

Act No. 395
Public Acts of 2008
Approved by the Governor
December 26, 2008
Filed with the Secretary of State
December 29, 2008
EFFECTIVE DATE: December 29, 2008

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

Introduced by Senators Birkholz, Garcia, Richardville, Pappageorge, Kahn, Gilbert, Brown, Gleason, Jansen and Hardiman

ENROLLED SENATE BILL No. 898

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 324.101 to 324.90106) by adding sections 17317, 17319, 17323, and 17331.

The People of the State of Michigan enact:

Sec. 17317. (1) By 30 days after the end of each state fiscal year, a person who engages in the business of recycling covered electronic devices shall register with the department on a form provided by the department. The registration expires 30 days after the end of the following state fiscal year. After October 30, 2009, a recycler who has not already filed a registration under this part shall submit a registration within 10 business days after the recycler begins to recycle covered electronic devices.

(2) A registration under subsection (1) shall include all of the following:

(a) The name, address, telephone number, and location of all recycling facilities under the direct control of the recycler located in this state that may receive covered electronic devices.

(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) A recycler's registration is effective upon receipt by the department if the registration is administratively complete.

(5) If a recycler's registration does not meet the requirements of this section and any rules promulgated under this part, the department shall notify the recycler of the deficiency. If the recycler fails to correct the deficiency within 60 days after notice is sent by the department, the department may deny or revoke the recycler's registration, after providing an opportunity for a contested case hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(6) Until October 1, 2015, a recycler's registration under subsection (1) shall be accompanied by an annual fee of \$2,000.00.

(7) Revenue from recyclers' registration fees collected under this section shall be deposited in the electronic waste recycling fund created in section 17327.

(8) Submitting a false registration under subsection (1) is a violation of this part.

(9) 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. A recycler shall comply with all of the following:

(a) 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.

(b) Maintain a documented environmental, health, and safety management system that may be audited and is compliant with or equivalent to ISO 14001.

(c) Maintain records identifying all persons to whom the recycler provided electronic devices or materials derived from electronic devices for the purpose of conducting additional recycling and the weight and volume of material provided to each of those persons.

(d) Not use state or federal prison labor to process covered electronic devices or transact with a third party that uses or subcontracts for the use of prison labor.

Sec. 17323. Management of covered electronic devices consistent with this part is not considered disposal for purposes of section 11538(6).

Sec. 17331. (1) Except to the extent otherwise provided by contract, a manufacturer, retailer, collector, or, subject to subsection (2), recycler is not liable for the loss or use of data or other information from an information storage device of a covered electronic device collected or recycled under this part.

(2) The exemption from liability for the use of data or other information under subsection (1) applies to a recycler only if the recycler complies with section 17319(a).

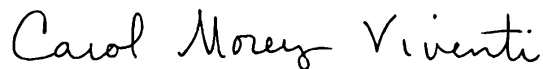
Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 94th Legislature are enacted into law:

(a) Senate Bill No. 897.

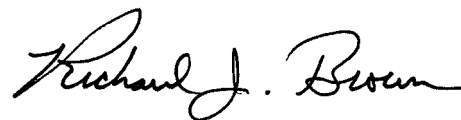
(b) House Bill No. 6714.

(c) House Bill No. 6715.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor