

Senate Study Bill 1154

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
ENVIRONMENT AND ENERGY
INDEPENDENCE BILL BY
CHAIRPERSON BLACK)

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

A BILL FOR

1 An Act relating to the recycling of electronic devices, providing
2 for fees, making penalties applicable, and making
3 appropriations.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1048SC 83
6 tm/nh/5

PAG LIN

1 1 Section 1. NEW SECTION. 455D.31 ELECTRONICS RECYCLING ==
1 2 REGISTRATION OF ELECTRONIC DEVICE MANUFACTURERS == RECYCLING
1 3 AND REGISTRATION FEES.
1 4 1. As used in this section, unless the context otherwise
1 5 requires:
1 6 a. "Computer" means a desktop, portable or laptop,
1 7 electronic, magnetic, optical, electrochemical, or other
1 8 high-speed data processing device which is capable of
1 9 performing logical, arithmetic, or storage functions, but does
1 10 not include an automated typewriter or typesetter, a portable
1 11 handheld calculator, a portable digital assistant, or other
1 12 similar device.
1 13 b. "Electronic device" means a computer, video display
1 14 device, or television, but does include any of the following:
1 15 (1) An electronic device that is a part of a motor vehicle
1 16 or any component part of a motor vehicle assembled by or for a
1 17 vehicle manufacturer or franchise dealer, including a
1 18 replacement part for use in a motor vehicle.
1 19 (2) An electronic device that is functionally or
1 20 physically a part of a larger piece of equipment designed and
1 21 intended for use in an industrial, commercial, or medical
1 22 setting, including diagnostic, monitoring, or control
1 23 equipment.
1 24 (3) An electronic device that is contained within a
1 25 clothes washer, clothes dryer, refrigerator, refrigerator and
1 26 freezer, microwave oven, conventional oven or range,
1 27 dishwasher, room air conditioner, dehumidifier, or air
1 28 purifier.
1 29 (4) A telephone of any type unless it contains a video
1 30 display area greater than nine inches measured diagonally.
1 31 c. "Manufacturer" means a person who does any of the
1 32 following:
1 33 (1) Sells electronic devices under its own brand or label
1 34 for sale in the United States.
1 35 (2) Sells electronic devices in this state without
2 1 affixing a brand or label onto such devices.
2 2 (3) Resells in this state under its own brand or label
2 3 electronic devices manufactured by another firm or entity,
2 4 unless the firm or entity which manufactured the electronic
2 5 devices sold under the brand or label of the reseller meets
2 6 the requirements of this section.
2 7 (4) Imports electronic devices into the United States. If
2 8 the company from whom an importer purchases the electronic
2 9 devices has a presence or assets in the United States, that
2 10 company shall be deemed the manufacturer.
2 11 (5) Manufactures electronic devices, supplies them to any
2 12 person with a distribution network that includes wholesalers
2 13 or retailers in this state, and benefits from the sale in this
2 14 state of such electronic devices through the distribution
2 15 network.
2 16 d. "Monitor" means a separate video display component of a

2 17 computer that does not contain a tuner, whether sold
2 18 separately or together with a computer central processing unit
2 19 or computer box, and includes a cathode ray tube, liquid
2 20 crystal display, gas plasma, digital light processing, or
2 21 other image projection technology greater than four inches
2 22 when measured diagonally, and its case, interior wires, and
2 23 circuitry.

2 24 e. "Recycling" means any process by which an electronic
2 25 device that would otherwise have become solid waste or
2 26 hazardous waste is collected, separated, and processed to be
2 27 returned to use in the form of raw materials or products or is
2 28 refurbished or donated for reuse.

2 29 f. "Television" means a stand-alone display system
2 30 containing a cathode ray tube, liquid crystal display, gas
2 31 plasma, digital light processing, or other type of display
2 32 primarily intended to receive video programming via broadcast,
2 33 having a viewable area greater than four inches when measured
2 34 diagonally, able to adhere to standard consumer video
2 35 requirements, and having the capability of selecting different
3 1 broadcast channels and support sound capability.

3 2 g. "Video display device" means a device that has an
3 3 output surface having a viewable area greater than four inches
3 4 when measured diagonally that displays moving graphical images
3 5 or a visual representation of image sequences or pictures and
3 6 shows a number of quickly changing images on a screen in fast
3 7 succession to create the illusion of motion, including but not
3 8 limited to a device that is an integral part of the display
3 9 that cannot be easily removed from the display by the consumer
3 10 and that produces the moving image on the screen and includes
3 11 technology using a cathode ray tube, liquid crystal display,
3 12 gas plasma, digital light processing, or other type of image
3 13 projection technology.

3 14 2. A manufacturer shall not offer an electronic device for
3 15 sale in this state if the manufacturer is not in compliance
3 16 with this section.

3 17 3. a. By January 31 of each year, a manufacturer shall
3 18 submit a report to the department specifying the number of
3 19 electronic devices sold in this state during the previous
3 20 calendar year and the number of electronic devices in this
3 21 state recycled by the manufacturer during the previous
3 22 calendar year. Accompanying the report required under this
3 23 subsection, a manufacturer shall remit to the department a
3 24 recycling fee equal to two dollars for every electronic device
3 25 sold in this state during the previous calendar year and an
3 26 annual registration fee calculated based on the number of
3 27 electronic devices sold in this state by the manufacturer
3 28 during the previous calendar year. The registration fee shall
3 29 equal one of the following:

3 30 (1) Zero dollars for sales of five hundred electronic
3 31 devices or less.

3 32 (2) One thousand dollars for sales of more than five
3 33 hundred, but not more than one thousand electronic devices.

