

SENATE No. 360

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating the sale, transport, storage, and disposal of certain tires.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

James B. Eldridge

Middlesex and Worcester

James Arciero

2nd Middlesex

SENATE No. 360

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 360) of James B. Eldridge and James Arciero for legislation relative to certain tires. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act regulating the sale, transport, storage, and disposal of certain tires.

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. Chapter 21H of the General Laws is hereby amended by adding the
2 following definitions to section 2 :-

3 “Scrap tire”, any tire that can no longer be used for its original intended purpose.

4 “Scrap or used tire generator”, any person, tire dealer, junkyard, or fleet operator that
5 disposes of scrap or used tires.

6 “Scrap or used tire transporter”, any person that collects and transports scrap or used tires
7 from a scrap or used tire generator to a facility.

8 “Used tire”, any tire that has been used as a tire on a vehicle; has a tire tread of at least
9 one-sixteenth inch; and, may continue to be used for its original purpose.

10 SECTION 2. Chapter 21H of the General Laws is hereby amended by adding the
11 following section, Prohibitions relating to scrap tires and used tires:-

12 Section 9A. (a) A new tire dealer shall, as part of the process of selling a tire to a
13 customer, prohibit a customer from retaining any scrap tires being removed from the customer’s
14 vehicle. A customer who is a party to such a retail transaction must leave the scrap tire or scrap
15 tires removed from the vehicle with the tire dealer at the tire dealer’s place of business.

16 (b) A tire dealer who takes possession of any scrap or used tires from a consumer
17 pursuant to subsection (a) of this section shall properly dispose of those tires at a facility.

(c) A tire dealer who transports any scrap or used tires that the retail seller obtained pursuant to subsection (a) of this section may only use for that purpose a scrap or used tire transporter who is registered with the Department and has provided the Department with a bond in an amount of no less than \$100,000

(d) A tire dealer who violates this section is subject to a civil penalty in an amount no less than \$500 for each violation. A separate penalty may be imposed for each day a violation occurs.

SECTION 3. Chapter 21H of the General Laws is hereby amended by adding the following section, Requirements for certain persons that transport scrap or used tires:-

Section 9B. (a) A transporter may not transport scrap or used tires unless the transporter registers with the department.

(b) The department shall require a scrap or used tire transporter to maintain records and use a manifest or other appropriate system to assure that those tires are transported to a storage site that is registered or to a facility that is permitted for that purpose.

(c) A scrap or used tire transporter shall file with the department a bond issued by a surety company authorized to transact business in this state.

(d) The principal amount of the bond must be no less than \$100,000.

(e) The bond must be payable to the state and conditioned on compliance with this chapter and any rules adopted under this chapter

(f) A person that violates this section is subject to a civil penalty in an amount no less than \$500 for each violation. A separate penalty may be imposed for each day a violation occurs.