

By: Senator(s) Robertson

To: Finance

SENATE BILL NO. 2986

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 * * *. The fee imposed, less five
19 percent (5%) of fees collected, which shall be retained by the
20 tire wholesaler as collection costs, shall be paid to the State
21 Tax Commission in the form and manner required by the State Tax
22 Commission and shall include a statement showing the total number
23 of new tires sold during the preceding month. The State Tax
24 Commission shall promulgate rules and regulations necessary to
25 administer the fee collection and enforcement.

26 (2) The State Tax Commission shall administer, collect and
27 enforce the fee authorized under this section under the same
28 procedures used in the administration, collection and enforcement
29 of the state sales tax imposed under Chapter 65, Title 27,

30 Mississippi Code of 1972, except as provided in this section. The
31 proceeds of the waste tire fee, less five percent (5%) of the
32 proceeds, which shall be retained by the State Tax Commission as
33 collection costs, shall be transferred by the State Tax Commission
34 into the waste tire account of the Environmental Protection Trust
35 Fund.

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

38 17-17-415. (1) Any person selling new or reusable tires at
39 retail shall accept from a customer at the point of transfer, used
40 or waste tires in a quantity at least equal to the number of new
41 or reusable tires purchased, if offered by the customer. In
42 addition, any person selling new or reusable tires at retail and
43 accepting in return used or waste tires from the customer for
44 ultimate disposal/recycling shall be prohibited from
45 imposing * * * disposal fees on the consumer * * *. Any disposal
46 costs incurred by the retailer shall be included in the price of
47 the new or reusable tire.

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

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