**South Carolina General Assembly**

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**S. 171**

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Sponsors: Senators Gambrell and Garrett

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**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/14/2025 Senate Introduced and read first time (Senate Journal‑page 106)

 1/14/2025 Senate Referred to Committee on **Labor, Commerce and Industry** (Senate Journal‑page 106)

 2/18/2025 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry**

 2/25/2025 Scrivener's error corrected

 3/19/2025 Senate Committee Amendment Adopted (Senate Journal‑page 9)

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**VERSIONS OF THIS BILL**

[01/14/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/171_20250114.docx)

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Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

March 19, 2025

S. 171

Introduced by Senators Gambrell and Garrett

S. Printed 3/19/25--S.

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 75, TITLE 39 SO AS TO PROVIDE REQUIREMENTS FOR WASTE TIRE MANIFESTS AND RELATED PROVISIONS; BY ADDING ARTICLE 5 TO CHAPTER 75, TITLE 39 SO AS TO PROHIBIT THE INSTALLATION OF UNSAFE USED TIRES, AND RELATED PROVISIONS; BY AMENDING SECTION 44‑96‑170(E) THROUGH (F), RELATING TO WASTE TIRES, SO AS TO PROVIDE THAT A COUNTY MAY CHARGE UP TO FOUR HUNDRED DOLLARS AS A TIPPING FEE; BY AMENDING SECTION 44‑96‑170(N) THROUGH (S), RELATING TO WASTE TIRES, SO AS TO AMEND THE COLLECTION OF THE FEE TO INCLUDE USED TIRES, TO PROVIDE FOR THE APPLICATION OF THE WASTE TIRE FEE AND RELATED WASTE TIRE FUNDS, TO REMOVE THE REBATE PROVISIONS, AND TO PROVIDE FOR THE DEVELOPMENT OF A STATEWIDE MARKET INFRASTRUCTURE FOR TIRE‑DERIVED PRODUCTS; TO DIRECT THE CODE COMMISSIONER TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 75, Title 39 of the S.C. Code is amended by adding:

Article 3

Waste Tire Hauling

 Section 39‑75‑100. For the purposes of this chapter:

 (1) “Department” means the Department of Environmental Services.

 (2) “Manifest” means a record that contains all information required by the department including, but not limited to, an accurate measurement of the number of tires being transported, the type or types of tires, the date the tires originated from or reached their destination, and the origin and intended final destination of the tires, in a format approved by the department.

 (3) “Waste tire” has the same meaning as in Section 44‑96‑40(67).

 (4) “Waste tire facility” means a waste tire collection, disposal, processing, or recycling facility as defined in Section 44‑96‑40(68), waste tire site as defined in Section 44‑96‑40(70), or a waste tire treatment site as defined in Section 44‑96‑40(71).

 (5) “Waste tire generator” means any person whose action or process produces a waste tire.

 (6)(a) “Waste tire hauler” means a person engaged in picking up or transporting fifteen or more waste tires at a time for the purpose of collection, storage, processing, or disposal at a waste tire facility. A waste tire hauler must comply with the manifest requirements contained in this article and display a decal as provided in Section 39‑75‑140.

 (b) “Waste tire hauler” does not apply to a person hauling waste tires pursuant to a municipality’s sanctioned tire clean‑up event, to a county’s waste tire clean‑up enforcement efforts, as provided in Section 44‑96‑170(D), the South Carolina Department of Transportation, or to a person hauling regrooved or regroovable tires as provided in Article 1, Chapter 39 of this title.

 Section 39‑75‑110. (A) A waste tire hauler transporting waste tires for handling, altering, storage, recycling, or disposal must complete a manifest and submit it to the department as provided in subsection (B)(2) of this section. The manifest must also be readily accessible in the transporting vehicle during transportation by paper copy or electronic means. The manifest shall be shown upon demand to any representative of the department or law enforcement.

 (B)(1) For each load of waste tires, a waste tire hauler shall provide the completed manifest in a format approved by the department to the waste tire generator, or to the waste tire facility, at the time of transfer.

 (2) A waste tire hauler must maintain a copy of each completed manifest or the completed manifest information in a manner approved by the department for a period of time required by the department, and shall submit to the department a legible copy of each manifest or the manifest information, in a format required by the department including, but not limited to, an electronic format, no later than sixty days after the completed waste tire transfer on a schedule determined by the department. The manifest or manifest information submitted to the department shall contain the signed acknowledgment of the waste tire facility from or to which waste or used tires were transferred.