3 34 (3) Five thousand dollars for sales of more than one
3 35 thousand, but not more than two thousand five hundred
4 1 electronic devices.

4 2 (4) Seven thousand five hundred dollars for sales of more
4 3 than two thousand five hundred electronic devices.

4 4 b. Beginning with the report due by January 31, 2011, and
4 5 each year thereafter, the recycling fee shall be fifty percent
4 6 of the fee calculated pursuant to paragraph "a" if the
4 7 manufacturer has certified in the report required under
4 8 paragraph "a" that the manufacturer recycled during the
4 9 previous calendar year a number of electronic devices equal to
4 10 at least fifty percent of the number of electronic devices
4 11 sold by the manufacturer during the previous calendar year.
4 12 The recycled electronic devices may be electronic devices of
4 13 the manufacturer or any other manufacturer.

4 14 c. A manufacturer shall not charge a fee for the
4 15 collection, transportation, or recycling of an electronic
4 16 device at the time and place of collection for recycling.

4 17 4. The department shall deposit all recycling fees and
4 18 registration fees remitted to the department in the
4 19 electronics recycling fund created in section 455D.32.

4 20 Sec. 2. NEW SECTION. 455D.32 ELECTRONICS RECYCLING FUND.

4 21 1. An electronics recycling fund is created in the state
4 22 treasury under the control of the department. The fund is
4 23 composed of moneys appropriated by the general assembly, fees
4 24 remitted to the department pursuant to section 455D.31, and
4 25 moneys available to and obtained or accepted by the department
4 26 from the United States or private sources for placement in the
4 27 fund.

4 28 2. Moneys in the fund are appropriated to the department
4 29 exclusively to carry out the purposes of section 455D.31 and
4 30 this section, including costs associated with administering
4 31 section 455D.31 and this section.
4 32 3. Using moneys in the fund, the department shall provide
4 33 financial assistance for purposes of developing infrastructure
4 34 for the collection, transportation, and recycling of
4 35 electronic devices.

5 1 4. Notwithstanding section 8.33, unencumbered and
5 2 unobligated moneys remaining in the fund at the close of each
5 3 fiscal year shall not revert but shall remain available in the
5 4 fund. Notwithstanding section 12C.7, moneys earned as income
5 5 or interest from the fund shall remain in the fund until
5 6 expended as provided in this section.

5 7 Sec. 3. Section 455D.22, Code 2009, is amended to read as
5 8 follows:

5 9 455D.22 CIVIL PENALTY.

5 10 A person who violates section 455D.6, subsection 6, section
5 11 455D.11, 455D.11A, 455D.11B, 455D.11I, ~~or 455D.19, or 455D.31,~~
5 12 or any rule, permit, or order issued pursuant thereto shall be
5 13 subject to a civil penalty which shall be established,
5 14 assessed, and collected in the same manner as provided in
5 15 section 455B.109. Any civil penalty collected shall be
5 16 deposited in the general fund of the state.

5 17 Sec. 4. Section 455D.25, subsection 2, Code 2009, is
5 18 amended to read as follows:

5 19 2. Any person who violates section 455D.10A, 455D.11,
5 20 455D.11A, 455D.11B, 455D.11I, or 455D.19, or any order or
5 21 permit issued or rule adopted pursuant to section 455D.6,
5 22 subsection 6, section 455D.10A, 455D.11, 455D.11A, 455D.11B,
5 23 455D.11I, ~~or 455D.19, or 455D.31,~~ shall be subject to a civil
5 24 penalty, not to exceed ten thousand dollars for each day of
5 25 such violation.

5 26 EXPLANATION

5 27 This bill relates to the recycling of electronic devices.

5 28 The bill prohibits an electronic devices manufacturer from
5 29 offering for sale in this state an electronic device if the
5 30 manufacturer is not in compliance with the bill. By January
5 31 31 of each year, a manufacturer shall submit a report to the
5 32 department of natural resources specifying the number of
5 33 electronic devices sold in this state during the previous
5 34 calendar year and the number of electronic devices in this
5 35 state recycled by the manufacturer during the previous
6 1 calendar year. Accompanying the report, a manufacturer is
6 2 required to remit to the department a recycling fee equal to
6 3 \$2 for every electronic device sold in this state during the
6 4 previous calendar year and an annual registration fee
6 5 calculated based on the number of electronic devices sold in
6 6 this state by the manufacturer during the previous calendar
6 7 year. Beginning with the report due by January 31, 2011, and
6 8 each year thereafter, the bill provides for a reduced
6 9 recycling fee if the manufacturer has certified in the report
6 10 that the manufacturer recycled during the previous calendar
6 11 year a number of electronic devices equal to at least 50
6 12 percent of the number of electronic devices sold by the
6 13 manufacturer during the previous calendar year. The recycled
6 14 electronic devices may be electronic devices of the
6 15 manufacturer or any other manufacturer. The bill prohibits a
6 16 manufacturer from charging a fee for the collection,
6 17 transportation, or recycling of an electronic device at the
6 18 time and place of collection for recycling. The bill requires
6 19 the department to deposit all recycling fees and registration
6 20 fees remitted to the department in the electronics recycling
6 21 fund.

6 22 The bill creates an electronics recycling fund. The bill
6 23 appropriates moneys in the fund to the department for purposes
6 24 of providing financial assistance for developing
6 25 infrastructure for the collection, transportation, and
6 26 recycling of electronic devices.

6 27 The bill provides that a person violating the provisions of
6 28 the bill is subject to a civil penalty.

6 29 LSB 1048SC 83

6 30 tm/nh/5