

HB5920



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5920

by Rep. Mike Fortner

SYNOPSIS AS INTRODUCED:

415 ILCS 150/10

Amends the Electronic Products Recycling and Reuse Act. In a definition of "tablet computer", provides that human interface with a tablet computer is achieved through a touch-screen and video display screen greater than 4 (instead of 6) inches in size. Defines "cell phone" and "smart phone".

LRB099 20368 MJP 44847 b

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Section 10 as follows:

6 (415 ILCS 150/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Agency" means the Environmental Protection Agency.

9 "Cathode-ray tube" means a vacuum tube or picture tube used
10 to convert an electronic signal into a visual image, such as a
11 television or computer monitor.

12 "Cell phone" means a wireless device with the primary
13 function of making or receiving calls without a physical
14 connection to a network. A cell phone is sometimes referred to
15 as a mobile telephone.

16 "Collector" means a person who receives covered electronic
17 devices or eligible electronic devices directly from a
18 residence for recycling or processing for reuse. "Collector"
19 includes, but is not limited to, manufacturers, recyclers, and
20 refurbishers who receive CEDs or EEDs directly from the public.

21 "Computer", often referred to as a "personal computer" or
22 "PC", means a desktop or notebook computer as further defined
23 below and used only in a residence, but does not mean an

1 automated typewriter, electronic printer, mobile telephone,
2 portable hand-held calculator, portable digital assistant
3 (PDA), MP3 player, or other similar device. "Computer" does not
4 include computer peripherals, commonly known as cables, mouse,
5 or keyboard. "Computer" is further defined as either:

6 (1) "Desktop computer", which means an electronic,
7 magnetic, optical, electrochemical, or other high-speed
8 data processing device performing logical, arithmetic, or
9 storage functions for general purpose needs that are met
10 through interaction with a number of software programs
11 contained therein, and that is not designed to exclusively
12 perform a specific type of logical, arithmetic, or storage
13 function or other limited or specialized application.
14 Human interface with a desktop computer is achieved through
15 a stand-alone keyboard, stand-alone monitor, or other
16 display unit, and a stand-alone mouse or other pointing
17 device, and is designed for a single user. A desktop
18 computer has a main unit that is intended to be
19 persistently located in a single location, often on a desk
20 or on the floor. A desktop computer is not designed for
21 portability and generally utilizes an external monitor,
22 keyboard, and mouse with an external or internal power
23 supply for a power source. Desktop computer does not
24 include an automated typewriter or typesetter; or

25 (2) "Notebook computer", which means an electronic,
26 magnetic, optical, electrochemical, or other high-speed

1 data processing device performing logical, arithmetic, or
2 storage functions for general purpose needs that are met
3 through interaction with a number of software programs
4 contained therein, and that is not designed to exclusively
5 perform a specific type of logical, arithmetic, or storage
6 function or other limited or specialized application.
7 Human interface with a notebook computer is achieved
8 through a keyboard, video display greater than 4 inches in
9 size, and mouse or other pointing device, all of which are
10 contained within the construction of the unit that
11 comprises the notebook computer; supplemental stand-alone
12 interface devices typically can also be attached to the
13 notebook computer. Notebook computers can use external,
14 internal, or batteries for a power source. Notebook
15 computer does not include a portable hand-held calculator,
16 or a portable digital assistant or similar specialized
17 device. A notebook computer has an incorporated video
18 display greater than 4 inches in size and can be carried as
19 one unit by an individual. A notebook computer is sometimes
20 referred to as a laptop computer.

21 (3) "Tablet computer", which means an electronic,
22 magnetic, optical, electrochemical, or other high-speed
23 data processing device performing logical, arithmetic, or
24 storage functions for general purpose needs that are met
25 through interaction with a number of software programs
26 contained therein, and that is not designed to exclusively

1 perform a specific type of logical, arithmetic, or storage
2 function or other limited or specialized application.
3 Human interface with a tablet computer is achieved through
4 a touch-screen and video display screen greater than 4 ~~6~~
5 inches in size (all of which are contained within the unit
6 that comprises the tablet computer). Tablet computers may
7 use an external or internal power source. "Tablet computer"
8 does not include a portable hand-held calculator, a
9 portable digital assistant, or a similar specialized
10 device.

11 "Computer monitor" means an electronic device that is a
12 cathode-ray tube or flat panel display primarily intended to
13 display information from a computer and is used only in a
14 residence.