 Section 39‑75‑120. (A) A waste tire generator or a waste tire facility that transfers or receives waste tires from a waste hauler that was transported with a manifest pursuant to this article shall maintain copies of the manifest or manifest information in a format required by the department, and any other information the department deems necessary to track the flow of waste tires through the State, for each load of waste tires transferred or received. This information must be retained for a period of three years and must be made available to the department for review at the department’s request. The copy submitted to the department shall contain the approval of each transporter and the generator or facility operator.

 (B) Each waste tire generator or facility that transfers waste tires to a waste tire hauler or that receives waste tires from a waste tire hauler that were transported with a manifest pursuant to this section shall check that the information on the manifest or in the manifest information recorded by the waste tire hauler is correct at the time of transfer in a manner required by the department.

 Section 39‑75‑130. (A) The department shall develop and implement a system for auditing manifests submitted to the department pursuant to this article, for the purpose of enforcing this article. The department shall continuously conduct random sampling and matching of manifests submitted by any person generating waste, hauling waste, or operating waste tire facilities, to assure compliance with this section.

 (B)(1) The department may require any waste tire generator, waste tire hauler, or operator of a waste tire facility who is subject to the manifest requirements of this section to record, maintain, and submit the required manifest information in an electronic format, in lieu of maintaining and submitting a paper copy of the manifest.

 (2) A waste tire generator, waste tire hauler, or operator of a waste tire facility who is subject to this article may submit the electronic manifest reports to the department on a schedule determined by the department.

 Section 39‑75‑140. (A) A waste tire hauler must affix to its hauling vehicle a decal displaying the waste tire hauler’s registration or identification number and the decal’s expiration date. The decal must be conspicuously displayed on the rear of the vehicle. The decal shall be designed and issued by the department to the waste tire haulers upon approval of applications for registration or renewal as provided in regulation. The department may charge a fee to defray the cost of the decal.

 (B) A waste tire hauler transferring waste tires with an expired decal shall be subject to a delinquency penalty fee to the department of:

 (1) if the waste tire hauler is delinquent less than fifteen days, ten dollars;

 (2) if the waste tire hauler is delinquent by fifteen days but less than thirty days, twenty‑five dollars;

 (3) if the waste tire hauler is delinquent by more than thirty days but less than ninety days, fifty dollars; or

 (4) if the waste tire hauler is delinquent by more than ninety days, seventy‑five dollars.

 Section 39‑75‑150. The department and the Department of Revenue shall work collaboratively to share data regarding fee collection, waste tire hauling, and disposal practices to ensure compliance with waste tire hauling requirements.

Article 5

Unsafe Used Tires

 Section 39‑75‑200. It is unlawful for a person to install an unsafe used tire onto a passenger car or light truck in this State.

 Section 39‑75‑210. (A) For the purposes of this article, “unsafe” means an inspection of the exterior or inner lining of the tire reveals:

 (1) tread depth is worn to two thirty‑seconds of an inch or less on any area of the tire;

 (2) damage exposing the reinforcing plies of the tire, including cuts, cracks, bulges, punctures, or scrapes;

 (3) an improper repair that includes any repair to the tire in the tread shoulder or belt edge area, a puncture that has not been both sealed with a patch on the inside and repaired with a cured rubber stem plugging that runs to the outside, a repair to the sidewall or bead area of the tire, or a puncture repair of damage that is larger than one quarter of an inch in size;

 (4) evidence of prior use of a temporary tire sealant without evidence of a subsequent properly‑performed repair;

 (5) a defaced or removed United States Department of Transportation tire identification number usually located on the sidewall of the tire;

 (6) inner liner or bead damage; or

 (7) indication of internal separation, such as bulges or local areas of irregular tread wear indicating possible tread or belt separation.

 (B) A recalled tire whose sale is prohibited by federal law is also considered “unsafe” for the purposes of this article.

 Section 39‑75‑220. The provisions of this article do not apply to:

 (1) a business selling used tires for retreading;

 (2) a business or individual buying and selling motor vehicles or its parts, when the tires were mounted on the motor vehicle at the time the motor vehicle was bought, unless they are also engaged in the business of installing unmounted used tires onto a passenger car or light truck; or

 (3) tires intended solely for agricultural use or for off the road industrial use.

 Section 39‑75‑230. The provisions contained in this article do not limit the liability pursuant to Chapter 73, Title 15 for businesses that sell used tires in violation of this chapter.

 Section 39‑75‑240. Nothing in this article may be construed to create a private cause of action for negligence per se nor may it be construed to impair, limit, or affect common law rights or other statutory theories.

