

HOUSE BILL No. 4291

March 4, 2015, Introduced by Reps. Love, Neeley, Moss, Wittenberg, Geiss, Hovey-Wright, Santana, Faris, Lane, Brinks, Sarah Roberts, Schor, Chirkun, Liberati, Byrd, Banks, Gay-Dagnogo, Guerra, Pagan, Zemke, Dianda, Kivela, Durhal, Rutledge, Talabi, Irwin, Garrett, Smiley, Brunner, Townsend, Singh, Kelly, Kesto and Garcia and referred to the Committee on Communications and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 17301, 17305, 17307, and 17309 (MCL 324.17301, 324.17305, 324.17307, and 324.17309), sections 17301, 17307, and 17309 as added by 2008 PA 394; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17301. As used in this part:

2 (a) "Collector" means a person who receives covered electronic
3 devices from consumers and arranges for the delivery of the covered
4 electronic devices to a recycler.

5 (b) "Computer" means a desktop personal computer, ~~or a~~ laptop
6 computer, **A TABLET COMPUTER**, a computer monitor, or ~~beginning April~~
7 ~~1, 2011,~~ a printer. Computer does not include any of the following:

8 (i) A personal digital assistant device or mobile telephone.

1 (ii) A computer peripheral device, including a mouse or other
2 similar pointing device, or a detachable or wireless keyboard.

3 ~~(c) "Computer takeback program" means a program required under~~
4 ~~section 17305(c).~~

5 (C) ~~(d)~~ "Consumer" means a person who used a covered
6 electronic device primarily for personal or small business purposes
7 in this state.

8 (D) **"CONSUMER ELECTRONICS TAKEBACK PROGRAM" MEANS A CONSUMER**
9 **ELECTRONICS TAKEBACK PROGRAM REQUIRED UNDER SECTION 17309.**

10 (e) "Covered computer" means a computer that was or will be
11 used primarily for personal or small business purposes in this
12 state. Covered computer does not include a device that is
13 functionally or physically a part of, or connected to, or
14 integrated within a larger piece of equipment or system designed
15 and intended for use in an industrial, governmental, commercial,
16 research and development, or medical setting, including, but not
17 limited to, diagnostic, monitoring, or control products, medical
18 products approved under the federal food, drug, and cosmetic act,
19 21 USC 301 to ~~399~~, **399F**, equipment used for security, sensing,
20 monitoring, antiterrorism, or emergency services purposes, or
21 equipment designed and intended primarily for use by professional
22 users.

23 (f) "Covered electronic device" means a covered computer, **A**
24 **MOBILE TELEPHONE**, or **A** covered video display device.

25 (g) "Covered video display device" means a video display
26 device that was or will be used primarily for personal or small
27 business purposes in this state. Covered video display device does

1 not include a device that is functionally or physically a part of,
2 or connected to, or integrated within a larger piece of equipment
3 or system designed and intended for transportation or use in an
4 industrial, governmental, commercial, research and development, or
5 medical setting, including, but not limited to, diagnostic,
6 monitoring, or control products, medical products approved under
7 the federal food, drug, and cosmetic act, 21 USC 301 to ~~399~~, **399F**,
8 equipment used for security, sensing, monitoring, antiterrorism, or
9 emergency services purposes, or equipment designed and intended
10 primarily for use by professional users.

11 (h) "Department" means the department of environmental
12 quality.

13 (i) "Electronic device takeback program" or "takeback program"
14 means a ~~computer~~ **CONSUMER ELECTRONICS** takeback program or a video
15 display device takeback program.

16 (j) "Manufacturer", subject to subdivision (k), means any of
17 the following:

18 (i) The person who owns the brand with which a covered computer
19 is labeled.

20 **(ii) THE PERSON WHO OWNS THE BRAND WITH WHICH A MOBILE**
21 **TELEPHONE IS LABELED.**

22 **(iii)** ~~(ii)~~—The person who owns or is licensed to use the brand
23 with which a covered video display device is labeled.

24 **(iv)** ~~(iii)~~—If the brand owner does not do business in the United
25 States, the person on whose account a covered electronic device was
26 imported into the United States.

27 **(v)** ~~(iv)~~—A person who contractually assumes the

1 responsibilities and obligations of a person described under
2 subparagraph (i), (ii), ~~or (iii)~~, OR (iv).

3 (k) Manufacturer does not include a person unless the person
4 manufactured, sold, or imported more than 50 covered computers ~~in~~
5 ~~2000 or any subsequent calendar year~~ OR **MOBILE TELEPHONES** or more
6 than 50 covered video display devices in the previous calendar
7 year.

8 (l) "Printer" means a printer or a multifunction or "all-in-
9 one" device that in addition to printing performs 1 or more other
10 operations such as copying, scanning, or faxing, that is designed
11 to be placed on a desk or other work surface, and that may use any
12 of various print technologies, such as laser and LED
13 (electrographic), ink jet, dot matrix, thermal, or digital
14 sublimation. Printer does not include a floor-standing printer, a
15 printer with an optional floor stand, a point of sale (POS) receipt
16 printer, a household printer such as a calculator with printing
17 capabilities or a label maker, or a non-stand-alone printer that is
18 embedded into a product other than a covered computer.

19 (m) "Recycler" means a person who as a principal component of
20 business operations acquires covered electronic devices and sorts
21 and processes the covered electronic devices to facilitate
22 recycling or resource recovery techniques. Recycler does not
23 include a collector, hauler, or electronics shop.