15 "Covered electronic device" or "CED" means any computer,
16 computer monitor, television, printer, electronic keyboard,
17 facsimile machine, videocassette recorder, portable digital
18 music player that has memory capability and is battery powered,
19 digital video disc player, video game console, electronic
20 mouse, scanner, digital converter box, cable receiver,
21 satellite receiver, digital video disc recorder, or
22 small-scale server sold at retail and taken out of service from
23 a residence in this State. "Covered electronic device" does not
24 include any of the following:

25 (1) an electronic device that is a part of a motor
26 vehicle or any component part of a motor vehicle assembled

1 by or for a vehicle manufacturer or franchised dealer,
2 including replacement parts for use in a motor vehicle;

3 (2) an electronic device that is functionally or
4 physically part of a larger piece of equipment or that is
5 taken out of service from an industrial, commercial
6 (including retail), library checkout, traffic control,
7 kiosk, security (other than household security),
8 governmental, agricultural, or medical setting, including
9 but not limited to diagnostic, monitoring, or control
10 equipment; or

11 (3) an electronic device that is contained within a
12 clothes washer, clothes dryer, refrigerator, refrigerator
13 and freezer, microwave oven, conventional oven or range,
14 dishwasher, room air conditioner, dehumidifier, water
15 pump, sump pump, or air purifier.

16 To the extent allowed under federal and State laws and
17 regulations, a CED that is being collected, recycled, or
18 processed for reuse is not considered to be hazardous waste,
19 household waste, solid waste, or special waste.

20 "Developmentally disabled", as defined by the Illinois
21 Department of Human Services, Division of Developmental
22 Disabilities Program Manual, means having mental retardation
23 or a related condition. For the purposes of this Act:

24 (1) "Mental retardation" means significantly
25 subaverage general intellectual functioning as well as
26 deficits in adaptive behavior that manifested before age

1 18. A person's general intellectual functioning is
2 significantly subaverage if that person has an
3 intelligence quotient (IQ) of 70 or below on standardized
4 measures of intelligence. This upper limit, however, may be
5 extended upward depending on the reliability of the
6 intelligence test used.

7 (2) "Related condition" means a severe, chronic
8 disability that (i) is attributable to cerebral palsy,
9 epilepsy, or any other condition, other than mental
10 illness, (ii) is found to be closely related to mental
11 retardation because the condition results in impairment of
12 general intellectual functioning or adaptive behavior
13 similar to that of a person with mental retardation, and
14 (iii) requires treatment or services similar to those
15 required for persons with mental retardation.

16 "Dismantling" means the demanufacturing and shredding of a
17 CED.

18 "Eligible electronic device" or "EED" means any of the
19 following electronic products sold at retail and taken out of
20 service from a residence in this State: mobile telephone;
21 computer cable; portable digital assistant (PDA); or zip drive.
22 To the extent allowed under federal and state laws and
23 regulations, an EED that is being collected, recycled, or
24 processed for reuse is not considered to be hazardous waste,
25 household waste, solid waste, or special waste.

26 "Low income children and families" mean those children and

1 families that are subject to the most recent version of the
2 United States Department of Health and Human Services Federal
3 Poverty Guidelines.

4 "Manufacturer" means a person, or a successor in interest
5 to a person, under whose brand or label a computer, computer
6 monitor, television, printer, electronic keyboard, facsimile
7 machine, videocassette recorder, portable digital music
8 player, digital video disc player, video game console,
9 electronic mouse, scanner, digital converter box, cable
10 receiver, satellite receiver, digital video disc recorder, or
11 small-scale server is or was sold at retail. For any of the
12 aforementioned electronic devices sold at retail under a brand
13 or label that is licensed from a person who is a mere brand
14 owner and who does not sell or produce any of the
15 aforementioned electronic devices, the person who produced the
16 device or his or her successor in interest is the manufacturer.
17 For any of the aforementioned electronic devices sold at retail
18 under the brand or label of both the retail seller and the
19 person that produced the device, the person that produced the
20 device, or his or her successor in interest, is the
21 manufacturer. A retail seller of any of the aforementioned
22 electronic devices may elect to be the manufacturer of one or
23 more of the aforementioned electronic devices if the retail
24 seller provides written notice to the Agency that it is
25 accepting responsibility as the manufacturer of the device
26 under this Act and identifies any of the aforementioned

1 electronic devices for which it is electing to be the
2 manufacturer.

3 "Municipal joint action agency" means a municipal joint
4 action agency created under Section 3.2 of the
5 Intergovernmental Cooperation Act.

6 "Orphan CEDs" means those CEDs that are returned for
7 recycling, or processing for reuse, whose manufacturer cannot
8 be identified, or whose manufacturer is no longer conducting
9 business and has no successor in interest.

10 "Person" means any individual, partnership,
11 co-partnership, firm, company, limited liability company,
12 corporation, association, joint stock company, trust, estate,
13 political subdivision, State agency, or any other legal entity,
14 or a legal representative, agent, or assign of that entity.

