striking it in its entirety.

Section 7. Amend Title 7 of the Delaware Code by redesignating existing §6041 as new §6042 and by adding a new §6041 to read as follows:

“§ 6041. Scrap Tire Management Fund.

- (a) There shall be established in the State Treasury and in the accounting system of the State a special fund to be known as the Scrap Tire Management Fund (‘the Fund’).
- (b) The following moneys shall be deposited into the Fund:
  - (1) All fees collected by the State pursuant to § 2910 of Title 30;
  - (2) The State Treasurer shall credit to the Scrap Tire Management Fund such amount of interest as determined by this paragraph upon such Fund. On the last day of each month, the State Treasurer shall credit the Fund with interest on the average balance in the Fund for the preceding month. The interest to be paid to the Fund shall be that proportionate share, during such preceding month, of interest to the State as the Fund’s and the State’s average balance is to the total State’s average balance; and
  - (3) Any other money appropriated or transferred to the account by the General Assembly.
- (c) Money in the Fund may be used by the Secretary only to carry out the purposes of this section, including but not limited to the following activities.
  - (1) Conducting a comprehensive inventory of scrap tire piles in the State of Delaware.
  - (2) Developing and implementing a scrap tire pile registration program.

- (3) Implementing a program to clean up the scrap tire piles in existence in Delaware as of the date of enactment of this legislation.
- (4) Providing for State matching funds for the cleanup of scrap tire piles that have been registered in accordance with the scrap tire pile registration program referenced in § 6041(c)(2). For each registered scrap tire pile, the Fund shall cover 90% of the cost of cleaning up the pile. The owner and operator shall pay 10% of the cost of cleaning up the pile, unless they satisfactorily demonstrate the inability to pay that cost.
- (5) Paying the total cost of cleaning up scrap tire piles located on abandoned properties and on estate properties where the inheritors do not register the scrap tire piles in accordance with the scrap tire pile registration program referenced in 6041(c)(2). For such abandoned and estate properties, the Department shall place liens on the properties in order to recoup the entire cleanup cost upon sale of the properties.
- (6) Payment to the Division of Revenue for the costs of administering § 2910 of Title 30.
- (d) No greater than 15 percent of the moneys deposited into the Fund shall be used for administering this section without approval of the Joint Finance Committee.
- (e) Prior to January 1, 2009, the Department shall prepare and submit to the Governor and the General Assembly a joint report on the progress made toward cleaning up the scrap tire piles in the State. Such report shall include recommendations for extension, modification, or termination of the Scrap Tire Management Fund and § 2910 of Title 30.”.

Section 8. Amend Title 30 of the Delaware Code by adding a new Section 2910, to read as follows:

“§ 2910. Tire retailer license requirements; license fee; additional fee on new tires.

- (a) In addition to any license required under § 2905 of this Title, any person desiring to engage in business in this State as a retailer of tires for vehicles shall obtain a registration upon making application to the Division of Revenue at no additional cost.

- (b) In addition to the registration required by subsection (a) of this section, every retailer of tires for vehicles shall pay a fee at the rate of \$2 per tire sold at retail during any month. Such fee shall be due on the 20<sup>th</sup> of the following month. The monthly returns shall be accompanied by a certified statement on such forms as the Department of Finance shall require in computing the fee due. Each retailer of tires may list, as a separate line item on an invoice, the amount of the fees due under this subsection.
- (c) The term 'retailer' shall have the meaning ascribed to that term in § 2901(8) of this Title. The term 'tire' shall have the meaning ascribed to that term in § 6040 of Title 7 of the Delaware Code. The term 'vehicle' shall have the meaning ascribed to that term in § 101 of Title 21 of the Delaware Code, except that such term shall not include farm tractors.
- (d) The fees provided by this Section shall be remitted to the Division of Revenue on forms issued by the Director of Revenue and subject to such regulations and requirements as shall be prescribed by the Director of Revenue. The Director of Revenue shall deposit the additional fee provided in this Section to the credit of the special fund described in § 6041 of Title 7. The Division of Revenue shall enter into an agreement with the Department of Natural Resources and Environment Control authorizing the Division of Revenue to charge such fund an amount reasonably determined by the Division of Revenue to be the cost of administering the fees described in this Section.”.

Section 4. This Act shall be effective for tires sold on or after January 1, 2007.