

# SB0063S02 compared with SB0063

{Omitted text} shows text that was in SB0063 but was omitted in SB0063S02

inserted text shows text that was not in SB0063 but was inserted into SB0063S02

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## Waste Tire Recycling Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Scott H. Chew

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### 3 LONG TITLE

#### 4 General Description:

5 This bill makes changes to the Waste Tire Recycling Act.

#### 6 Highlighted Provisions:

7 This bill:

- 8 ▶ modifies { definitions } and defines terms;
- 9 ▶ exempts landfills from restrictions on accepting waste tires if the landfill uses a mobile facility to reduce the size of waste tires;
- 11 ▶ allows certain shredded { ~~or chipped~~ } waste tires to be disposed of in a landfill;
- 12 ▶ allows an owner or operator of a landfill in a county of the third through sixth class to apply for reimbursement for waste tires disposed of in the owner or operator's landfill; and
- 15 ▶ makes technical and conforming changes.

#### 16 Money Appropriated in this Bill:

17 None

#### 18 Other Special Clauses:

19 This bill provides a special effective date.

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21 AMENDS:

22 **19-6-803** , as last amended by Laws of Utah 2021, Chapter 149 , as last amended by Laws of Utah  
2021, Chapter 149

23 **19-6-804** , as last amended by Laws of Utah 2024, Chapter 158 , as last amended by Laws of Utah  
2024, Chapter 158

24 **19-6-812** , as last amended by Laws of Utah 2008, Chapter 66 , as last amended by Laws of Utah  
2008, Chapter 66

25 REPEALS:

26 **19-6-801 , as renumbered and amended by Laws of Utah 2000, Chapter 51 , as renumbered  
and amended by Laws of Utah 2000, Chapter 51**

27 **19-6-802 , as renumbered and amended by Laws of Utah 2000, Chapter 51 , as renumbered  
and amended by Laws of Utah 2000, Chapter 51**

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29 *Be it enacted by the Legislature of the state of Utah:*

30 Section 1. Section **19-6-803** is amended to read:

31 **19-6-803. Definitions.**

As used in this part:

30 (1) "Abandoned waste tire pile" means a waste tire pile regarding which the local department of health  
has not been able to:

32 (a) locate the persons responsible for the tire pile; or

33 (b) cause the persons responsible for the tire pile to remove the tire pile.

34 (2)

(a) "Beneficial use" means the use of ~~chipped tires~~ a chipped tire or shredded waste tire in a manner  
that is not recycling, storage, or disposal, but that serves as a replacement for another product or  
material for specific purposes.

37 (b) "Beneficial use" includes the use of chipped tires:

38 (i) as daily landfill cover;

39 (ii) for civil engineering purposes;

40 (iii) as low-density, light-weight aggregate fill; or

41 (iv) for septic or drain field construction.

45 (c) "Beneficial use" includes the use of a shredded waste tire as daily landfill cover.

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- 42 ~~(e)~~ (d) "Beneficial use" does not include the use of waste tires or material derived from waste tires:
- 44 (i) in the construction of fences; or
- 45 (ii) as fill, other than low-density, light-weight aggregate fill.
- 46 (3) "Board" means the Waste Management and Radiation Control Board created under Section  
19-1-106.
- 48 (4) "Chip" or "chipped tire" means ~~{a two inch square}~~ an eight inch square or smaller piece of a  
waste tire.
- 50 (5) "Commission" means the Utah State Tax Commission.
- 51 (6)
- (a) "Consumer" means a person who purchases a new tire to satisfy a direct need, rather than for resale.
- 53 (b) "Consumer" includes a person who purchases a new tire for a motor vehicle to be rented or leased.
- 55 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise reduced in size  
such that the particles are less than or equal to 3/4 inch in diameter and are 98% wire free by weight.
- 58 (8) "Director" means the director of the Division of Waste Management and Radiation Control.
- 60 (9) "Disposal" means the deposit, dumping, or permanent placement of waste tire in or on land or in  
water in the state.
- 62 (10) "Dispose of" means to deposit, dump, or permanently place waste tire in or on land or in water in  
the state.
- 64 (11) "Division" means the Division of Waste Management and Radiation Control created in Section  
19-1-105.
- 66 (12) "Fund" means the Waste Tire Recycling Fund created in Section 19-6-807.
- 67 (13) "Landfill waste tire pile" means a waste tire pile:
- 68 (a) located within the permitted boundary of a landfill or transfer station operated by a governmental  
entity; and
- 70 (b) consisting solely of waste tires brought to a landfill or transfer station for disposal or beneficial use  
and diverted from the landfill or transfer station waste stream to the waste tire pile.
- 73 (14) "Local health department" means the local health department, as defined in Section 26A-1-102,  
with jurisdiction over the recycler.
- 75 (15) "Materials derived from waste tires" means tire sections, tire chips, tire shreadings, rubber, steel,  
fabric, or other similar materials derived from waste tires.

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- (16) "Mobile facility" means a mobile facility capable of cutting waste tires on site so the waste tires may be effectively disposed of ~~[by burial, such as in a landfill]~~ , recycled, or put to beneficial use.
- 80 (17) "New motor vehicle" means a motor vehicle that has never been titled or registered.
- 81 (18) "Passenger tire equivalent" means a measure of mixed sizes of tires where each 25 pounds of whole tires or material derived from waste tires is equal to one waste tire.
- 83 (19) "Proceeds of the fee" means the money collected by the commission from payment of the recycling fee including interest and penalties on delinquent payments.
- 85 (20) "Recycler" means a person who:
- 86 (a) annually uses, or can reasonably be expected within the next year to use, a minimum of 100,000 waste tires generated in the state or 1,000 tons of waste tires generated in the state to recover energy or produce energy, crumb rubber, chipped tires, or an ultimate product; and
- 90 (b) is registered as a recycler in accordance with Section 19-6-806.
- 91 (21) "Recycling fee" means the fee provided for in Section 19-6-805.
- 92 (22) "Shredded waste tires" means waste tires or material derived from waste tires that has been reduced to ~~[a six inch square or smaller]~~ approximately six inch minus.
- 94 (23)
- (a) "Storage" means the placement of waste tires in a manner that does not constitute disposal of the waste tires.
- 96 (b) "Storage" does not include:
- 97 (i) the use of waste tires as ballast to maintain covers on agricultural materials or to maintain covers at a construction site;
- 99 (ii) the storage for five or fewer days of waste tires or material derived from waste tires that are to be recycled or applied to a beneficial use; or
- 101 (iii) the storage of a waste tire before the tire is:
- 102 (A) resold wholesale or retail; or
- 103 (B) recapped.
- 104 (24)
- (a) "Store" means to place waste tires in a manner that does not constitute disposal of the waste tires.
- 106 (b) "Store" does not include:
- 107 (i) to use waste tires as ballast to maintain covers on agricultural materials or to maintain covers at a construction site; or

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- 109 (ii) to store for five or fewer days waste tires or material derived from waste tires that are to be recycled  
or applied to a beneficial use.
- 111 (25) "Tire" means a pneumatic rubber covering designed to encircle the wheel of a vehicle in which a  
person or property is or may be transported or drawn upon a highway.
- 113 (26) "Tire retailer" means a person engaged in the business of selling new tires either as replacement  
tires or as part of a new vehicle sale.
- 115 (27) "Transfer station" is defined by rule made by the board in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act.
- 117 (28)
- (a) "Ultimate product" means a product that has as a component materials derived from waste tires and  
that the director finds has a demonstrated market.
- 119 (b) "Ultimate product" includes pyrolyzed materials derived from:
- 120 (i) waste tires; or
- 121 (ii) chipped tires.
- 122 (c) "Ultimate product" does not include a product regarding which a waste tire remains after the product  
is disposed of or disassembled.
- 124 (29) "Waste tire" means:
- 125 (a) a tire that is no longer suitable for the tire's original intended purpose because of wear, damage, or  
defect; or
- 127 (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used tire.
- 129 (30) "Waste tire pile" means a pile of 200 or more waste tires at one location.
- 130 (31)
- (a) "Waste tire transporter" means a person engaged in picking up or transporting at one time more than  
10 whole waste tires, or the equivalent amount of material derived from waste tires, generated in  
Utah for the purpose of storage, processing, or disposal.
- 134 (b) "Waste tire transporter" includes a person engaged in the business of collecting, hauling, or  
transporting waste tires or who performs these functions for another person, except as provided in  
Subsection (31)(c).
- 137 (c) "Waste tire transporter" does not include:
- 138 (i) a person transporting waste tires generated solely by:
- 139 (A) that person's personal vehicles;