15 "Printer" means desktop printers, multifunction printer
16 copiers, and printer/fax combinations taken out of service from
17 a residence that are designed to reside on a work surface, and
18 include various print technologies, including without
19 limitation laser and LED (electrographic), ink jet, dot matrix,
20 thermal, and digital sublimation, and "multi-function" or
21 "all-in-one" devices that perform different tasks, including
22 without limitation copying, scanning, faxing, and printing.
23 Printers do not include floor-standing printers, printers with
24 optional floor stand, point of sale (POS) receipt printers,
25 household printers such as a calculator with printing
26 capabilities or label makers, or non-stand-alone printers that

1 are embedded into products that are not CEDs.

2 "Processing for reuse" means any method, technique, or
3 process by which CEDs or EEDs that would otherwise be disposed
4 of or discarded are instead separated, processed, and returned
5 to their original intended purposes or to other useful purposes
6 as electronic devices. "Processing for reuse" includes the
7 collection and transportation of CEDs or EEDs.

8 "Program Year" means a calendar year. The first program
9 year is 2010.

10 "Recycler" means a person who engages in the recycling of
11 CEDs or EEDs, but does not include telecommunications carriers,
12 telecommunications manufacturers, or commercial mobile service
13 providers with an existing recycling program.

14 "Recycling" means any method, technique, or process by
15 which CEDs or EEDs that would otherwise be disposed of or
16 discarded are instead collected, separated, or processed and
17 are returned to the economic mainstream in the form of raw
18 materials or products. "Recycling" includes the collection,
19 transportation, dismantling, and shredding of the CEDs or EEDs.

20 "Recycling coordinator" means the person designated by
21 each county waste management plan to administer the county
22 recycling program, as set forth in the Solid Waste Management
23 Act.

24 "Refurbisher" means any person who processes CEDs or EEDs
25 for reuse, but does not include telecommunications carriers,
26 telecommunications manufacturers, or commercial mobile service

1 providers with an existing recycling program.

2 "Residence" means a dwelling place or home in which one or
3 more individuals live.

4 "Retailer" means a person who sells, rents, or leases,
5 through sales outlets, catalogues, or the Internet, computers,
6 computer monitors, printers, televisions, electronic
7 keyboards, facsimile machines, videocassette recorders,
8 portable digital music players, digital video disc players,
9 video game consoles, electronic mice, scanners, digital
10 converter boxes, cable receivers, satellite receivers, digital
11 video disc recorders, or small-scale servers at retail to
12 individuals in this State. For purposes of this Act, sales to
13 individuals at retail are considered to be sales for
14 residential use. "Retailer" includes, but is not limited to,
15 manufacturers who sell computers, computer monitors, printers,
16 televisions, electronic keyboards, facsimile machines,
17 videocassette recorders, portable digital music players,
18 digital video disc players, video game consoles, electronic
19 mice, scanners, digital converter boxes, cable receivers,
20 satellite receivers, digital video disc recorders, or
21 small-scale servers at retail directly to individuals in this
22 State.

23 "Sale" means any retail transfer of title for consideration
24 of title including, but not limited to, transactions conducted
25 through sales outlets, catalogs, or the Internet or any other
26 similar electronic means but does not mean financing or

1 leasing.

2 "Small-scale server" means a computer that typically uses
3 desktop components in a desktop form designed primarily to
4 serve as a storage host for other computers. To be considered a
5 small-scale server, a computer must: be designed in a pedestal,
6 tower, or other form that is similar to that of a desktop
7 computer so that all data processing, storage, and network
8 interfacing is contained within one box or product; be designed
9 to be operational 24 hours per day and 7 days per week; have
10 very little unscheduled downtime (on the order of hours per
11 year); be capable of operating in a simultaneous multi-user
12 environment serving several users through networked client
13 units; and be designed for an industry accepted operating
14 system for home or low-end server applications.

15 "Smart phone" means a cell phone with a mobile operating
16 system capable of running downloaded applications. Human
17 interface with a smart phone is achieved through a touchscreen
18 video display and supplemental stand-alone interface devices,
19 such as a Bluetooth keyboard.

20 "Television" means an electronic device (i) containing a
21 cathode-ray tube or flat panel screen the size of which is
22 greater than 4 inches when measured diagonally, (ii) that is
23 intended to receive video programming via broadcast, cable, or
24 satellite transmission or to receive video from surveillance or
25 other similar cameras, and (iii) that is used only in a
26 residence.

1 "Underserved counties" means those counties so identified
2 in Section 60.

3 (Source: P.A. 96-1154, eff. 7-21-10; 97-287, eff. 8-10-11.)