



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 2417

2 AMENDMENT NO. _____. Amend Senate Bill 2417, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Electronic Products Recycling and Reuse Act
6 is amended by changing Section 30 and by adding Section 57 as
7 follows:

8 (415 ILCS 150/30)

9 Sec. 30. Manufacturer responsibilities.

10 (a) Prior to April 1, 2009 for the first program year, and
11 by October 1 for program year 2011 and each program year
12 thereafter, manufacturers who sell computers, computer
13 monitors, printers, televisions, electronic keyboards,
14 facsimile machines, videocassette recorders, portable digital
15 music players, digital video disc players, video game consoles,
16 electronic mice, scanners, digital converter boxes, cable

1 receivers, satellite receivers, digital video disc recorders,
2 or small-scale servers in this State must register with the
3 Agency. The registration must be submitted in the form and
4 manner required by the Agency. The registration must include,
5 without limitation, all of the following:

6 (1) a list of all of the manufacturer's brands of
7 computers, computer monitors, printers, televisions,
8 electronic keyboards, facsimile machines, videocassette
9 recorders, portable digital music players, digital video
10 disc players, video game consoles, electronic mice,
11 scanners, digital converter boxes, cable receivers,
12 satellite receivers, digital video disc recorders, and
13 small-scale servers to be offered for sale in the next
14 program year;

15 (2) (blank); and

16 (3) a statement disclosing whether any of the
17 manufacturer's computers, computer monitors, printers,
18 televisions, electronic keyboards, facsimile machines,
19 videocassette recorders, portable digital music players,
20 digital video disc players, video game consoles,
21 electronic mice, scanners, digital converter boxes, cable
22 receivers, satellite receivers, digital video disc
23 recorders, or small-scale servers sold in this State exceed
24 the maximum concentration values established for lead,
25 mercury, cadmium, hexavalent chromium, polybrominated
26 biphenyls (PBBs), and polybrominated diphenyl ethers

1 (PBDEEs) under the RoHS (restricting the use of certain
2 hazardous substances in electrical and electronic
3 equipment) Directive 2002/95/EC of the European Parliament
4 and Council and any amendments thereto and, if so, an
5 identification of the aforementioned electronic device
6 that exceeds the directive.

7 If, during the program year, any of the manufacturer's
8 aforementioned electronic devices are sold or offered for sale
9 in Illinois under a new brand that is not listed in the
10 manufacturer's registration, then, within 30 days after the
11 first sale or offer for sale under the new brand, the
12 manufacturer must amend its registration to add the new brand.

13 (b) Prior to July 1, 2009 for the first program year, and
14 by the November 1 preceding program years 2011 and later, all
15 manufacturers whose 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 are offered for sale in the State shall
22 submit to the Agency, at an address prescribed by the Agency,
23 the registration fee for the next program year. The
24 registration fee for program year 2010 is \$5,000. The
25 registration fee for program year 2011 is \$5,000, increased by
26 the applicable inflation factor as described below. In program

1 year 2012, if, in program year 2011, a manufacturer sold 250 or
2 fewer of the aforementioned electronic devices in the State,
3 then the registration fee for that manufacturer is \$1,250. In
4 each program year after 2012, if, in the preceding program
5 year, a manufacturer sold 250 or fewer of the aforementioned
6 electronic devices in the State, then the registration fee is
7 the fee that applied in the previous year to manufacturers that
8 sold that number of the aforementioned electronic devices,
9 increased by the applicable inflation factor as described
10 below. In program year 2012, if, in the preceding program year
11 a manufacturer sold 251 or more of the aforementioned
12 electronic devices in the State, then the registration fee for
13 that manufacturer is \$5,000. In each program year after 2012,
14 if, in the preceding program year, a manufacturer sold 251 or
15 more of the aforementioned electronic devices in the State,
16 then the registration fee is the fee that applied in the
17 previous year to manufacturers that sold that number of the
18 aforementioned electronic devices, increased by the applicable
19 inflation factor as described below. For program year 2011,
20 program year 2013, and each program year thereafter, the
21 applicable registration fee is increased each year by an
22 inflation factor determined by the annual Implicit Price
23 Deflator for Gross National Product, as published by the U.S.
24 Department of Commerce in its Survey of Current Business. The
25 inflation factor must be calculated each year by dividing the
26 latest published annual Implicit Price Deflator for Gross

