

**SENATE . . . . . No. 384**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act relative to establishing a deposit and return system for motor vehicle tires in the Commonwealth..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Notwithstanding any general or special law to the contrary a Tire Recycling  
2 Program shall be established and operated by the Department of Environmental Protection.

3 SECTION 2. A deposit of \$5.00 per tire shall be paid by the consumer on every motor  
4 vehicle tire sold at the retail level in the Commonwealth and shall be refunded to the consumer  
5 upon return of a used motor vehicle tire that was purchased subject to this deposit. Every motor  
6 vehicle tire sold or offered for retail sale in the Commonwealth shall be clearly identified by a  
7 stamp, label, or other mark securely and visibly affixed to the tire, bearing the inscription  
8 “Massachusetts Tire Deposit” and indicating the refund value. Each tire subject to the provisions  
9 of this section shall have a minimum refund value which equals the size of the deposit when  
10 returned to the place of purchase or to any retailer, distributor, or wholesaler who sells or offers  
11 for sale tires of the same kind, size, and brand. A retailer who sells motor vehicle tires may not  
12 refuse to accept tires subject to this deposit, or to pay to the consumer their refund value;  
13 however, the retailer shall be reimbursed by the manufacturer or distributor of those motor

14 vehicle tires for the amount of the deposit, together with a handling fee in an amount which is at  
15 least \$2.00 per tire. A retailer may refuse to redeem motor vehicle tires which are not reasonably  
16 clean. With respect to tires subject to this deposit, a manufacturer or distributor may not refuse  
17 to accept from a retailer any used motor vehicle tires of the kind, size, and brand sold by the  
18 manufacturer or distributor, and may not refuse to pay the retailer the reimbursement value and  
19 handling fee established in this section.

20 SECTION 3. The Commissioner of the Department of Environmental Protection shall  
21 adopt rules establishing a procedure for the payment of the refund, the collection of the deposit,  
22 and otherwise conditioning and controlling the sale of motor vehicle tires, which shall be  
23 designed to implement the purpose and provisions of this section.