

# SENATE BILL No. 898

November 8, 2007, Introduced by Senators BIRKHOLZ, GARCIA, RICHARDVILLE, PAPPAGEORGE, KAHN, GILBERT, BROWN, GLEASON, JANSEN and HARDIMAN 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 sections 17309, 17311, 17313, 17315, 17317, and 17319.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 17309. (1) BEGINNING JANUARY 1, 2010, A PERSON SHALL NOT  
2 RECYCLE HOUSEHOLD ELECTRONIC WASTE UNLESS THAT PERSON HAS  
3 REGISTERED WITH THE DEPARTMENT.

4        (2) A RECYCLER IN VIOLATION OF SUBSECTION (1) IS NOT ELIGIBLE  
5 FOR A GRANT UNDER SECTION 17305(4)(B).

6        SEC. 17311. (1) A RECYCLER'S REGISTRATION SHALL BE SUBMITTED

1 ON A FORM PROVIDED BY THE DEPARTMENT AND SHALL INCLUDE ALL OF THE  
2 FOLLOWING:

3 (A) THE NAME, ADDRESS, TELEPHONE NUMBER, AND LOCATION OF ALL  
4 RECYCLING FACILITIES UNDER THE DIRECT CONTROL OF THE RECYCLER THAT  
5 MAY RECEIVE HOUSEHOLD ELECTRONIC WASTE.

6 (B) A CERTIFICATION BY THE RECYCLER THAT THE RECYCLER  
7 SUBSTANTIALLY MEETS THE "GUIDELINES FOR ENVIRONMENTALLY SOUND  
8 MANAGEMENT OF TELEVISIONS AND COMPUTER MONITORS" PUBLISHED BY THE  
9 MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO 38 MAINE  
10 REVISED STATUTE 1610.5(C) AS OF THE EFFECTIVE DATE OF THE  
11 AMENDATORY ACT THAT ADDED THIS SECTION. PURSUANT TO THE  
12 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO  
13 24.328, THE DEPARTMENT MAY PROMULGATE RULES SETTING FORTH DIFFERENT  
14 OR ADDITIONAL GUIDELINES FOR ENVIRONMENTALLY SOUND MANAGEMENT OF  
15 HOUSEHOLD ELECTRONIC WASTE. THE DEPARTMENT SHALL POST THE CURRENT  
16 GUIDELINES ON ITS WEBSITE AND PROVIDE A COPY OF THE GUIDELINES UPON  
17 REQUEST WITHOUT CHARGE.

18 (2) SUBMITTING A FALSE CERTIFICATE UNDER SUBSECTION (1) IS A  
19 VIOLATION OF THIS PART.

20 SEC. 17313. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT  
21 THIS PART PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,  
22 1969 PA 306, MCL 24.201 TO 24.328.

23 SEC. 17315. (1) THE DEPARTMENT SHALL ENFORCE THIS PART.

24 (2) THE DEPARTMENT MAY INSPECT THE OPERATIONS OF A RECYCLER TO  
25 ASSESS COMPLIANCE WITH REQUIREMENTS OF THIS ACT.

26 SEC. 17317. (1) A PERSON WHO VIOLATES THIS PART IS SUBJECT TO  
27 A CIVIL FINE OF NOT MORE THAN \$5,000.00 FOR EACH VIOLATION. EACH

1 DAY ON WHICH A VIOLATION OCCURS REPRESENTS A SEPARATE VIOLATION. A  
2 FINE SHALL NOT BE ASSESSED AGAINST A RETAILER UNDER THIS SECTION  
3 UNLESS THE RETAILER THAT COMMITTED THE VIOLATION HAS BEEN ISSUED 3  
4 WARNINGS REGARDING THE VIOLATION.

5 (2) A FINE COLLECTED UNDER SUBSECTION (1) SHALL BE DEPOSITED  
6 IN THE RECYCLING TRUST FUND CREATED IN SECTION 17503.

7 SEC. 17319. EXCEPT TO THE EXTENT OTHERWISE REQUIRED BY LAW OR  
8 PROVIDED BY CONTRACT, A RECYCLER IS NOT LIABLE FOR THE RECOVERY OR  
9 USE OF ANY DATA FROM AN INFORMATION STORAGE DEVICE INCLUDED IN  
10 ELECTRONIC WASTE.

11 Enacting section 1. This amendatory act does not take effect  
12 unless Senate Bill No. 897

13 of the 94th Legislature is enacted into law.