1 National Product by the annual Implicit Price Deflator for
2 Gross National Product for the previous year. The inflation
3 factor must be rounded to the nearest 1/100th, and the
4 resulting registration fee must be rounded to the nearest whole
5 dollar. No later than October 1 of each program year, the
6 Agency shall post on its website the registration fee for the
7 next program year.

8 (c) A manufacturer whose computers, computer monitors,
9 printers, televisions, electronic keyboards, facsimile
10 machines, videocassette recorders, portable digital music
11 players, digital video disc players, video game consoles,
12 electronic mice, scanners, digital converter boxes, cable
13 receivers, satellite receivers, digital video disc recorders,
14 or small-scale servers are sold or offered for sale in this
15 State on or after January 1 of a program year must register
16 with the Agency within 30 days after the first sale or offer
17 for sale in accordance with subsection (a) of this Section and
18 submit the registration fee required under subsection (b) of
19 this Section prior to the aforementioned electronic devices
20 being sold or offered for sale.

21 (d) Each manufacturer shall recycle or process for reuse
22 CEDs and EEDs whose total weight equals or exceeds the
23 manufacturer's individual recycling and reuse goal set forth in
24 Section 15 of this Act. Individual consumers shall not be
25 charged a fee when bringing their CEDs and EEDs to collection
26 locations, unless a financial incentive of equal or greater

1 value, such as a coupon, is provided, except as provided in
2 Section 57. Collectors may charge a fee for premium services
3 such as curbside collection, home pick-up, or a similar method
4 of collection.

5 When determining whether a manufacturer has met or exceeded
6 its individual recycling and reuse goal set forth in Section 15
7 of this Act, all of the following adjustments must be made:

8 (1) The total weight of CEDs processed by the
9 manufacturer, its recyclers, or its refurbishers for reuse
10 is doubled.

11 (2) The total weight of CEDs is tripled if they are
12 donated for reuse by the manufacturer to a primary or
13 secondary public education institution the majority of
14 whose students are considered low income or
15 developmentally disabled or to low-income children or
16 families or to assist the developmentally disabled in
17 Illinois. This subsection applies only to CEDs for which
18 the manufacturer has received a written confirmation that
19 the recipient has accepted the donation. Copies of all
20 written confirmations must be submitted in the annual
21 report required under Section 30.

22 (3) The total weight of CEDs collected by manufacturers
23 free of charge in underserved counties is doubled. This
24 subsection applies only to CEDs that are documented by
25 collectors as being collected or received free of charge in
26 underserved counties. This documentation must include,

1 without limitation, the date and location of collection or
2 receipt, the weight of the CEDs collected or received, and
3 an acknowledgement by the collector that the CEDs were
4 collected or received free of charge. Copies of the
5 documentation must be submitted in the annual report
6 required under subsection (h), (i), (j), (k), or (l) of
7 Section 30.

8 (4) If an entity (i) collects, recycles, or refurbishes
9 CEDs for a manufacturer, (ii) qualifies for non-profit
10 status under Section 501(c)(3) of the Internal Revenue Code
11 of 1986, and (iii) at least 75% of its employees are
12 developmentally disabled, then the total weight of CEDs
13 will be tripled. A manufacturer that uses such a recycler
14 or refurbisher shall submit documentation in the annual
15 report required under Section 30 identifying the name,
16 location, and length of service of the entity that
17 qualifies for credit under this subsection.

18 (e) (Blank).

