

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 134
100TH GENERAL ASSEMBLY
2019

0530H.02T

AN ACT

To repeal sections 260.240 and 260.273, RSMo, and to enact in lieu thereof two new sections relating to solid waste.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 260.240 and 260.273, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 260.240 and 260.273, to
3 read as follows:

260.240. 1. In the event the director determines that any provision of
2 sections 260.200 to 260.245 and 260.330 or any standard, rule, regulation, final
3 order or approved plan promulgated pursuant thereto is being, was, or is in
4 imminent danger of being violated, the director may, in addition to those
5 remedies provided in section 260.230, cause to have instituted a civil action in
6 any court of competent jurisdiction for injunctive relief to prevent any such
7 violation or further violation or in the case of violations concerning [a solid waste
8 disposal area or] a solid waste processing facility, for the assessment of a penalty
9 not to exceed one thousand dollars per day [for each day], or part thereof, the
10 violation occurred and continues to occur, or both, as the court deems proper or
11 in the case of violations concerning a solid waste disposal area and in the case of
12 a violation of section 260.330 by a solid waste processing facility, for the
13 assessment of a penalty not to exceed five thousand dollars per day, or part
14 thereof, the violation occurred and continues to occur, or both, as the court deems
15 proper. A civil monetary penalty under this section shall not be assessed for a
16 violation where an administrative penalty was assessed under section
17 260.249. The director may request either the attorney general or a prosecuting
18 attorney to bring any action authorized in this section in the name of the people
19 of the state of Missouri. Suit can be brought in any county where the defendant's
20 principal place of business is located or where the violation occurred. Any offer

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

21 of settlement to resolve a civil penalty under this section shall be in writing, shall
22 state that an action for imposition of a civil penalty may be initiated by the
23 attorney general or a prosecuting attorney representing the department under
24 authority of this section, and shall identify any dollar amount as an offer of
25 settlement which shall be negotiated in good faith through conference,
26 conciliation and persuasion.

27 2. Any rule, regulation, standard or order of a county commission, adopted
28 pursuant to the provisions of sections 260.200 to 260.245, may be enforced in a
29 civil action for mandatory or prohibitory injunctive relief or for the assessment
30 of a penalty not to exceed five hundred dollars per day for each day, or part
31 thereof, that a violation of such rule, regulation, standard or order of a county
32 commission occurred and continues to occur, or both, as the commission deems
33 proper. The county commission may request the prosecuting attorney or other
34 attorney to bring any action authorized in this section in the name of the people
35 of the state of Missouri.

36 3. The liabilities imposed by this section shall not be imposed due to any
37 violation caused by an act of God, war, strike, riot or other catastrophe.

260.273. 1. Any person purchasing a new tire may present to the seller
2 the used tire or remains of such used tire for which the new tire purchased is to
3 replace.

4 2. A fee for each new tire sold at retail shall be imposed on any person
5 engaging in the business of making retail sales of new tires within this
6 state. The fee shall be charged by the retailer to the person who purchases a tire
7 for use and not for resale. Such fee shall be imposed at the rate of fifty cents for
8 each new tire sold. Such fee shall be added to the total cost to the purchaser at
9 retail after all applicable sales taxes on the tires have been computed. The fee
10 imposed, less six percent of fees collected, which shall be retained by the tire
11 retailer as collection costs, shall be paid to the department of revenue in the form
12 and manner required by the department of revenue and shall include the total
13 number of new tires sold during the preceding month. The department of revenue
14 shall promulgate rules and regulations necessary to administer the fee collection
15 and enforcement. The terms "sold at retail" and "retail sales" do not include the
16 sale of new tires to a person solely for the purpose of resale, if the subsequent
17 retail sale in this state is to the ultimate consumer and is subject to the fee.

18 3. The department of revenue shall administer, collect and enforce the fee
19 authorized pursuant to this section pursuant to the same procedures used in the
20 administration, collection and enforcement of the general state sales and use tax
21 imposed pursuant to chapter 144 except as provided in this section. The proceeds
22 of the new tire fee, less four percent of the proceeds, which shall be retained by

23 the department of revenue as collection costs, shall be transferred by the
24 department of revenue into an appropriate subaccount of the solid waste
25 management fund, created pursuant to section 260.330.

26 4. Up to five percent of the revenue available may be allocated, upon
27 appropriation, to the department of natural resources to be used cooperatively
28 with the department of elementary and secondary education for the purposes of
29 developing environmental educational materials, programs, and curriculum that
30 assist in the department's implementation of sections 260.200 to 260.345.

31 5. Up to fifty percent of the moneys received pursuant to this section may,
32 upon appropriation, be used to administer the programs imposed by this section.
33 Up to forty-five percent of the moneys received under this section may, upon
34 appropriation, be used for the grants authorized in subdivision (2) of subsection
35 6 of this section. All remaining moneys shall be allocated, upon appropriation,
36 for the projects authorized in section 260.276, except that any unencumbered
37 moneys may be used for public health, environmental, and safety projects in
38 response to environmental or public health emergencies and threats as
39 determined by the director.

40 6. The department shall promulgate, by rule, a statewide plan for the use
41 of moneys received pursuant to this section to accomplish the following:

- 42 (1) Removal of scrap tires from illegal tire dumps;
43 (2) Providing grants to persons that will use products derived from scrap
44 tires, or use scrap tires as a fuel or fuel supplement; and
45 (3) Resource recovery activities conducted by the department pursuant to
46 section 260.276.

47 7. The fee imposed in subsection 2 of this section shall begin the first day
48 of the month which falls at least thirty days but no more than sixty days
49 immediately following August 28, 2005, and shall terminate [January 1, 2020]
50 **December 31, 2025.**

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