

SENATE BILL No. 897

November 8, 2007, Introduced by Senators GARCIA, BIRKHOLZ, RICHARDVILLE,
PAPPAGEORGE, KAHN, GILBERT, BROWN, GLEASON and JANSEN and referred to the
Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 173.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 173 ELECTRONICS

SEC. 17301. AS USED IN THIS PART:

(A) "COMPUTER" MEANS A DESKTOP PERSONAL COMPUTER OR LAPTOP
COMPUTER, INCLUDING A COMPUTER MONITOR. COMPUTER DOES NOT INCLUDE
ANY OF THE FOLLOWING:

(i) A PERSONAL DIGITAL ASSISTANT DEVICE.

1 (ii) A COMPUTER PERIPHERAL DEVICE, INCLUDING A MOUSE OR OTHER
2 SIMILAR POINTING DEVICE, A PRINTER, OR A DETACHABLE KEYBOARD.

3 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (C) "ELECTRONIC DEVICE" MEANS A COMPUTER OR VIDEO DISPLAY
6 DEVICE.

7 (D) "ELECTRONIC WASTE" MEANS WASTE CONSISTING OF ELECTRONIC
8 DEVICES.

9 (E) "HOUSEHOLD ELECTRONIC DEVICE" MEANS AN ELECTRONIC DEVICE
10 THAT HAS PRIMARILY BEEN USED FOR PERSONAL OR HOME BUSINESS PURPOSES
11 IN A DWELLING IN THIS STATE.

12 (F) "HOUSEHOLD ELECTRONIC DEVICE TAKEBACK PROGRAM" OR
13 "TAKEBACK PROGRAM" MEANS A PROGRAM THAT MEETS ALL OF THE FOLLOWING
14 REQUIREMENTS:

15 (i) A MANUFACTURER OR THE MANUFACTURER'S DESIGNEE ACCEPTS FROM
16 A CONSUMER ANY HOUSEHOLD ELECTRONIC DEVICE LABELED WITH THE
17 MANUFACTURER'S NAME BRAND LABEL THAT HAS REACHED THE END OF ITS
18 USEFUL LIFE FOR THE CONSUMER.

19 (ii) A CONSUMER IS NOT REQUIRED TO PAY A SEPARATE FEE WHEN THE
20 CONSUMER RETURNS THE HOUSEHOLD ELECTRONIC DEVICE TO THE
21 MANUFACTURER OR THE MANUFACTURER'S DESIGNEE.

22 (iii) THE COLLECTION OF HOUSEHOLD ELECTRONIC DEVICES IS
23 REASONABLY CONVENIENT AND AVAILABLE TO AND OTHERWISE DESIGNED TO
24 MEET THE NEEDS OF CONSUMERS IN THIS STATE. EXAMPLES OF COLLECTION
25 METHODS THAT ALONE OR COMBINED MEET THE CONVENIENCE REQUIREMENTS OF
26 THIS SUBPARAGRAPH INCLUDE SYSTEMS FOR THE CONSUMER TO RETURN
27 HOUSEHOLD ELECTRONIC DEVICES BY 1 OR MORE OF THE FOLLOWING MEANS:

1 (A) MAIL.

2 (B) DEPOSIT AT A LOCAL PHYSICAL COLLECTION SITE THAT IS KEPT
3 OPEN AND STAFFED ON A CONTINUING BASIS.

4 (C) DEPOSIT DURING PERIODIC LOCAL COLLECTION EVENTS.

5 (iv) THE MANUFACTURER PROVIDES A CONSUMER INFORMATION ON HOW
6 AND WHERE TO RETURN A HOUSEHOLD ELECTRONIC DEVICE LABELED WITH THE
7 MANUFACTURER'S NAME OR BRAND LABEL, INCLUDING, BUT NOT LIMITED TO,
8 COLLECTION, RECYCLING, AND REUSE INFORMATION ON THE MANUFACTURER'S
9 PUBLICLY AVAILABLE INTERNET SITE. THE MANUFACTURER MAY ALSO INCLUDE
10 COLLECTION, RECYCLING, AND REUSE INFORMATION IN THE PACKAGING FOR
11 OR IN OTHER MATERIALS THAT ACCOMPANY THE MANUFACTURER'S ELECTRONIC
12 DEVICES WHEN THE ELECTRONIC DEVICES ARE SOLD OR PROVIDE THAT
13 INFORMATION VIA A TOLL-FREE TELEPHONE NUMBER.

14 (G) "HOUSEHOLD ELECTRONIC WASTE" MEANS WASTE CONSISTING OF
15 HOUSEHOLD ELECTRONIC DEVICES.

16 (H) "MANUFACTURER" MEANS A PERSON WHO MEETS BOTH OF THE
17 FOLLOWING REQUIREMENTS:

18 (i) IS THE BRAND OWNER OF AN ELECTRONIC DEVICE BRAND SOLD OR
19 OFFERED FOR SALE IN THIS STATE, BY ANY MEANS, INCLUDING
20 TRANSACTIONS CONDUCTED THROUGH SALES OUTLETS, CATALOGS, OR THE
21 INTERNET.

22 (ii) MANUFACTURED AN AVERAGE OF MORE THAN 1,000 ELECTRONIC
23 DEVICES PER YEAR IN THE IMMEDIATELY PRECEDING 3-YEAR PERIOD.

24 (I) "MANUFACTURER'S REGISTRATION" MEANS A REGISTRATION AS
25 REQUIRED UNDER SECTION 17303.

26 (J) "RECYCLER" INCLUDES A HANDLER, BROKER, REFURBISHER,
27 DEMANUFACTURER, OR PROCESSOR WHO IS ENGAGED IN THE BUSINESS OF

1 ACQUIRING ELECTRONIC WASTE AND SORTING AND PROCESSING THE
2 ELECTRONIC WASTE TO FACILITATE RECYCLING OR RESOURCE RECOVERY
3 TECHNIQUES. RECYCLER DOES NOT INCLUDE A COLLECTOR, HAULER, OR
4 ELECTRONICS SHOP.

5 (K) "RECYCLER'S REGISTRATION" MEANS A REGISTRATION AS REQUIRED
6 UNDER SECTION 17309.

7 (L) "RETAILER" MEANS ANY PERSON THAT SELLS AN ELECTRONIC DEVICE
8 TO A CONSUMER.

9 (M) "VIDEO DISPLAY DEVICE" MEANS AN ELECTRONIC DEVICE WITH AN
10 OUTPUT SURFACE CONSISTING OF A SCREEN THAT IS GREATER THAN 4 INCHES
11 MEASURED DIAGONALLY AND THAT DISPLAYS OR IS CAPABLE OF DISPLAYING
12 MOVING GRAPHICAL IMAGES OR A QUICKLY CHANGING SEQUENCE OF IMAGES
13 THAT CREATES THE ILLUSION OF MOTION. VIDEO DISPLAY DEVICE INCLUDES
14 A DEVICE THAT IS AN INTEGRAL PART OF THE DISPLAY, THAT CANNOT
15 EASILY BE REMOVED FROM THE DISPLAY BY THE CONSUMER, AND THAT
16 PRODUCES THE MOVING IMAGE ON THE SCREEN. A VIDEO DISPLAY DEVICE MAY
17 USE A CATHODE-RAY TUBE, LIQUID CRYSTAL DISPLAY, GAS PLASMA, DIGITAL
18 LIGHT PROCESSING, OR OTHER IMAGE-PROJECTION TECHNOLOGY. VIDEO
19 DISPLAY DEVICE DOES NOT INCLUDE A DEVICE THAT IS PART OF A MOTOR
20 VEHICLE OR THAT IS CONTAINED WITHIN A HOUSEHOLD APPLIANCE OR WITHIN
21 COMMERCIAL, INDUSTRIAL, OR MEDICAL EQUIPMENT.

22 SEC. 17303. BEGINNING DECEMBER 1, 2008, A MANUFACTURER SHALL
23 NOT SELL OR OFFER FOR SALE TO ANY PERSON IN THIS STATE A NEW
24 ELECTRONIC DEVICE UNLESS ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

25 (A) THE ELECTRONIC DEVICE IS LABELED WITH THE MANUFACTURER'S
26 NAME OR BRAND LABEL.

27 (B) THE MANUFACTURER HAS REGISTERED WITH THE DEPARTMENT AND

1 PAID THE REGISTRATION FEE UNDER SECTION 17305.

2 SEC. 17305. (1) A MANUFACTURER'S REGISTRATION SHALL BE
3 SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE
4 ALL OF THE FOLLOWING:

5 (A) THE MANUFACTURER'S NAME, ADDRESS, AND TELEPHONE NUMBER.

6 (B) EACH BRAND NAME UNDER WHICH THE MANUFACTURER SELLS OR
7 OFFERS FOR SALE ELECTRONIC DEVICES IN THIS STATE.

8 (C) WHETHER THE MANUFACTURER HAS IMPLEMENTED A HOUSEHOLD
9 ELECTRONIC DEVICE TAKEBACK PROGRAM.

10 (D) IF THE MANUFACTURER HAS IMPLEMENTED A HOUSEHOLD ELECTRONIC
11 DEVICE TAKEBACK PROGRAM, ALL OF THE FOLLOWING:

12 (i) INFORMATION PROVIDED TO CONSUMERS ON HOW AND WHERE TO
13 RETURN HOUSEHOLD ELECTRONIC DEVICES LABELED WITH THE MANUFACTURER'S
14 NAME OR BRAND LABEL.

15 (ii) THE MEANS BY WHICH INFORMATION DESCRIBED IN SUBPARAGRAPH
16 (i) IS DISSEMINATED TO CONSUMERS.

