

**Chapter 6. Permitting of Waste Tire Facilities, ~~and~~ Waste Tire Hauler Registration, Tire Broker Registration and Tire Manifests**

**Article 8.6. Tire Brokers**

**§ 18466. Scope and Definitions**

(a) This Article specifies the procedures for the registration and reporting requirements of tire brokers.

(b) For the purposes of this Article, the definitions found in Public Resources Code, Chapter 16, Sections 42800 et al., Chapter 19, section 42950 et al., Title 14 California Code of Regulations (CCR), Chapter 3, Article 4.1, (commencing with Section 17225.710), Chapter 6, Article 8.5 of this Division, and the following shall apply:

(1) "Complete and Correct" means all the information provided by the registrant regarding the tire broker registration is accurate, exact, and fully describes all parameters of the tire broker's business.

(2) "Electronic Report" means electronic submittal of information to the Department by means of a web-based data entry system, in accordance with the requirements set forth by CalRecycle.

(3) "Tire Broker" means a person, other than the buyer or seller of the used or waste tires, who arranges for the shipment of used or waste tires to or from any site located within the state, or through the state where the shipment of tires is destined for another state, country, or port of call. "Tire Broker" does not include a tire retailer primarily engaged in the retail sale, service, and installation of new tires on customer vehicles, or a vehicle dealer, as defined in Section 285 of the Vehicle Code.

(4) "Tire Broker Registration" means the document issued by the Department certifying an entity as a tire broker as required by this Article.

**Note:**

**Authority cited:**

Sections 40401, 40400, 40502, 43020, and 42966 Public Resources Code.

**Reference:**

Section 40110, 40401, 42950, 42951, 42952, 42954, 42955, 42956, 42958, and 42961.5, Public Resource Code.

**§ 18467 Tire Broker Registration Application**

(a) A Tire Broker Registration Application may be submitted by providing either a hard copy of the required information or online through a web-based data entry system managed by the Department. Such information shall include:

\_\_\_\_\_ (1) Business Name under which the tire broker operates.

\_\_\_\_\_ (2) Business Address under which the tire broker operates.

\_\_\_\_\_ (3) Mailing Address, if different from business address.

\_\_\_\_\_ (4) Business Phone Number and/or Email Address.

\_\_\_\_\_ (5) Business Owner's Name and Address (if different from number 1 and 2).

\_\_\_\_\_ (6) Name of Primary Contact (person responsible on a daily basis for tire broker-related activities).

\_\_\_\_\_ (7) A statement that certifies under penalty of perjury that the registrant has the authority to sign on behalf of the tire broker and that the registrant has personal knowledge that the

information in the Tire Broker Registration Application is true and correct to the best of their knowledge and belief.

(b) The Department shall inform the registrant in writing within 30 days from date of receipt that the tire broker registration application is either:

- (1) complete and correct, or
- (2) incomplete.

(c) If the Department determines that a tire broker registration application is not complete and/or correct, the Department shall notify the tire broker in writing of the deficiencies to be corrected. The tire broker shall have thirty (30) days to correct the deficiencies and resubmit a complete and correct tire broker registration application.

(d) Once the Department determines that a tire broker registration application is complete and correct, the Department shall issue a non-transferable tire broker registration.

(e) Any person acting as a tire broker shall register with the Department within sixty (60) days of enactment of this Article.

(f) Any person commencing work as a new tire broker after enactment of this Article shall register with the Department within thirty (30) days.

**Note:**

**Authority cited:**

Section 40502, 42966, and 43020, Public Resources Code

**Reference:**

Section 42954, Public Resource Code.

**§ 18467.1 Tire Broker Registration Renewal**

(a) A tire broker shall renew their tire broker registration with the Department no later than 5 years from the issuance date of their current tire broker registration, by submitting a new tire broker registration application that reflects the tire broker's current business information.

(b) A tire broker shall notify the Department of any change in the business name, business owner, business address, mailing address, primary contact, or phone number within ten (10) days after the change.

(c) A tire broker shall notify the Department within thirty (30) days after the tire broker ceases to act as a tire broker.

**Note:**

**Authority cited:**

Section 40502, 42966, and 43020, Public Resources Code

**Reference:**

Section 42954, Public Resource Code.

**§ 18468 Tire Broker Reporting**

(a) The tire broker shall report to the Department on an annual basis the following information for shipments of used or waste tires that were arranged by the tire broker and shipped during the preceding year:

- (1) The total amount of used or waste tires shipped to or from any site located within the state during that reporting year.
- (2) The total amount of used or waste tires shipped through the state where the shipment of used or waste tires was destined for another state, country, or port of call.
- (3) How the shipments were transported (i.e. rail, roadway, air).
- (4) Total quantity of used or waste tires transported during the reporting year measured by whole tire count, cubic yards, lbs., or tons.
- (5) Type of used or waste tires transported (i.e. passenger, truck, altered, or off the road (OTR)).
- (6) The destination sites of the used or waste tire shipments during the reporting year.
- (7) The origin sites of the used or waste tire shipments during the reporting year.

(b) The tire broker shall not be required to report on shipments of used and waste tires that are documented by a Comprehensive Trip Log (CTL) form that is prepared and submitted to the Department pursuant to Article 8.5 of this Chapter.

**Note:**

**Authority cited:**

Sections 40502, 42966, and 43020, Public Resources Code.

**Reference:**

Sections 42950, 42951, 42952, 42953, 42961.5, 42962, and 42961.7 Public Resources Code.

**§18469 Amount of Civil Penalties and Administrative Penalty Schedule**

(a) For violations of this Article, civil penalties may be imposed administratively in accordance with Penalty Table I and the following:

- (1) Determine what violations have occurred.
- (2) Determine the number of offenses per violation that have occurred.
- (3) Add up the penalties to determine the total applicable penalty.

**Penalty Table I**

<b><u>Violation</u></b>	<b><u>Description of Violation</u></b>	<b><u>&lt; 30 days past due date</u></b>	<b><u>30-60 days past due date</u></b>	<b><u>&gt;60 days past due date</u></b>
<u>PRC §42952(b) or 14 CCR §18467</u>	<u>Failure to register as a Tire Broker with the Department.</u>	<u>\$1,000-\$2,000</u>	<u>\$2,000-\$4,000</u>	<u>\$4,000-\$5,000</u>
<u>PRC §42957 or 14 CCR §18467.1</u>	<u>Failure to renew as a Tire Broker with the Department.</u>	<u>\$1,000-\$2,000</u>	<u>\$2,000-\$4,000</u>	<u>\$4,000-\$5,000</u>
<u>PRC §42957 or 14 CCR §18467.1(b)</u>	<u>Failure to notify the Department of required information for the Tire Broker Registration</u>	<u>\$100-\$300</u>	<u>\$500-\$1,000</u>	<u>\$1,500-\$2,000</u>

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	<u>or failure to notify the Department of any changes in information provided on the Tire Broker Registration Application within 10 days.</u>			
<u>PRC §42961.7 or 14 CCR §18468</u>	<u>Failure to annually report tires being brokered to, from, or through the state, or providing missing, incomplete or false information.</u>	<u>\$100-\$500</u>	<u>\$500-\$1,000</u>	<u>\$1,500-\$2,500</u>

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