SECTION 2. Sections 44‑96‑170(E) and (F) of the S.C. Code are amended to read:

 (E) Counties are prohibited from imposing an additional fee on waste tires generated within the county. However, a county may impose an additional fee on waste tires, heavy equipment tires, and oversized tires that have a greater diameter than the largest tire with a Department of Transportation number. A fee may be charged on waste tires generated outside of South Carolina. Counties may require fleets to provide documentation for proof of purchase on in‑state tires. For tires not included in documentation, an additional tipping fee may be charged. Counties may charge a tipping fee of up to one dollar and fifty cents for each tire or up to onefour hundred fifty dollars a ton for waste tires originating outside of the State, for non‑USDOT tires, and for those tires submitted to the county for disposalgenerated in this State for which no fee has been paid otherwise.

 (F) Counties may charge a tipping fee of up to one dollar and fifty cents for each waste tire manufactured in this State or up to onefour hundred fifty dollars per ton for waste tires sold or used in the county when, by local ordinance, the county prohibits the acceptance of tires with documentation. manufactured in this State for which no fee has been paid otherwise.When waste tires are accepted by a county, and proper documentation is provided, counties may charge a tipping fee of up to one hundred fifty dollars per ton for tires.

SECTION 3. Sections 44‑96‑170(N) through (S) of the S.C. Code are amended to read:

 (N)(1) For sales made on or after November 1, 1991, tThere is imposed a fee of two dollars for each new and used tire sold with a Department of Transportation number to the ultimate consumer, whether or not the tire is mounted by the seller. This fee is applicable to all tires included in new and used retail motor vehicles sales. The wholesaler or retailer receiving new tires from unlicensed wholesalers is responsible for paying the fee imposed by this subsection. This fee shall not be collected on farm or agricultural tires , including tires designed for use in the production of farm products as defined in Section 46-1-75(E)(1).

 (2) The Department of Revenue shall administer, collect, and enforce the tire recycling fee in the same manner that the sales and use taxes are collected pursuant to Chapter 36 of Title 12. The fee imposed by this subsection must be remitted on a monthly basis. Instead of the discount allowed pursuant to Section 12‑36‑2610, the taxpayer may retain three percent of the total fees collected as an administrative collection allowance. This allowance applies whether or not the return is timely filed.

 (3) The department shall deposit all fees collected to the credit of the State Treasurer who shall establish a separate and distinct account from the state general fund.

 (4) The State Treasurer shall distribute one and one‑half dollars for each tire sold, less applicable credit, refund, and discount, to each county based upon the population in each county according to the most recent United States Census. The county shall use these funds for collection, processing, or recycling of waste tires generated within the State.

 (5) The remaining portion of the tire recycling fee is to be credited to the Solid Waste Management Trust Fund by the State Treasurer for the Waste Tire Grant Trust Fund, established under the administration of the South Carolina Department of Health and Environmental ControlServices.

 (6) The General Assembly shall review the waste tire disposal recycling fee every five years.

 (7) For purposes of this subsection, “tire wholesaler” means any person who sells or offers to sell new or used tires or tubes to tire retailers or other volume buyers for passenger and commercial vehicles to retailers. A tire wholesaler shall not engage in retail sales.

 (O)(1) A wholesaler or retailer required to submit a fee pursuant to subsection (N) who delivers or arranges delivery of waste tires to a facility listed on the Waste Tire Rebate Facility List, may apply for a refund of one dollar for each tire delivered. If waste tires generated in this State, on which a fee has been paid, are delivered to a waste tire facility located outside this State, a wholesaler or retailer may apply for a refund of one dollar per tire delivered if the receiving facility is listed on the Waste Tire Rebate Facility List; in no case may a refund be approved for a number of tires delivered in excess of the number of new tires sold by the individual wholesaler or retailer. Verification must be provided as required by the South Carolina State Department of Revenue. All refunds made pursuant to this subsection must be charged against the appropriate county's distributions under subsection (N).

 (2)(1) The department shall maintain the list of facilities known as the Waste Tire Rebate Facility List.

 (3)(2) The Waste Tire Rebate Facility List shall include department‑permitted waste tire processing facilities that fulfill the requirements of a waste tire recycling facility, as defined in Section 44‑96‑40(68)(d), and facilities located outside of South Carolina that are permitted or approved by the host state and that also fulfill the requirements of a waste tire recycling facility, as defined in Section 44‑96‑40(68)(d).

 (4)(3) The department shall remove from the Waste Tire Rebate Facility List any facility whose permit has been revoked or suspended, until the permit has been reinstated by the department or host state. Retailers may contract with a waste tire hauler to collect, transport, and deliver waste tires to a department‑permitted waste tire facility in accordance with the manifest requirements as provided in Article 3, Chapter 75 of Title 39.

