

HOUSE 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,
and 17331.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17317. (1) BY 30 DAYS AFTER THE END OF EACH STATE FISCAL
2 YEAR, A PERSON WHO ENGAGES IN THE BUSINESS OF RECYCLING COVERED
3 ELECTRONIC DEVICES SHALL REGISTER WITH THE DEPARTMENT ON A FORM
4 PROVIDED BY THE DEPARTMENT. THE REGISTRATION EXPIRES 30 DAYS AFTER
5 THE END OF THE FOLLOWING STATE FISCAL YEAR. AFTER OCTOBER 30, 2009,
6 A RECYCLER WHO HAS NOT ALREADY FILED A REGISTRATION UNDER THIS PART
7 SHALL SUBMIT A REGISTRATION WITHIN 10 BUSINESS DAYS AFTER THE
8 RECYCLER BEGINS TO RECYCLE COVERED ELECTRONIC DEVICES.

9 (2) A REGISTRATION UNDER SUBSECTION (1) SHALL INCLUDE ALL OF

1 THE FOLLOWING:

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

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

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

14 (4) A RECYCLER'S REGISTRATION IS EFFECTIVE UPON RECEIPT BY THE
15 DEPARTMENT IF THE REGISTRATION IS ADMINISTRATIVELY COMPLETE.

16 (5) IF A RECYCLER'S REGISTRATION DOES NOT MEET THE
17 REQUIREMENTS OF THIS SECTION AND ANY RULES PROMULGATED UNDER THIS
18 PART, THE DEPARTMENT SHALL NOTIFY THE RECYCLER OF THE DEFICIENCY.
19 IF THE RECYCLER FAILS TO CORRECT THE DEFICIENCY WITHIN 60 DAYS
20 AFTER NOTICE IS SENT BY THE DEPARTMENT, THE DEPARTMENT MAY DENY OR
21 REVOKE THE RECYCLER'S REGISTRATION, AFTER PROVIDING AN OPPORTUNITY
22 FOR A CONTESTED CASE HEARING UNDER THE ADMINISTRATIVE PROCEDURES
23 ACT OF 1969, 1969 PA 306, MCL 24.201 TO 24.328.

24 (6) UNTIL OCTOBER 1, 2015, A RECYCLER'S REGISTRATION UNDER
25 SUBSECTION (1) SHALL BE ACCOMPANIED BY AN ANNUAL FEE OF \$2,000.00.

26 (7) REVENUE FROM RECYCLERS' REGISTRATION FEES COLLECTED UNDER
27 THIS SECTION SHALL BE DEPOSITED IN THE ELECTRONIC WASTE RECYCLING

1 FUND CREATED IN SECTION 17327.

2 (8) SUBMITTING A FALSE REGISTRATION UNDER SUBSECTION (1) IS A
3 VIOLATION OF THIS PART.

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

9 SEC. 17319. A RECYCLER SHALL COMPLY WITH ALL OF THE FOLLOWING:

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

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

17 (C) MAINTAIN RECORDS IDENTIFYING ALL PERSONS TO WHOM THE
18 RECYCLER PROVIDED ELECTRONIC DEVICES OR MATERIALS DERIVED FROM
19 ELECTRONIC DEVICES FOR THE PURPOSE OF CONDUCTING ADDITIONAL
20 RECYCLING AND THE WEIGHT AND VOLUME OF MATERIAL PROVIDED TO EACH OF
21 THOSE PERSONS.

22 (D) NOT USE STATE OR FEDERAL PRISON LABOR TO PROCESS COVERED
23 ELECTRONIC DEVICES OR TRANSACT WITH A THIRD PARTY THAT USES OR
24 SUBCONTRACTS FOR THE USE OF PRISON LABOR.

25 SEC. 17323. MANAGEMENT OF COVERED ELECTRONIC DEVICES
26 CONSISTENT WITH THIS PART IS NOT CONSIDERED DISPOSAL FOR PURPOSES
27 OF SECTION 11538(6).

Senate Bill No. 898 (H-1) as amended December 10, 2008

1 SEC. 17331. [(1)] EXCEPT TO THE EXTENT OTHERWISE PROVIDED BY
2 CONTRACT, A MANUFACTURER, RETAILER, COLLECTOR, OR[, SUBJECT TO SUBSECTION
3 (2),] RECYCLER IS NOT
4 LIABLE FOR THE LOSS OR USE OF DATA OR OTHER INFORMATION FROM AN
5 INFORMATION STORAGE DEVICE OF A COVERED ELECTRONIC DEVICE COLLECTED
6 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).]

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

9 (a) Senate Bill No. 897.

10 (b) House Bill No. 6714.

11 (c) House Bill No. 6715.