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- 140 (B) a commercial vehicle fleet owned or operated by that person or that person's employer;  
142 (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or operated by that person  
or that person's employer; or  
144 (D) a retail tire business owned or operated by that person or that person's employer;  
146 (ii) a solid waste collector operating under a license issued by a unit of local government as defined in  
Section 63M-5-103, or a local health department;  
148 (iii) a recycler of waste tires;  
149 (iv) a person transporting tires by rail as a common carrier subject to federal regulation;~~[-or]~~  
151 (v) a person transporting processed or chipped tires~~[-]~~ ; or  
152 (vi) a landfill owner or operator transporting a waste tire:  
153 (A) to another landfill;  
154 (B) between two counties of the third through sixth class; and  
155 (C) for recycling or beneficial use.  
159 Section 2. Section **19-6-804** is amended to read:  
160 **19-6-804. Restrictions on disposal and transfer of tires -- Penalties.**  
158 (1)  
(a) An individual, including a waste tire transporter, may not transfer for temporary storage more than  
12 whole tires at one time to a landfill or other location in the state authorized by the director to  
receive waste tires, except for purposes authorized by board rule.  
162 (b) Tires are exempt from this Subsection (1) if:  
163 (i) a landfill or other location authorized by the director to receive waste tires uses a mobile facility or  
other equipment to reduce the size of waste tires for recycling or beneficial use as allowed under this  
part; or  
166 (ii) the original tire has a rim diameter greater than 24.5 inches.  
167 (c) A person, including a waste tire transporter, may not dispose of waste tires or store waste tires in any  
manner not allowed under this part or rules made under this part.  
169 (2) The operator of the landfill or other authorized location shall direct that the waste tires be stored in  
a designated area to facilitate retrieval if a market becomes available for the disposed waste tires or  
material derived from waste tires.  
172 (3) An individual, including a waste tire transporter, may dispose ~~[of shredded waste tires]~~ in a landfill;  
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- (a) a ~~{waste tire or }~~ shredded waste tire in accordance with Section 19-6-812~~[-and may also, without reimbursement, dispose-] ; and~~
- 176 (b) ~~[in a landfill]~~ materials derived from waste tires that do not qualify for reimbursement under Section 19-6-812~~[-but the landfill shall dispose of the material in accordance with Section 19-6-812].~~
- 179 (4) A tire retailer may only transfer ownership of a waste tire described in Subsection 19-6-803(28)(b) to:
- 181 (a) a person who purchases it for the person's own use and not for resale; or
- 182 (b) a waste tire transporter that:
- 183 (i) is registered in accordance with Section 19-6-806; and
- 184 (ii) agrees to transport the tire to:
- 185 (A) a tire retailer that sells the tire wholesale or retail; or
- 186 (B) a recycler.
- 187 (5)
- (a)
- (i) An individual, including a waste tire transporter, violating this section is subject to enforcement proceedings and a civil penalty of not more than \$100 per waste tire or per passenger tire equivalent disposed of in violation of this section.
- 190 (ii) A warning notice may be issued before taking further enforcement action under this Subsection (5).
- 192 (b) The director, the local health department, or the county attorney with jurisdiction over the location where the tires were disposed in violation of this section, may bring an action to enforce this section and collect penalties in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration.
- 196 (c) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director, local health department, or county attorney shall bring an action described in Subsection (5)(b) in the county where the violation occurred if the action is brought in the district court.
- 200 (d) Penalties collected under this section shall be deposited into the fund.
- 204 Section 3. Section **19-6-812** is amended to read:
- 205 **19-6-812. Landfilling shredded ~~{or chipped}~~ tires -- Reimbursement.**
- 203 (1) A waste tire may be disposed of in a landfill if:
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- (a) the land fill is operated in compliance with the requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act; and
- 206 (b) the waste tire~~[-is shredded; and]~~ :
- 207 (i) is ~~{shredded or chipped}~~ a shredded waste tire;
- 208 (ii) is separated from non-waste tire material in a cell or other landfill facility to ensure that the shredded {or chipped} waste tire is in a clean and accessible condition; and
- 211 (iii) may be reasonably retrieved, recycled, or put to beneficial use at a future time.
- 212 [~~(e) the waste tire is stored in a segregated cell or other landfill facility that ensures that the disposed shredded waste tire is in a clean and accessible condition so that the waste tire may be reasonably retrieved and recycled at a future time.~~]
- 215 (2) The owner or operator of a landfill in a county of the third through sixth class may apply to the local health department having jurisdiction over the applicant's business address for reimbursement of \$20 per ton of waste tires placed in the landfill if:
- 218 (a) the waste tires are disposed in compliance with Subsection (1);
- 219 (b) the waste tires are generated from within the state; and
- 220 (c) the application includes:
- 221 (i) the site from which the waste tires are removed;
- 222 (ii) the landfill where the waste tires are disposed; and
- 223 (iii) the amount of shredded~~{or chipped}~~ tires disposed.
- 224 (3) An application for reimbursement under this section is substantially the same as the application process required of recyclers applying for partial reimbursement under Section 19-6-813.
- 227 (4) A waste tire, for which reimbursement is paid under this section, is not eligible for additional reimbursement under another provision of this part.

### 231 Section 4. **Repealer.**

This Bill Repeals:

232 This bill repeals:

233 Section **19-6-801, Title.**

234 Section **19-6-802, Legislative findings.**

235 Section 5. **Effective date.**

This bill takes effect on {May 7, 2025} March 31, 2026.

2-18-25 10:55 AM