

**SENATE . . . . . No. 360**

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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 passage 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.

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

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

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

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

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

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

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

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

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