

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 54*

Short Title: Tax on Household Haz. Items.

(Public)

Sponsors: Senators Odom and Speed.

Referred to: Local Government and Regional Affairs.

February 4, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE AN ADVANCE DISPOSAL TAX ON SMALL QUANTITIES
3 OF NEW HOUSEHOLD HAZARDOUS ITEMS AND TO REQUIRE EACH
4 COUNTY TO PROVIDE A SITE FOR THE COLLECTION AND DISPOSAL OF
5 HOUSEHOLD HAZARDOUS WASTE.

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 105 of the General Statutes is amended by adding a new
8 Article to read:

9 **"ARTICLE 5C.**

10 **"ADVANCE DISPOSAL TAX ON NEW HOUSEHOLD HAZARDOUS ITEMS.**

11 **"§ 105-187.25. Definitions.**

12 The definitions in G.S. 105-164.3 apply to this Article, except that the term 'sale'
13 does not include lease or rental, and the following definitions apply to this Article:

- 14 (1) Household Hazardous Items. – The following items are household
15 hazardous items: household battery, oven cleaner, toilet cleaner,
16 photographic chemicals, disinfectant, drain cleaner, rug cleaner,
17 upholstery cleaner, floor and furniture polish, bleach-based cleaner,
18 pool chemicals, ammonia-based cleaner, abrasive cleaner or powder,
19 antifreeze, transmission fluid, brake fluid, motor oil, paint solvent, oil-
20 based paint, gasoline, pesticide, herbicide, insecticide, fingernail polish
21 remover, lead-acid battery, kerosene, fuel oil, any aerosol product,
22 glue, rust remover, fertilizer, wood preservative, lighter fluid, and
23 ammunition.

1 (2) Household Hazardous Waste. – Household hazardous waste is solid
2 waste that consists of discarded household hazardous items that were
3 purchased by a consumer for the consumer's personal use.

4 **"§ 105-187.26. Advance disposal tax on new household hazardous items.**

5 (a) Excise Tax. – A tax is imposed on a new household hazardous item that is
6 sold in this State. The tax is ten cents (10¢) for a container of a household hazardous
7 item.

8 (b) Liability. – The wholesale dealer or retail dealer who first acquires or
9 otherwise handles from a manufacturer a new household hazardous item subject to the
10 tax imposed by this section is liable for the tax imposed by this section. A wholesale
11 dealer or retail dealer who brings into this State a new household hazardous item made
12 outside the State is the first person to handle the new household hazardous item in this
13 State. A wholesale dealer or retail dealer who is the original consignee of a new
14 household hazardous item that is made outside the State and is shipped into the State is
15 the first person to handle the new household hazardous item in this State.

16 (c) Monthly Report. – The taxes levied by this Article are payable when a report
17 is required to be filed. A report is due on a monthly basis. A monthly report covers
18 sales and other activities occurring in a calendar month and is due within 20 days after
19 the end of the month covered by the report. A report shall be filed on a form provided
20 by the Secretary and shall contain the information required by the Secretary.

21 **"§ 105-187.27. Manufacturer, wholesale dealer, and retail dealer must obtain**
22 **license.**

23 A wholesale dealer shall obtain for each place of business a continuing household
24 hazardous products license and shall pay a tax of twenty-five dollars (\$25.00) for the
25 license. A retail dealer shall obtain for each place of business a continuing household
26 hazardous products license and shall pay a fee of ten dollars (\$10.00) for the license. A
27 'place of business' is a place where a manufacturer makes household hazardous items or
28 where a wholesale dealer or a retail dealer receives or stores non-tax-paid household
29 hazardous items.

30 **"§ 105-187.28. Exemptions.**

31 (a) The taxes imposed by this Article do not apply to household hazardous items
32 that are sold in containers that due to the containers' volume, weight, or unit are not
33 small quantities and are not generally sold to household consumers. The Department
34 shall make this determination before the tax imposed by this section is instituted.

35 (b) The exemptions in G.S. 105-164.13 and the refunds allowed in G.S. 105-
36 164.14 do not apply to the taxes imposed by this Article.

