

SENATE NO. 494

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 Program
2 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 vehicle tire sold
4 at the retail level in the Commonwealth and shall be refunded to the consumer upon return of a used
5 motor vehicle tire that was purchased subject to this deposit. Every motor vehicle tire sold or offered
6 for retail sale in the Commonwealth shall be clearly identified by a stamp, label, or other mark
7 securely and visibly affixed to the tire, bearing the inscription "Massachusetts Tire Deposit" and
8 indicating the refund value. Each tire subject to the provisions of this section shall have a minimum
9 refund value which equals the size of the deposit when returned to the place of purchase or to any
10 retailer, distributor, or wholesaler who sells or offers for sale tires of the same kind, size, and brand. A
11 retailer who sells motor vehicle tires may not refuse to accept tires subject to this deposit, or to pay to
12 the consumer their refund value; however, the retailer shall be reimbursed by the manufacturer or
13 distributor of those motor vehicle tires for the amount of the deposit, together with a handling fee in an
14 amount which is at least \$2.00 per tire. A retailer may refuse to redeem motor vehicle tires which are
15 not reasonably clean. With respect to tires subject to this deposit, a manufacturer or distributor may
16 not refuse to accept from a retailer any used motor vehicle tires of the kind, size, and brand sold by the

17 manufacturer or distributor, and may not refuse to pay the retailer the reimbursement value and
18 handling fee established in this section.

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