17 (iii) BEGINNING WITH THE FIRST REGISTRATION SUBMITTED MORE THAN
18 1 YEAR AFTER THE IMPLEMENTATION OF THE TAKEBACK PROGRAM, A REPORT
19 ON THE IMPLEMENTATION OF THE TAKEBACK PROGRAM DURING THE PRIOR
20 YEAR, INCLUDING ALL OF THE FOLLOWING:

21 (A) THE TOTAL WEIGHT OF THE ELECTRONIC DEVICES RECEIVED BY THE
22 TAKEBACK PROGRAM FROM PERSONS IN THIS STATE DURING THE PRIOR YEAR.

23 (B) THE TOTAL NUMBER OF ELECTRONIC DEVICES RECEIVED FROM
24 PERSONS IN THIS STATE AND RECYCLED OR REUSED DURING THE PRIOR YEAR.

25 (C) THE PROCESSES AND METHODS USED TO RECYCLE OR REUSE THE
26 ELECTRONIC DEVICES RECEIVED FROM PERSONS IN THIS STATE.

27 (D) THE IDENTITY OF ANY RECYCLER WITH WHOM THE MANUFACTURER

1 CONTRACTS FOR THE RECYCLING OF ELECTRONIC DEVICES RECEIVED FROM
2 PERSONS IN THIS STATE. INFORMATION SUBMITTED UNDER THIS SUBDIVISION
3 IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
4 1976 PA 442, MCL 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED BY
5 THE DEPARTMENT UNLESS OTHERWISE REQUIRED BY LAW OR COURT ORDER.

6 (2) A MANUFACTURER'S REGISTRATION SHALL BE SUBMITTED TO THE
7 DEPARTMENT BY JANUARY 1 OF EACH YEAR. IF THE MANUFACTURER HAS
8 IMPLEMENTED A HOUSEHOLD ELECTRONIC DEVICE TAKEBACK PROGRAM, THE
9 MANUFACTURER SHALL UPDATE THE MANUFACTURER'S REGISTRATION BEFORE
10 MAKING ANY SIGNIFICANT CHANGE IN THE TAKEBACK PROGRAM.

11 (3) A MANUFACTURER'S REGISTRATION SHALL BE ACCOMPANIED BY A
12 FEE AS FOLLOWS:

13 (A) \$10,000.00 FOR THE INITIAL MANUFACTURER'S REGISTRATION.

14 (B) \$5,000.00 FOR EACH SUBSEQUENT ANNUAL MANUFACTURER'S
15 REGISTRATION IF THE MANUFACTURER DID NOT CONDUCT A HOUSEHOLD
16 ELECTRONIC DEVICE TAKEBACK PROGRAM IN THE PRIOR YEAR.

17 (C) \$500.00 FOR EACH SUBSEQUENT ANNUAL MANUFACTURER'S
18 REGISTRATION IF THE MANUFACTURER CONDUCTED A TAKEBACK PROGRAM IN
19 THE PRIOR YEAR.

20 (4) REVENUE FROM MANUFACTURER'S REGISTRATION FEES COLLECTED
21 UNDER THIS SECTION SHALL BE DEPOSITED IN THE RECYCLING TRUST FUND
22 CREATED IN SECTION 17503. THE REVENUE SHALL BE EXPENDED, PURSUANT
23 TO SECTION 17503, FOR BOTH OF THE FOLLOWING PURPOSES:

24 (A) TO REIMBURSE THE DEPARTMENT FOR THE EXPENSES OF
25 ADMINISTERING THIS PART.

26 (B) FOR GRANTS FOR RECYCLING OR OTHER WASTE DIVERSION PROGRAMS
27 FOR HOUSEHOLD ELECTRONIC WASTE.

1 (5) IF A MANUFACTURER'S REGISTRATION DOES NOT MEET THE
2 REQUIREMENTS OF THIS SECTION AND RULES PROMULGATED UNDER THIS PART,
3 THE DEPARTMENT SHALL NOTIFY THE MANUFACTURER OF THE INSUFFICIENCY.
4 WITHIN 60 DAYS AFTER RECEIPT OF A NOTICE OF INSUFFICIENCY, THE
5 MANUFACTURER SHALL SUBMIT A REVISED MANUFACTURER'S REGISTRATION
6 THAT ADDRESSES THE INSUFFICIENCIES IDENTIFIED BY THE DEPARTMENT.

7 (6) THE DEPARTMENT SHALL MAINTAIN ON ITS WEBSITE A LIST OF
8 REGISTERED MANUFACTURERS.

9 SEC. 17307. A RETAILER SHALL NOT SELL OR OFFER FOR SALE TO ANY
10 PERSON IN THIS STATE A NEW ELECTRONIC DEVICE FROM A MANUFACTURER,
11 UNLESS THE MANUFACTURER APPEARS ON THE LIST UNDER SECTION 17305(6).

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 899

14 of the 94th Legislature is enacted into law.