

HOUSE BILL No. 6715

November 19, 2008, Introduced by Reps. Miller, Alma Smith, Angerer and Meadows and referred to the Committee on Great Lakes and Environment.

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

1 LOCATED IN THIS STATE THAT MAY RECEIVE COVERED ELECTRONIC DEVICES.

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

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

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

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

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

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

22 (A) OBTAIN COMPREHENSIVE OR COMMERCIAL GENERAL LIABILITY
23 INSURANCE, INCLUDING COVERAGE FOR BODILY INJURY, PROPERTY DAMAGE,
24 COMPLETE OPERATIONS, AND CONTRACTUAL LIABILITY, WITH COMBINED
25 LIMITS OF NOT LESS THAN \$1,000,000.00 PER OCCURRENCE AND
26 \$1,000,000.00 GENERAL AGGREGATE.

27 (B) EMPLOY INDUSTRY-ACCEPTED PROCEDURES SUBSTANTIALLY

1 EQUIVALENT TO THOSE SPECIFIED BY THE UNITED STATES DEPARTMENT OF
2 DEFENSE FOR THE DESTRUCTION OR SANITIZATION OF DATA ON HARD DRIVES
3 AND OTHER DATA STORAGE DEVICES.

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

7 (D) MAINTAIN RECORDS IDENTIFYING ALL PERSONS TO WHOM THE
8 RECYCLER PROVIDED ELECTRONIC DEVICES OR MATERIALS DERIVED FROM
9 ELECTRONIC DEVICES FOR THE PURPOSE OF CONDUCTING ADDITIONAL
10 RECYCLING AND THE WEIGHT AND VOLUME OF MATERIAL PROVIDED TO EACH OF
11 THOSE PERSONS.

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

15 (2) A RECYCLER SHALL ANNUALLY SUBMIT A CERTIFICATION TO THE
16 DEPARTMENT STATING THAT THE RECYCLER IS IN COMPLIANCE WITH
17 SUBSECTION (1). A RECYCLER SHALL PROVIDE DOCUMENTATION SUPPORTING
18 ITS CERTIFICATION TO THE DEPARTMENT UPON REQUEST.

19 SEC. 17323. (1) THE DEPARTMENT SHALL ADMINISTER AND ENFORCE
20 THIS PART TO THE EXTENT THAT FUNDS ARE APPROPRIATED FOR THAT
21 PURPOSE.

22 (2) THE DEPARTMENT MAY INSPECT THE OPERATIONS OF A RECYCLER OF
23 COVERED ELECTRONIC DEVICES TO ASSESS COMPLIANCE WITH REQUIREMENTS
24 OF THIS PART.

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

1 VIOLATION.

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

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

11 (4) A CIVIL FINE COLLECTED UNDER THIS SECTION SHALL BE
12 DEPOSITED IN THE ELECTRONICS RECYCLING FUND CREATED IN SECTION
13 17325.

14 SEC. 17329. EXCEPT TO THE EXTENT OTHERWISE PROVIDED BY
15 CONTRACT, A MANUFACTURER, RETAILER, COLLECTOR, OR RECYCLER IS NOT
16 LIABLE FOR THE LOSS OR USE OF DATA OR OTHER INFORMATION FROM AN
17 INFORMATION STORAGE DEVICE OF A COVERED ELECTRONIC DEVICE COLLECTED
18 OR RECYCLED UNDER THIS PART.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No.____ or House Bill No. 6714(request no.
21 H02158'07 *) of the 94th Legislature is enacted into law.