

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0949.01 Jennifer Berman x3286

**SENATE BILL 19-198**

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**SENATE SPONSORSHIP**

**Todd and Coram,**

**HOUSE SPONSORSHIP**

**Buentello and Gray,**

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**Senate Committees**  
State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUED MANAGEMENT OF WASTE TIRES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

To encourage resource recovery, recycling, and reuse of waste tires, there is a waste tire fee assessed on each new tire sold in the state. Commencing on January 1, 2020, the bill raises the waste tire fee from 55 cents to up to \$2.00, as set by the solid and hazardous waste commission by rule, and, on January 1, 2024, reduces it to 55 cents.

The bill also recreates the end users fund, into which fund, on and after January 1, 2020, 75% of the revenue collected from the waste tire fee will be transferred. The fund is used to provide rebates to end users

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

for the processing of waste tires into tire-derived products or fuel. The end users fund and the rebate program are repealed on July 1, 2025.

The bill increases the number of waste tires that an owner or operator of a waste tire monofill is required to process into tire-derived product from 2 to 5.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 30-20-1402, **amend**  
3 (1); and **add** (1.2), (1.5), (7.5), and (9.5) as follows:

4 **30-20-1402. Definitions.** As used in this part 14, unless the  
5 context otherwise requires:

6 (1) ~~"Beneficial user" means a person who uses solid waste as an~~  
7 ~~ingredient in a manufacturing process or as an effective substitute for~~  
8 ~~natural or commercial products, in a manner that does not pose a threat~~  
9 ~~to human health or the environment. Avoidance of processing or disposal~~  
10 ~~cost alone does not constitute beneficial use~~ "ALTERNATIVE DAILY  
11 COVER" MEANS AT LEAST THREE INCHES OF EARTHEN MATERIAL OR OTHER  
12 SUITABLE MATERIAL PLACED OVER THE EXPOSED SOLID WASTE AT THE END  
13 OF EACH OPERATING DAY, OR AT SUCH FREQUENCIES AS NEEDED TO  
14 PREVENT OR MINIMIZE NUISANCE CONDITIONS.

15 (1.2) "ASTM STANDARD D6270" MEANS THE AMERICAN SOCIETY  
16 FOR TESTING AND MATERIALS STANDARD ENTITLED "STANDARD  
17 PRACTICE FOR USE OF SCRAP TIRES IN CIVIL ENGINEERING  
18 APPLICATIONS", EFFECTIVE ON DECEMBER 15, 2017.

19 (1.5) "BENEFICIAL USER" MEANS A PERSON WHO USES SOLID  
20 WASTE FOR ENERGY RECOVERY IN A MANUFACTURING PROCESS OR AS AN  
21 EFFECTIVE SUBSTITUTE FOR NATURAL OR COMMERCIAL PRODUCTS, IN A  
22 MANNER THAT DOES NOT POSE A THREAT TO HUMAN HEALTH OR THE  
23 ENVIRONMENT. AVOIDANCE OF PROCESSING OR DISPOSAL COST ALONE

1 DOES NOT CONSTITUTE BENEFICIAL USE.

2 (7.5) "RURAL COUNTY" MEANS A COUNTY WITH A POPULATION OF  
3 FEWER THAN SIXTY THOUSAND RESIDENTS.

4 (9.5) "TON" MEANS A UNIT OF WEIGHT EQUAL TO TWO THOUSAND  
5 POUNDS.

6 **SECTION 2.** In Colorado Revised Statutes, 30-20-1403, **amend**  
7 (1)(a) and (2) as follows:

8 **30-20-1403. Waste tire fee - distribution - rules.**

9 (1) (a) (I) EFFECTIVE JANUARY 1, 2020, retailers of new motor vehicle  
10 tires and new trailer tires shall collect a waste tire fee in an amount to be  
11 set by the commission, by rule, not to exceed ~~one dollar and fifty cents~~  
12 TWO DOLLARS on the sale of each new tire; except that, effective on and  
13 after January 1, ~~2018~~ 2024, the waste tire fee is fifty-five cents on the sale  
14 of each new tire.

15 (II) EFFECTIVE JANUARY 1, 2020, THE COMMISSION MAY REVIEW  
16 THE FEE ON AN ANNUAL BASIS AND, BY RULE, ADJUST THE FEE AMOUNT IN  
17 A MANNER CONSISTENT WITH THE OBLIGATIONS SET FORTH IN SUBSECTION  
18 (2) OF THIS SECTION.

19 (III) The receipt from the retailer to the customer for every new  
20 tire PURCHASED must contain the following statement in the largest  
21 bold-faced type capable based on point-of-sale software and on existing  
22 invoice printers, not to exceed fifteen points: "Section 30-20-1403,  
23 Colorado Revised Statutes, requires retailers to collect a waste tire fee set  
24 by the solid and hazardous waste commission on the sale of each new  
25 motor vehicle tire and each new trailer tire."

26 (2) (a) Until ~~December 31, 2017~~ JUNE 30, 2025, the state treasurer  
27 shall distribute the revenue from the fee assessed in subsection (1) of this

1 section as follows:

2 (I) ~~Thirty~~ TWENTY-FIVE percent to the waste tire administration,  
3 enforcement, MARKET DEVELOPMENT, and cleanup fund created in section  
4 30-20-1404; AND

5 (II) ~~Sixty-five~~ SEVENTY-FIVE percent to the end users fund created  
6 in section 30-20-1405. ~~and~~

7 (III) ~~Five percent to the waste tire market development fund~~  
8 ~~created in section 30-20-1406.~~

9 (b) ~~Effective January 1, 2018, the state treasurer shall distribute~~  
10 ~~all of the revenue from the fee assessed in subsection (1) of this section~~  
11 ~~to the waste tire administration, enforcement, and cleanup fund created~~  
12 ~~in section 30-20-1404.~~

13 **SECTION 3.** In Colorado Revised Statutes, 30-20-1404, **amend**  
14 (1) as follows:

15 **30-20-1404. Waste tire administration, enforcement, market**  
16 **development, and cleanup fund - creation - rules.** (1) There is hereby  
17 created in the state treasury the waste tire administration, enforcement,  
18 MARKET DEVELOPMENT, and cleanup fund, referred to in this section as  
19 the "fund", consisting of the fee revenue credited pursuant to section  
20 30-20-1403 (2)(a)(I) ~~or (2)(b)~~ and any other ~~moneys~~ MONEY appropriated  
21 to it. The general assembly shall annually appropriate the ~~moneys~~ MONEY  
22 in the fund to the department for its direct and indirect administrative and  
23 enforcement costs in administering and enforcing this part 14. The state  
24 treasurer shall credit all interest earned on the investment of ~~moneys~~  
25 MONEY in the fund to the fund. Any unexpended and unencumbered  
26 ~~moneys~~ MONEY in the fund IN EXCESS OF SIXTEEN AND ONE-HALF  
27 PERCENT OF THE PREVIOUS FISCAL YEAR'S EXPENDITURES at the end of any

1 fiscal year ~~remain in the fund and do not revert to the general fund or any~~  
2 ~~other fund~~ SHALL BE CREDITED:

3 (a) THROUGH JUNE 30, 2025, TO THE END USERS FUND CREATED IN  
4 SECTION 30-20-1405; AND

5 (b) ON AND AFTER JULY 1, 2025, TO THE GENERAL FUND.

6 **SECTION 4.** In Colorado Revised Statutes, **recreate and**  
7 **reenact, with amendments,** 30-20-1405 as follows:

8 **30-20-1405. End users fund - creation - monthly rebates - rules**  
9 **- repeal.** (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE  
10 END USERS FUND, REFERRED TO IN THIS SECTION AS THE "FUND",  
11 CONSISTING OF THE FEE REVENUE CREDITED PURSUANT TO SECTION  
12 30-20-1403 (2)(a)(II). THE STATE TREASURER SHALL CREDIT ALL  
13 INTEREST AND ANY OTHER RETURN ON THE INVESTMENT OF MONEY IN THE  
14 FUND TO THE FUND. THE FUND IS SUBJECT TO ANNUAL APPROPRIATION BY  
15 THE GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE PURPOSES  
16 SPECIFIED IN THIS SECTION.

17 (2) (a) THE DEPARTMENT SHALL USE THE MONEY IN THE FUND TO  
18 PROVIDE QUARTERLY REBATES TO IN-STATE:

19 (I) END USERS; AND

20 (II) RETAILERS THAT SELL TIRE-DERIVED PRODUCTS.

21 (b) A COLLECTOR OF TIRES IN A RURAL COUNTY IS ONLY ELIGIBLE  
22 FOR REBATES PURSUANT TO THIS SUBSECTION (2) IF THE COLLECTOR IS  
23 ALSO AN END USER.

24 (3) THE REBATE IS SUBJECT TO THE FOLLOWING CONDITIONS:

25 (a) THE DEPARTMENT SHALL PAY THE REBATE AMOUNT  
26 QUARTERLY, ON A PER-TON BASIS; AND

27 (b) ONCE THE DEPARTMENT HAS PAID A REBATE ON A PARTICULAR

1 QUANTITY OF TIRE-DERIVED PRODUCT, EVERY PART OF THAT PARTICULAR  
2 QUANTITY OF TIRE-DERIVED PRODUCT IS NO LONGER ELIGIBLE FOR  
3 PAYMENT OF THE REBATE.

