

[Assembly Bill 1239](#) (Gordon & Atkins)

Date: 04/21/15

Program: California Tire Regulatory Fee

Sponsors: Author

Public Resources Code 42885

Effective January 1, 2016

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This analysis only addresses the provisions that impact the Board of Equalization (BOE).

Summary: Imposes upon a waste tire generator a California tire regulatory fee.

Summary of Amendments: The amendments since the last analysis do not impact the BOE.

Purpose: To provide funding to CalRecycle for costs related to certain administrative and regulatory activities regarding waste tire generators.

Fiscal Impact Summary: Undeterminable.

Existing Law: Under existing law, Public Resources Code (PRC) Section 42885 imposes a California tire fee of one dollar and seventy-five cents (\$1.75) per tire on every person who purchases a new tire, as defined. Beginning January 1, 2025, the tire fee decreases to seventy-five cents (\$0.75) per tire. The retail seller charges and collects the California Tire Fee from the retail purchaser at the time of sale.

After deducting 1½ percent of the total fees as reimbursement for costs associated with the fee collection, the law requires a retailer to remit the fees to the BOE for deposit in the California Tire Recycling Management Fund (Tire Fund). Beginning January 1, 2025, the reimbursement percentage for costs associated with the fee collection increases to 3 percent.

PRC Section 42889 requires the BOE to transfer an amount equal to seventy-five cents (\$0.75) per tire on which the fee is imposed to the Air Pollution Control Fund, administered by the State Air Resources Board. The annual Budget Act appropriates the remaining Tire Fund balance to the Department of Resources Recycling and Recovery (CalRecycle). As of January 1, 2025, all Tire Fund moneys will be appropriated to CalRecycle.

PRC Section 42882 authorizes CalRecycle to contract with an existing state agency, including the BOE, to carry out the California Tire Recycling Act. The section further provides that if CalRecycle contracts with the BOE to collect the California tire fee, the BOE may collect that fee pursuant to the Fee Collection Procedures Law.

Proposed Law: This bill amends PRC Section 42885 to impose a California tire regulatory fee upon a waste tire generator according to a CalRecycle determined schedule. CalRecycle determines a schedule of fees based on the following:

- **Waste tire generator that is a retail seller of new tires to end user purchasers.** Establish the California tire regulatory fee in an amount that is sufficient to generate revenues equivalent to the reasonable regulatory costs incurred by the CalRecycle incident to audits, inspections, administrative costs, adjudications, manifesting, registration, and other regulatory activities regarding these waste tire generators, but not to exceed one dollar and twenty-five cents (\$1.25) per new tire sold. CalRecycle may differentiate in setting fees between retail sellers of new tires who are waste tire generators depending upon the nature of the retail seller's activity generating waste tires, the number of waste tires generated, and other appropriate basis.

This staff analysis is provided to address various administrative, cost, revenue and policy issues; it is not to be construed to reflect or suggest the BOE's formal position.

- **Waste tire generator that is not a retail seller.** Establish the California tire regulatory fee in an amount that is sufficient to generate revenues equivalent to the reasonable regulatory costs incurred by the department incident to audits, inspections, administrative costs, adjudications, manifesting, registration, and other regulatory activities regarding these waste tire generators. CalRecycle may differentiate between categories of waste tire generators that are not retail sellers in setting fees depending upon the nature of the activity generating waste tires, the number of waste tires generated, and other appropriate basis.

The bill prohibits the aggregate California tire regulatory fee amounts from exceeding the aggregate reasonable regulatory costs incurred by CalRecycle incident to audits, inspections, administrative costs, adjudications, manifesting, registration, and other regulatory costs for regulating waste tire generators.

The bill requires a waste tire generator to remit the California tire regulatory fees to the state on a quarterly deposit into an unspecified account in the Tire Fund.

This bill defines a “waste tire generator” to have the same meaning as defined by [Section 18450 of Title 14 of the California Code of Regulations](#). Section 18450 of Title 14 of the California Code of Regulations defined “waste tire generator” to mean “any person whose act or process produces any amount of waste or used tires, causes a waste or used tire hauler to transport those waste or used tires, or otherwise causes waste or used tires to become subject to regulation.”

The bill becomes operative January 1, 2016.

Commentary:

1. The **April 21, 2016 amendments** create the Tire Recycling Incentive Program Act, which awards payments to eligible recipients. These amendments do not impact the BOE.
2. **The BOE and CalRecycle contract does not include the California tire regulatory fee.** Pursuant to PRC Section 42882, CalRecycle contracts with the BOE to collect the California Tire Fee. The current contract specifically provides for the *California Tire Fee* collection. Accordingly, the current contract excludes additional fee collection, including the California Tire Regulatory Fee proposed by this measure.

If CalRecycle intends to contract with the BOE for the California Tire Regulatory Fee collection, BOE staff recommends the bill: 1) include a date by which the CalRecycle notifies the BOE of the established rate schedule, and 2) require CalRecycle to provide to the BOE waste tire generator names and addresses at least 90 days prior to the fee’s operative date.

3. **Time for direct collection responsibility?** SB 937 (Chapter 35, Statutes of 1990) enacted, among other things, the California Tire Fee.¹ CalRecycle has contracted with the BOE since July 1, 1991 to collect the California Tire Fee.

If CalRecycle anticipates to contract with the BOE for California Tire Regulatory Fee collection, the author may wish to amend the bill to *specifically* require the BOE to collect both the California Tire Fee and California Tire Regulatory Fee and appropriate funds to reimburse the BOE for the fee administration and collection. Currently, existing law authorizes CalRecycle to contract with a state agency for fee collection. The suggested amendment eliminates the need for that annual contract. The BOE staff is available to draft the suggested amendments.

¹ Previously known as the tire disposal fee.

Administrative Costs: This bill does not increase BOE administrative costs. The bill establishes a new California Tire Regulatory Fee, but does not require the BOE to collect that fee. However, if CalRecycle contracts with the BOE for the California Tire Regulatory Fee collection, the BOE costs would include feepayer identification, notification, and registration; return, payment, and refund claim processing; audit and collection tasks; computer programming; return and publication revisions; and public inquiry responses.

Revenue Impact: Since this measure does not specify a California Tire Regulatory Fee rate, an estimate cannot be prepared.