

HB 1499 -- Recycling of Computer Equipment

Sponsor: Cooper (120)

This bill establishes the Manufacturer Responsibility and Consumer Convenience Computer Equipment Collection and Recovery Act which requires manufacturers of specified computer equipment to implement a recovery plan that will enable customers to recycle computer equipment for free and in a convenient manner. Manufacturers will also be liable for the sale of all computer equipment bearing their brand label and must submit a recovery plan to the Department of Natural Resources for approval. Types of legitimate collection and recycling practices are specified in the bill. Manufacturers must submit a report to the department by January 31 of each year including the weight of the equipment collected, recycled, and reused in the preceding year and documentation that the recycling was conducted in compliance with sound environmental management. The existing exemption for financial and proprietary information from disclosure as a public record is specified in the bill. Manufacturers must clearly label their computer equipment and provide customers with certain information about the appropriate recovery program. Manufacturers will post information about the recovery program on public Internet sites, and the department will provide an Internet site containing information about the recovery programs. The department may conduct audits to ensure compliance. There will be no fine for a first violation, a maximum penalty of \$10,000 for a second violation, and a maximum penalty of \$25,000 for subsequent violations. Penalty revenue will be deposited into the newly created Computer Recycling Subaccount to be used solely for the administration of the computer recovery program.

Retailers of computer equipment must sell computers from manufacturers who meet the recovery program requirements of the bill. Verification may be achieved through the Internet. Retailers are not otherwise liable for the recovery of computer equipment and are not subject to a specified monetary penalty for noncompliance. However, they must bring their inventory into compliance within 60 days of receipt of a warning notice from the department.

The department will issue reports on the implementation of the recovery programs to the appropriate committees of the General Assembly by March 1 of each year. The department must promulgate rules and regulations to implement the provisions of the bill by July 1, 2009. If federal law establishes a national program for the collection and recycling of computer equipment, the department may adopt an agency statement that interprets the federal law as preemptive over the state statutes.