

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2986
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 17-17-423, MISSISSIPPI CODE OF 1972,
2 TO IMPOSE THE WASTE TIRE FEE ON EACH NEW TIRE SOLD AT WHOLESALE;
3 TO PROVIDE THAT THE PERSON SELLING TIRES AT WHOLESALE SHALL BE
4 RESPONSIBLE FOR COLLECTING SUCH FEES AND PAYING THEM TO THE STATE
5 TAX COMMISSION; TO AMEND SECTION 17-17-415, MISSISSIPPI CODE OF
6 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 17-17-423, Mississippi Code of 1972, is
9 amended as follows:

10 17-17-423. (1) There is imposed a waste tire fee upon the
11 sale of each new tire sold at wholesale. The fee shall be imposed
12 on any person engaging in the business of making wholesale sales
13 of new tires within this state. * * * The fee shall be imposed at
14 the rate of One Dollar (\$1.00) for each new tire sold with a rim
15 diameter of less than twenty-four (24) inches and Two Dollars
16 (\$2.00) for each new tire sold with a rim diameter of twenty-four
17 (24) inches or greater. The fee shall be added to the total cost
18 to the purchaser at wholesale; however, a person engaged in the
19 business of making retail sales of tires in this state who
20 purchases tires from a wholesaler or manufacturer outside this
21 state upon which the waste tire fee is not imposed, shall be
22 responsible for remitting the waste tire fee directly to the State
23 Tax Commission in lieu of payment of the tax to the wholesaler or
24 manufacturer. The fee imposed, less five percent (5%) of fees
25 collected, which shall be retained by the tire wholesaler or
26 retailer as collection costs, shall be paid to the State Tax
27 Commission in the form and manner required by the State Tax
28 Commission and shall include a statement showing the total number
29 of new tires sold during the preceding month. The State Tax

30 Commission shall promulgate rules and regulations necessary to
31 administer the fee collection and enforcement.

32 (2) The State Tax Commission shall administer, collect and
33 enforce the fee authorized under this section under the same
34 procedures used in the administration, collection and enforcement
35 of the state sales tax imposed under Chapter 65, Title 27,
36 Mississippi Code of 1972, except as provided in this section. The
37 proceeds of the waste tire fee, less five percent (5%) of the
38 proceeds, which shall be retained by the State Tax Commission as
39 collection costs, shall be transferred by the State Tax Commission
40 into the waste tire account of the Environmental Protection Trust
41 Fund.

42 **SECTION 2.** Section 17-17-415, Mississippi Code of 1972, is
43 amended as follows:

44 17-17-415. (1) Any person selling new or reusable tires at
45 retail shall accept from a customer at the point of transfer, used
46 or waste tires in a quantity at least equal to the number of new
47 or reusable tires purchased, if offered by the customer. In
48 addition, any person selling new or reusable tires at retail and
49 accepting in return used or waste tires from the customer for
50 ultimate disposal/recycling shall be prohibited from
51 imposing * * * disposal fees on the consumer * * *. Any disposal
52 costs incurred by the retailer shall be included in the price of
53 the new or reusable tire.

54 (2) Any tire retailer, tire wholesaler, motor vehicle
55 dismantler and salvage dealer may hold not more than five hundred
56 (500) waste tires for a period not to exceed ninety (90) days
57 without being authorized as a waste tire collection site, if such
58 tires are stored in a manner which protects human health and the
59 environment pursuant to regulations adopted by the commission.

60 **SECTION 3.** This act shall take effect and be in force from
61 and after July 1, 2004.