

FEB 7 2006

ENVIRONMENTAL PROTECTION

HOUSE FILE 2259
BY MASCHER

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to deposits on certain electronic goods and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2259

1 Section 1. NEW SECTION. 455D.101 SHORT TITLE.

2 This part shall be known and may be cited as the
3 "Electronic Goods Deposit Act".

4 Sec. 2. NEW SECTION. 455D.102 DEFINITIONS.

5 As used in this part, unless the context otherwise
6 requires:

7 1. "Dealer" means any person who sells electronic goods to
8 a consumer.

9 2. "Electronic good" means a television, computer monitor,
10 or similar good as defined by the commission.

11 3. "Purchase receipt" means a receipt given by a dealer to
12 the consumer at the time of purchase stating, at a minimum,
13 the date of the purchase, the price of the product, the brand,
14 type, and model identification, and any refund value paid by
15 the consumer.

16 Sec. 3. NEW SECTION. 455D.103 REFUND VALUES.

17 A refund value of thirty dollars for an electronic good
18 shall be paid by the consumer on each electronic good sold by
19 a dealer in this state. The amount of the refund value paid
20 by a consumer shall be stated on the purchase receipt given to
21 the consumer at the time of the purchase. Upon return of the
22 electronic good upon which a refund value has been paid to the
23 dealer who originally sold the electronic good being returned
24 and acceptance of the electronic good by the dealer, the
25 dealer shall return the amount of the refund value to the
26 consumer.

27 Sec. 4. NEW SECTION. 455D.104 PAYMENT OF REFUND VALUE.

28 A dealer shall not refuse to accept from a consumer any
29 electronic good originally sold by the dealer, or refuse to
30 pay the consumer the refund value of an electronic good as
31 provided under section 455D.103. A dealer may refuse to
32 accept any electronic good which is not accompanied by a valid
33 purchase receipt.

34 Sec. 5. NEW SECTION. 455D.105 ELECTRONIC GOOD DISPOSAL.

35 A dealer shall have in place a system for the acceptance

1 and collection of used electronic goods for reuse, recycling,
2 or proper disposal at no cost to the consumer. The commission
3 shall define proper disposal by rule.

4 Sec. 6. NEW SECTION. 455D.106 RULES.

5 The commission shall adopt, upon recommendation of the
6 director, rules necessary to carry out this part, subject to
7 the provisions of chapter 17A.

8 Sec. 7. NEW SECTION. 455D.107 PENALTIES.

9 1. Any person violating section 455D.103, 455D.104, or
10 455D.105, or a rule adopted under this part, is guilty of a
11 simple misdemeanor.

12 2. Any person who does any of the following acts is guilty
13 of a fraudulent practice as provided in chapter 714:

14 a. Collects or attempts to collect the refund value on the
15 electronic good a second time, with the knowledge that a
16 refund value has once been paid by the dealer.

17 b. Manufactures, sells, or possesses a false or
18 counterfeit purchase receipt which shows or purports to show a
19 refund value on an electronic good, with intent to use the
20 false or counterfeit purchase receipt to collect a refund
21 value.

22 c. Collects or attempts to collect a refund value on an
23 electronic good with the use of a false or counterfeit
24 purchase receipt showing a refund value, knowing the purchase
25 receipt to be false or counterfeit.

26 EXPLANATION

27 This bill provides for a system of deposits to be paid on
28 electronic goods. Electronic goods are televisions, computer
29 monitors, and similar goods as defined by the environmental
30 protection commission.

31 The bill provides that a consumer shall pay an electronic
32 goods dealer at the time of purchase a deposit of \$30 for an
33 electronic good. When the electronic good is returned and
34 accepted by the dealer, the dealer shall pay the refund value
35 to the consumer.

1 The bill provides that a dealer shall not refuse to accept
2 an electronic good originally sold by the dealer, or refuse to
3 pay the consumer the refund value. A dealer may refuse
4 acceptance of an electronic good which is not accompanied by a
5 valid purchase receipt.

6 The bill requires a dealer to have in place a system for
7 the acceptance and collection of used electronic goods for
8 reuse, recycling, or proper disposal at no cost to the
9 consumer.

10 The bill provides that the environmental protection
11 commission shall adopt rules to administer this system of
12 deposits.

13 The bill provides that a person violating the bill or rules
14 adopted to administer the bill is guilty of a simple
15 misdemeanor. A person is guilty of a fraudulent practice for
16 collecting or attempting to collect the refund value on an
17 electronic good a second time with the knowledge that the
18 refund value has once been paid by the dealer; for
19 manufacturing, selling, or possessing a false or counterfeit
20 purchase receipt which shows or purports to show a refund
21 value for an electronic good with intent to use the false or
22 counterfeit purchase receipt; or for collecting or attempting
23 to collect a refund value on an electronic good with the use
24 of a false or counterfeit purchase receipt showing a refund
25 value, knowing the purchase receipt to be false or
26 counterfeit.

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