37 **"§ 105-187.29. Use of tax proceeds.**

38 The Secretary shall distribute the taxes collected under this Article, less the cost of
39 collecting the taxes not to exceed seven-tenths of one percent (.7%) of the taxes
40 collected, in accordance with this section. The Secretary shall retain this cost as
41 reimbursement to the Department of Revenue. Each quarter, the Secretary shall credit
42 ten percent (10%) of the net tax proceeds to the Solid Waste Management Trust Fund to
43 be used in accordance with the provisions of G.S. 130A-309.12 and shall distribute
44 ninety percent (90%) of the net tax proceeds among the counties on a per capita basis

1 according to the most recent annual population estimates certified to the Department by
2 the State Planning Office. A county may use funds distributed to it under this section
3 only as provided in G.S. 130A-309.81."

4 Sec. 2. Article 9 of Chapter 130A of the General Statutes is amended by
5 adding a new Part to read:

6 "Part 2D. Advance Disposal Tax on New Household Hazardous Items.

7 **"§ 130A-309.80. Purpose.**

8 The General Assembly finds that household hazardous waste is difficult to dispose
9 of in a manner that is safe to the public and safe to the environment. The purpose of this
10 Part is to provide for the safe disposal of household hazardous waste.

11 **"§ 130A-309.81. Use of advance disposal tax proceeds.**

12 Article 5C of Chapter 105 of the General Statutes imposes an advance disposal tax
13 on new household hazardous items to provide funds to the counties for the proper
14 disposal of household hazardous waste. A county may use proceeds of the tax
15 distributed to it under that Article only for the proper and safe disposal of household
16 hazardous waste.

17 **"§ 130A-309.82. Collection of household hazardous waste.**

18 (a) Each county is responsible for providing for the collection and disposal of
19 household hazardous waste located within its boundaries in accordance with the
20 provisions of this Part and any rules issued pursuant to this Part.

21 (b) Units of local government may enter into joint ventures or other cooperative
22 efforts with other units of local government for the purpose of collecting household
23 hazardous waste. Units of local government may enter into leases or other contractual
24 arrangements with units of local government or private entities in order to provide for
25 the collection of household hazardous waste.

26 (c) Each county is responsible for developing a description of procedures for the
27 collection and disposal of household hazardous waste. These procedures shall be
28 included in any solid waste management plan required by the Department under this
29 Article. Further, any revisions to the initial description of the collection and disposal
30 procedures for household hazardous waste shall be forwarded to the Department.

31 (d) A county shall provide, directly or by contract with another unit of local
32 government or private entity, at least one site for the collection of household hazardous
33 waste for that county.

34 (e) Household hazardous waste shall not be disposed of in a landfill or by
35 incineration, unless the landfill or incinerator has been issued a permit that provides for
36 the disposal of household hazardous waste. Empty containers of liquid household
37 hazardous waste that have been triple rinsed and that contain no residue of the
38 household hazardous item may be disposed of in the same manner as municipal solid
39 waste.

40 (f) A person who offers household hazardous items for sale at retail in this State
41 shall post written notice. This notice must be at least 8 1/2 inches by 11 inches in size
42 and must state that State law requires counties to provide a site for the collection of
43 household hazardous waste and must accept household hazardous waste of the type sold

1 at that retail establishment and must state the location of the collection site for that
2 county.

3 (g) The Department may assess a civil penalty of not more than fifty dollars
4 (\$50.00) per violation against any person who knowingly violates subsection (f) of this
5 section. Each day a person fails to post a required notice shall constitute a separate
6 violation.

7 **"§ 130A-309.83. Penalties.**

8 Any person who disposes of household hazardous waste in a manner that is
9 inconsistent with this Part is guilty of littering pursuant to the provisions of G.S. 14-399
10 and subject to the criminal penalties set forth in that section.

11 **"§ 130A-309.84. Preemption.**

12 This Part preempts any local ordinance regarding the disposal of household
13 hazardous waste to the extent that any local ordinance is inconsistent with this Part or
14 rules adopted pursuant to this Part. A unit of local government may not charge any fees
15 for the disposal of household hazardous waste."

16 ♦ Sec 3. G.S. 130A-309.12(b) reads as rewritten:

17 "(b) The Solid Waste Management Trust Fund shall consist of:

18 (1) Funds appropriated by the General Assembly; ~~Assembly.~~

19 (2) Contributions and grants from public or private ~~sources; and sources.~~

20 (3) Ten percent (10%) of the proceeds of the scrap tire disposal tax
21 imposed under Article 5B of Chapter 105 of the General Statutes.

22 (4) Ten percent (10%) of the proceeds of the advance disposal tax on new
23 household hazardous items imposed under Article 5C of Chapter 105
24 of the General Statutes."

25 Sec. 4. This act becomes effective January 1, 1994.