4 (4) (a) THE COMMISSION SHALL ANNUALLY SET THE AMOUNT OF  
5 THE REBATE, BY RULE, ON A PER-TON BASIS, AND THE DEPARTMENT SHALL  
6 PAY THE SET REBATE AMOUNT FOR EACH TON OF QUALIFIED TIRE-DERIVED  
7 PRODUCT. THE COMMISSION SHALL CALCULATE THE REBATE TO EQUAL,  
8 BUT NOT EXCEED, THE AMOUNT OF THE ANTICIPATED INCOME  
9 TRANSFERRED INTO THE FUND DURING EACH SUCCEEDING TWELVE-MONTH  
10 PERIOD.

11 (b) EACH YEAR, THE DEPARTMENT SHALL CONTINUE TO PROVIDE  
12 THE REBATE IN ACCORDANCE WITH THE TIERED STRUCTURE SET FORTH IN  
13 SUBSECTION (5)(e) OF THIS SECTION UNTIL:

14 (I) ALL QUALIFIED REBATE REQUESTS SUBMITTED IN THAT YEAR  
15 ARE SATISFIED; OR

16 (II) THERE IS INSUFFICIENT MONEY IN THE FUND TO SUPPORT  
17 ADDITIONAL REBATE PAYMENTS.

18 (5) THE COMMISSION SHALL PROMULGATE RULES GOVERNING  
19 ADMINISTRATION OF THE REBATE, WHICH RULES MUST INCLUDE THE  
20 FOLLOWING:

21 (a) A QUARTERLY REBATE SCHEDULE FOR QUALIFIED RECIPIENTS,  
22 WITH THE FIRST END USER PAYOUT IN JULY 2020, TO BE ISSUED FOR END  
23 USES THAT OCCUR BETWEEN APRIL 1, 2020, AND JUNE 30, 2020;

24 (b) A REQUIREMENT THAT TWENTY-FIVE PERCENT OF THE  
25 EXPECTED ANNUAL REBATE AMOUNT BE HELD IN RESERVE BEFORE PAYING  
26 THE FIRST QUARTERLY REBATE;

27 (c) IF THE BALANCE OF THE FUND IS ANTICIPATED TO BE

1 INSUFFICIENT TO PAY OUT ALL OF THE REBATES APPLIED FOR, A  
2 REQUIREMENT THAT THE DEPARTMENT GIVE NOTICE OF THE ANTICIPATED  
3 INSUFFICIENCY TO ALL END USERS THAT DURING THE PRECEDING TWELVE  
4 MONTHS HAVE SUBMITTED AN APPLICATION FOR A REBATE;

5 (d) A REQUIREMENT THAT AN END USER THAT QUALIFIES FOR A  
6 REBATE BY UTILIZING WASTE TIRES FOR:

7 (I) ALTERNATIVE DAILY COVER MUST VERIFY WITH THE  
8 DEPARTMENT THAT THE ALTERNATIVE DAILY COVER MEETS ALL  
9 SPECIFICATION STANDARDS FOR ALL TYPE-B-DERIVED TIRES, AS  
10 ESTABLISHED BY THE ASTM STANDARD D6270; AND

11 (II) TIRE-DERIVED AGGREGATE MUST VERIFY WITH THE  
12 DEPARTMENT THAT THE TIRE-DERIVED AGGREGATE MEETS ALL  
13 SPECIFICATION STANDARDS FOR ALL TYPE-A-DERIVED TIRES, AS  
14 ESTABLISHED BY THE ASTM STANDARD D6270; AND

15 (e) THREE TIERS OF REBATE AMOUNTS THAT THE DEPARTMENT  
16 MAY PAY OUT BASED ON THE AMOUNT OF THE WASTE TIRE THAT WAS USED  
17 AND DESTROYED AS FOLLOWS:

18 (I) TIER 1: FULL REBATES GOING TO END USES THAT COMPLETELY  
19 DESTROY THE WASTE TIRE FOR THE PURPOSE OF ENERGY RECOVERY;

20 (II) TIER 2: FIFTY PERCENT OF THE FULL REBATE GOING TO END  
21 USES SUCH AS MOLDED PRODUCTS, CRUMBED RUBBER, AND RUBBER  
22 MULCH; AND

23 (III) TIER 3: TWENTY-FIVE PERCENT OF THE FULL REBATE GOING  
24 TO END USES FOR ALTERNATIVE DAILY COVER AND TIRE-DERIVED  
25 AGGREGATE THAT MEET THE ASTM STANDARD D6270.

26 (6) THE DEPARTMENT:

27 (a) SHALL PAY:

1 (I) THE REBATE ONLY FOR WASTE TIRES THAT ARE GENERATED  
2 AND PROCESSED IN COLORADO; AND

3 (II) TO AN END USER ONLY IF THE END USE INVOLVES  
4 TIRE-DERIVED PRODUCTS IN COLORADO OR USE OF THE ENTIRE WASTE TIRE  
5 TO GENERATE ENERGY OR FUEL IN COLORADO; AND

6 (b) MAY DENY:

7 (I) THE REBATE TO A PERSON THAT IS OUT OF COMPLIANCE WITH  
8 ANY STATE OR FEDERAL ENVIRONMENTAL LAWS, RULES, OR REGULATIONS;  
9 AND

10 (II) ALL FUTURE REBATES TO AN APPLICANT THAT KNOWINGLY OR  
11 INTENTIONALLY PROVIDES FALSE INFORMATION TO THE DEPARTMENT  
12 WHEN APPLYING FOR A REBATE.

13 (7) WASTE TIRES OBTAINED FROM RURAL COUNTIES ARE ELIGIBLE  
14 FOR AN ADDITIONAL REBATE AMOUNT OF TWENTY-FIVE DOLLARS PER TON;  
15 HOWEVER, THE ADDITIONAL REBATE AMOUNT MUST NOT EXCEED THE  
16 REBATE AMOUNT FOR TIER 3 REBATES AS DETERMINED BY THE  
17 COMMISSION BY RULE PURSUANT TO SUBSECTION (5)(e)(III) OF THIS  
18 SECTION. TO QUALIFY FOR THE ADDITIONAL REBATE AMOUNT SET FORTH  
19 IN THIS SUBSECTION (7), AN END USER MUST PROVIDE EVIDENCE TO THE  
20 DEPARTMENT DOCUMENTING THE COUNTY OF ORIGIN FOR EACH WASTE  
21 TIRE.

22 (8) THE DEPARTMENT SHALL REQUIRE THAT AN END USER SUBMIT  
23 AN APPLICATION FOR A REBATE THAT CONTAINS SELF-CERTIFICATIONS  
24 PROVIDED BY THE END USER REGARDING:

25 (a) THE TOTAL TONNAGE OF TIRES PROCESSED; AND

26 (b) THE TOTAL TONNAGE OF TIRES COLLECTED IN RURAL  
27 COUNTIES.



1 (9) (a) THE DEPARTMENT MAY ISSUE REBATES AFTER JANUARY 1,  
2 2024, ONLY FOR END USES OCCURRING AND REBATES APPLIED FOR BEFORE  
3 JANUARY 1, 2024.

4 (b) THE COMMISSION SHALL REPEAL ANY RULES CONCERNING THE  
5 FUND AND IMPLEMENTATION OF THIS SECTION ONCE THE DEPARTMENT HAS  
6 ISSUED THE FINAL REBATES PURSUANT TO SUBSECTION (9)(a) OF THIS  
7 SECTION.

8 (c) ON JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER ANY  
9 MONEY LEFT IN THE FUND TO THE GENERAL FUND.

10 (10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

11 **SECTION 5.** In Colorado Revised Statutes, 30-20-1415, **amend**  
12 (1)(j) and (3) as follows:

13 **30-20-1415. Waste tire monofills - requirements.** (1) An owner  
14 or operator of a waste tire monofill shall, as specified by the commission  
15 by rule:

16 (j) On an annual basis, for every one waste tire received, end use  
17 at least ~~two~~ FIVE waste tires, or process at least ~~two~~ FIVE waste tires into  
18 tire-derived product; and

19 (3) AFTER SOLICITING PUBLIC COMMENT, the department may issue  
20 a waiver relating to any requirement of this section; EXCEPT THAT THE  
21 DEPARTMENT SHALL NOT ISSUE A WAIVER OF SUBSECTION (1)(j) OR (1)(k)  
22 OF THIS SECTION TO A WASTE TIRE MONOFILL OWNER OR OPERATOR  
23 UNLESS THE OWNER OR OPERATOR HAS DEMONSTRATED THAT IT HAS  
24 ACHIEVED A NET REDUCTION ON AN ANNUAL BASIS IN THE NUMBER OF  
25 WASTE TIRES IN THE MONOFILL.

26 **SECTION 6. Act subject to petition - effective date -**  
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the  
2 general assembly (August 2, 2019, if adjournment sine die is on May 3,  
3 2019); except that, if a referendum petition is filed pursuant to section 1  
4 (3) of article V of the state constitution against this act or an item, section,  
5 or part of this act within such period, then the act, item, section, or part  
6 will not take effect unless approved by the people at the general election  
7 to be held in November 2020 and, in such case, will take effect on the  
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to conduct occurring on or after the applicable  
10 effective date of this act.