24 (n) "Retailer" means a person that sells a covered electronic
25 device to a consumer by any means, including transactions conducted
26 through sales outlets, catalogs, mail order, or the internet,
27 whether or not the person has a physical presence in this state.

1 (o) "Small business" means a business with 10 or fewer
2 employees.

3 (p) "Video display device" means an electronic device with a
4 viewable screen of 4 inches or larger that contains a tuner that
5 locks on to a selected carrier frequency and is capable of
6 receiving and displaying television or video programming via
7 broadcast, cable, or satellite. Video display device includes, but
8 is not limited to, a direct view or projection television whose
9 display technology is based on cathode ray tube (CRT), plasma,
10 liquid crystal (LCD), digital light processing (DLP), liquid
11 crystal on silicon (LCOS), silicon crystal reflective display
12 (SXRD), light emitting diode (LED), or similar technology.

13 (q) "Video display device takeback program" means a **VIDEO**
14 **DISPLAY TAKEBACK** program required under section ~~17305(d)~~-**17311**.

15 Sec. 17305. ~~Beginning April 1, 2010, a~~ **A** manufacturer shall
16 not sell or offer for sale to any person in this state a new
17 covered electronic device, whether through sales outlets, catalogs,
18 mail order, the internet, or any other means, unless all of the
19 following requirements are met:

20 (a) The covered electronic device is labeled with the
21 manufacturer's name or brand label, owned by or, in the case of a
22 video display device, licensed for use by the manufacturer.

23 (b) The manufacturer's name appears on the applicable
24 registration list maintained by the department under section 17303.

25 (c) If the covered electronic device is a covered computer **OR**
26 **MOBILE TELEPHONE**, the manufacturer has ~~a computer~~ **A CONSUMER**
27 **ELECTRONICS** takeback program as described in section 17309.

1 (d) If the covered electronic device is a covered video
2 display device, the manufacturer has a video display device
3 takeback program as described in section 17311.

4 Sec. 17307. A retailer shall not sell or offer for sale to any
5 person in this state a new covered electronic device from a
6 manufacturer ~~, purchased by the retailer on or after April 1, 2010~~
7 unless the manufacturer appears on the applicable registration list
8 under section 17303.

9 Sec. 17309. (1) ~~Beginning April 1, 2010, each~~ **EACH**
10 manufacturer of covered computers **OR MOBILE TELEPHONES** shall
11 implement a ~~computer~~ **CONSUMER ELECTRONICS** takeback program that
12 meets all of the following criteria:

13 (a) The manufacturer of a covered computer **OR MOBILE TELEPHONE**
14 that has reached the end of its useful life for the consumer or the
15 manufacturer's designee accepts from the consumer the covered
16 computer **OR MOBILE TELEPHONE**. This part shall not be construed to
17 impair the obligation of a contract under which a person agrees to
18 conduct a ~~computer~~ **CONSUMER ELECTRONICS** takeback program on behalf
19 of a manufacturer.

20 (b) A consumer is not required to pay a separate fee when the
21 consumer returns the covered computer **OR MOBILE TELEPHONE** to the
22 manufacturer of that covered computer **OR MOBILE TELEPHONE** or the
23 manufacturer's designee.

24 (c) The collection of covered computers **OR MOBILE TELEPHONES**
25 is reasonably convenient and available to and otherwise designed to
26 meet the needs of consumers in this state. Examples of collection
27 methods that alone or combined meet the convenience requirements of

1 this subdivision include systems for a consumer to return a covered
2 computer **OR MOBILE TELEPHONE** by 1 or more of the following means:

3 (i) Mail or common carrier shipper.

4 (ii) Deposit at a local physical collection site that is kept
5 open and staffed on a continuing basis.

6 (iii) Deposit during periodic local collection events.

7 (iv) Deposit with a retailer.

8 (d) The manufacturer of a covered computer **OR MOBILE TELEPHONE**
9 provides a consumer information on how and where to return the
10 covered computer **OR MOBILE TELEPHONE**, including, but not limited
11 to, collection, recycling, and reuse information on the
12 manufacturer's publicly available website. The manufacturer may
13 also include collection, recycling, and reuse information in the
14 packaging for or in other materials that accompany the
15 manufacturer's covered computers **OR MOBILE TELEPHONES** when the
16 covered computers **OR MOBILE TELEPHONES** are sold or provide that
17 information via a toll-free telephone number.

18 (e) The manufacturer recycles or arranges for the recycling of
19 any covered computers **OR MOBILE TELEPHONES** collected under
20 subdivision (a).

21 (2) A manufacturer's ~~computer~~ **CONSUMER ELECTRONICS** takeback
22 program is not required to accept more than 7 covered computers **OR**
23 **MOBILE TELEPHONES** from a single consumer on a single day.

24 (3) A manufacturer may conduct a ~~computer~~ **CONSUMER ELECTRONICS**
25 takeback program alone or in conjunction with other manufacturers.
26 A manufacturer may arrange for the collection and recycling of
27 covered computers **OR MOBILE TELEPHONES** by another person to fulfill

1 the manufacturer's obligations under this section.

2 Enacting section 1. Section 17313 of the natural resources and
3 environmental protection act, 1994 PA 451, MCL 324.17313, is
4 repealed.

5 Enacting section 2. This amendatory act takes effect 90 days
6 after the date it is enacted into law.