

SUBSTITUTE FOR
SENATE BILL NO. 898

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 17317, 17319, 17323,
17327, and 17329.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17317. (1) BEGINNING APRIL 1, 2010, A PERSON SHALL NOT
2 ENGAGE IN THE BUSINESS OF RECYCLING COVERED ELECTRONIC DEVICES
3 UNLESS THAT PERSON HAS REGISTERED WITH THE DEPARTMENT.

4 (2) A RECYCLER'S REGISTRATION UNDER SUBSECTION (1) SHALL BE
5 SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE
6 ALL OF THE FOLLOWING:

7 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, AND LOCATION OF ALL
8 RECYCLING FACILITIES UNDER THE DIRECT CONTROL OF THE RECYCLER
9 LOCATED IN THIS STATE THAT MAY RECEIVE COVERED ELECTRONIC DEVICES.

Senate Bill No. 898 as amended November 13, 2008

(B) A CERTIFICATION BY THE RECYCLER THAT THE RECYCLER
SUBSTANTIALLY MEETS THE REQUIREMENTS OF SECTION 17315.

(3) BEGINNING OCTOBER 30, 2010, A RECYCLER OF COVERED
ELECTRONIC DEVICES SHALL REPORT THE TOTAL WEIGHT OF COVERED
ELECTRONIC DEVICES RECYCLED DURING THE PREVIOUS YEAR. THE RECYCLER
SHALL KEEP A WRITTEN LOG THAT RECORDS THE WEIGHT OF COVERED VIDEO
DISPLAY DEVICES AND THE TOTAL WEIGHT OF COVERED COMPUTERS DELIVERED
TO THE RECYCLER AND IDENTIFIED AS SUCH ON RECEIPT. THE TOTAL WEIGHT
REPORTED IN THE REGISTRATION SHALL BE BASED ON THIS LOG.

(4) <<UNTIL OCTOBER 1, 2015,>> A RECYCLER'S REGISTRATION UNDER
SUBSECTION (1) SHALL BE
ACCOMPANIED BY A FEE OF \$2,000.00.

(5) SUBMITTING A FALSE REGISTRATION UNDER SUBSECTION (1) IS A
VIOLATION OF THIS PART.

<<(6) NOT LATER THAN OCTOBER 1, 2011 AND EVERY 2 YEARS AFTER THAT
DATE, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE SECRETARY OF THE SENATE
AND TO THE CLERK OF THE HOUSE OF REPRESENTATIVES THAT ASSESSES THE
ADEQUACY OF THE FEES UNDER THIS SECTION AND ANY DEPARTMENTAL
RECOMMENDATION TO MODIFY THOSE FEES.>>

SEC. 17319. (1) A RECYCLER SHALL COMPLY WITH ALL OF THE
FOLLOWING:

(A) OBTAIN COMPREHENSIVE OR COMMERCIAL GENERAL LIABILITY
INSURANCE, INCLUDING COVERAGE FOR BODILY INJURY, PROPERTY DAMAGE,
COMPLETE OPERATIONS, AND CONTRACTUAL LIABILITY, WITH COMBINED
LIMITS OF NOT LESS THAN \$1,000,000.00 PER OCCURRENCE AND
\$1,000,000.00 GENERAL AGGREGATE.

(B) EMPLOY INDUSTRY-ACCEPTED PROCEDURES SUBSTANTIALLY
EQUIVALENT TO THOSE SPECIFIED BY THE UNITED STATES DEPARTMENT OF
DEFENSE FOR THE DESTRUCTION OR SANITIZATION OF DATA ON HARD DRIVES
AND OTHER DATA STORAGE DEVICES.

(C) MAINTAIN A DOCUMENTED ENVIRONMENTAL, HEALTH, AND SAFETY
MANAGEMENT SYSTEM THAT MAY BE AUDITED AND IS COMPLIANT WITH OR
EQUIVALENT TO ISO 14001.

1 (D) MAINTAIN RECORDS IDENTIFYING ALL PERSONS TO WHOM THE
2 RECYCLER PROVIDED ELECTRONIC DEVICES OR MATERIALS DERIVED FROM
3 ELECTRONIC DEVICES FOR THE PURPOSE OF CONDUCTING ADDITIONAL
4 RECYCLING AND THE WEIGHT AND VOLUME OF MATERIAL PROVIDED TO EACH OF
5 THOSE PERSONS.

6 (E) DO NOT USE STATE OR FEDERAL PRISON LABOR TO PROCESS
7 COVERED ELECTRONIC DEVICES OR TRANSACT WITH A THIRD PARTY THAT USES
8 OR SUBCONTRACTS FOR THE USE OF PRISON LABOR.

9 (2) A RECYCLER SHALL ANNUALLY SUBMIT A CERTIFICATION TO THE
10 DEPARTMENT STATING THAT THE RECYCLER IS IN COMPLIANCE WITH
11 SUBSECTION (1). A RECYCLER SHALL PROVIDE DOCUMENTATION SUPPORTING
12 ITS CERTIFICATION TO THE DEPARTMENT UPON REQUEST.

13 SEC. 17323. (1) THE DEPARTMENT SHALL ADMINISTER AND ENFORCE
14 THIS PART TO THE EXTENT THAT FUNDS ARE APPROPRIATED FOR THAT
15 PURPOSE.

16 (2) THE DEPARTMENT MAY INSPECT THE OPERATIONS OF A RECYCLER OF
17 COVERED ELECTRONIC DEVICES TO ASSESS COMPLIANCE WITH REQUIREMENTS
18 OF THIS PART.

19 SEC. 17327. (1) A PERSON WHO KNOWINGLY VIOLATES THIS PART MAY
20 BE ORDERED TO PAY A CIVIL FINE OF NOT MORE THAN \$1,000.00 FOR THE
21 FIRST VIOLATION OR NOT MORE THAN \$2,500.00 FOR THE SECOND
22 VIOLATION.

23 (2) A PERSON WHO KNOWINGLY VIOLATES THIS PART A THIRD OR
24 SUBSEQUENT TIME OR WHO KNOWINGLY SUBMITS FALSE INFORMATION TO THE
25 DEPARTMENT UNDER THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
26 A FINE OF NOT MORE THAN \$5,000.00. EACH DAY ON WHICH A VIOLATION
27 OCCURS REPRESENTS A SEPARATE VIOLATION.

1 (3) AFTER A CONTESTED CASE HEARING, THE DEPARTMENT MAY SUSPEND
2 OR REVOKE THE REGISTRATION OF A RECYCLER THAT VIOLATES THIS PART A
3 THIRD OR SUBSEQUENT TIME. THE DEPARTMENT SHALL PROVIDE NOTICE OF
4 THE SUSPENSION OR REVOCATION ON ITS WEBSITE.

5 (4) A CIVIL FINE COLLECTED UNDER THIS SECTION SHALL BE
6 DEPOSITED IN THE ELECTRONICS RECYCLING FUND CREATED IN SECTION
7 17325.

8 SEC. 17329. EXCEPT TO THE EXTENT OTHERWISE PROVIDED BY
9 CONTRACT, A MANUFACTURER, RETAILER, COLLECTOR, OR RECYCLER IS NOT
10 LIABLE FOR THE LOSS OR USE OF DATA OR OTHER INFORMATION FROM AN
11 INFORMATION STORAGE DEVICE OF A COVERED ELECTRONIC DEVICE COLLECTED
12 OR RECYCLED UNDER THIS PART.

13 Enacting section 1. This amendatory act does not take effect
14 unless Senate Bill No. 897 of the 94th Legislature is enacted into
15 law.