 (P)(1) The Office of Solid Waste Reduction and Recycling of the Department of Health and Environmental Control Services may provide grants from the Waste Tire Trust Fund to counties which have exhausted all funds remitted to counties under Section 44‑96‑170(N), to regions applying on behalf of those counties and to local governments within those counties to assist in the following:

 (1)(a) constructing, operating, or contracting with waste tire processing or recycling facilities;

 (2)(b) removing or contracting for the removal of waste tires for processing or recycling;

 (3)(c) performing or contracting for the performance of research designed to facilitate waste tire recycling; or

 (4)(d) the purchase or use of recycled products or materials made from waste tires generated in this State.; or

 (e) recruiting industries that utilize waste tires for alternative productive uses including, but not limited to, rubber modified asphalt to keep waste tires out of the solid waste stream.

 (2) Grants from the Waste Tire Trust Fund may also be awarded to businesses or manufacturers that generate or process waste tires to develop, create, or otherwise utilize waste tires for alternative productive uses or tire‑derived products including, but not limited to, rubber modified asphalt.

 (3) Any business or manufacturer awarded a grant from the Waste Tire Fund must also satisfy relevant job creation requirements included in Section 12‑9‑3360.

 (Q)(1) Waste tire grants must be awarded on the basis of written grant request proposals submitted to and approved, not less than annually, by the committee consisting of ten members appointed by the commissioner director of the department representing:

 (1)(a) the South Carolina Tire Dealers and Retreaders Association;

 (2)(b) the South Carolina Association of Counties;

 (3)(c) the South Carolina Association of Regional Councils;

 (4)(d) the South Carolina Department of Health and Environmental ControlServices;

 (5)(e) tire manufacturersthe South Carolina Tire Manufacturers Council;

 (6)(f) the general publicSouth Carolina Department of Commerce;

 (7)(g) a public interest environmental organization;

 (8)(h) the South Carolina Department of Natural Resources;

 (9)(i) the Office of the Governor; and

 (10)(j) the South Carolina Municipal Association.

 (2) Members of the committee shall serve for terms of three years and until their successors are appointed and qualify.

 (3) Vacancies must be filled in the manner of original appointment for the unexpired portion of the term. The representative of the department shall serve as chairman. The committee shall review grant requests and proposals and make recommendations on grant awards to the State Solid Waste Advisory Council. Grants must be awarded by the State Solid Waste Advisory Council.

 (R)(1) Notwithstanding subsection (N), the department may use funds from the Waste Tire Trust Fund to fund activities of the department to implement provisions of this section to promote the recycling of waste tires and to encourage higher end uses of waste tiresdevelop a sustainable statewide market infrastructure for tire‑derived products as provided in item (2).

 (2) The department shall collaborate with the South Carolina Department of Commerce to identify, pursue, and develop a statewide market infrastructure for tire‑derived products. The departments shall:

 (a) develop a state plan for the efficient and effective management of waste tires with priority focus on market development;

 (b) develop a comprehensive and diversified approach to market development for targeting higher end uses for waste tires and a circular tire economy in consultation with representatives from:

 (i) the South Carolina Department of Transportation;

 (ii) the state’s asphalt paving industry;

 (iii) the Recycling Market Development Advisory Council pursuant to Section 13‑1‑380;

 (iv) county governments;

 (v) state public colleges and universities;

 (vi) waste tire recyclers;

 (vii) new tire retailers and processors;

 (viii) South Carolina’s tire manufacturers;

 (ix) United States’ tire manufacturers; and

 (x) other appropriate stakeholders as determined by the department.

 (c) promote the economic and environmental benefits of waste tire recycling; and

 (d) establish specific goals and objectives for the State to achieve to align with national percentages in reuse markets.

 (3) The use of these funds must be reviewed annually by the Waste Tire Committee and the Solid Waste Advisory Council. The Recycling Market Development Advisory Council and the Solid Waste Advisory Council also may make recommendations to the office department for use of these funds.

 (S) The department shall establish by regulation recordkeeping and reporting requirements for waste tire haulers, as provided in Sections 39‑75‑110 and 39‑75‑140, and collection, processing, recycling, and disposal facilities.

SECTION 4. The Code Commissioner is directed to change the following headings in the S.C. Code:

 (1) Chapter 75, Section 39‑75‑10 through 39‑75‑50, shall be styled as “Article 1, Regrooved and Regroovable Tires”; and

 (2) Chapter 75, Title 39 shall be styled as “Tires.”

SECTION 5. This act takes effect upon approval by the Governor.

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