19 (f) Manufacturers shall ensure that only recyclers and
20 refurbishers that have registered with the Agency are used to
21 meet the individual recycling and reuse goals set forth in this
22 Act.

23 (g) Manufacturers shall ensure that the recyclers and
24 refurbishers used to meet the individual recycling and reuse
25 goals set forth in this Act shall, at a minimum, comply with
26 the standards set forth under subsection (d) of Section 50 of

1 this Act. By November 1, 2011 and every November 1 thereafter,
2 manufacturers shall submit a document, as prescribed by the
3 Agency, listing each registered recycler and refurbisher that
4 will be used to meet the manufacturer's annual CED recycling
5 and reuse goal and certifying that those recyclers or
6 refurbishers comply with the standards set forth in subsection
7 (d) of Section 50.

8 (h) By September 1, 2012 and every September 1 thereafter,
9 manufacturers of computers, computer monitors, printers,
10 televisions, electronic keyboards, facsimile machines,
11 videocassette recorders, portable digital music players,
12 digital video disc players, video game consoles, electronic
13 mice, scanners, digital converter boxes, cable receivers,
14 satellite receivers, digital video disc recorders, or
15 small-scale servers shall submit to the Agency, in the form and
16 manner required by the Agency, a report that contains the total
17 weight of the aforementioned electronic devices sold under each
18 of the manufacturer's brands to individuals in this State as
19 calculated under subsection (c) and (c-5) of Section 15, as
20 applicable. Each manufacturer shall indicate on the report
21 whether the total weight of the aforementioned electronic
22 devices was derived from its own sales records or national
23 sales data. If a manufacturer's weight for aforementioned
24 electronic devices is derived from national sales data, the
25 manufacturer shall indicate the source of the sales data.

26 (i) (Blank).

1 (j) (Blank).

2 (k) (Blank).

3 (l) On or before January 31, 2013 and on or before every
4 January 31 thereafter, manufacturers of computers, computer
5 monitors, printers, televisions, electronic keyboards,
6 facsimile machines, videocassette recorders, portable digital
7 music players, digital video disc players, video game consoles,
8 electronic mice, scanners, digital converter boxes, cable
9 receivers, satellite receivers, digital video disc recorders,
10 and small-scale servers shall submit to the Agency, on forms
11 and in a format prescribed by the Agency, a report that
12 contains all of the following information for the previous
13 program year:

14 (1) The total weight of computers, the total weight of
15 computer monitors, the total weight of printers, facsimile
16 machines, and scanners, the total weight of televisions,
17 the total weight of the remaining CEDs, and the total
18 weight of EEDs recycled or processed for reuse.

19 (2) The identification of all weights that are adjusted
20 under subsection (d) of this Section. For all weights
21 adjusted under item (2) of subsection (d), the manufacturer
22 must include copies of the written confirmation required
23 under that subsection.

24 (3) A list of each recycler, refurbisher, and collector
25 used by the manufacturer to fulfill the manufacturer's
26 individual recycling and reuse goal set forth in

1 subsections (c) and (c-5) of Section 15 of this Act.

2 (4) A summary of the manufacturer's consumer education
3 program required under subsection (m) of this Section.

4 (m) Manufacturers must develop and maintain a consumer
5 education program that complements and corresponds to the
6 primary retailer-driven campaign required under Section 40 of
7 this Act. The education program shall promote the recycling of
8 electronic products and proper end-of-life management of the
9 products by consumers.

10 (n) Beginning January 1, 2012, no manufacturer may sell a
11 computer, computer monitor, printer, television, electronic
12 keyboard, facsimile machine, videocassette recorder, portable
13 digital music player, digital video disc player, video game
14 console, electronic mouse, scanner, digital converter box,
15 cable receiver, satellite receiver, digital video disc
16 recorder, or small-scale server in this State unless the
17 manufacturer is registered with the State as required under
18 this Act, has paid the required registration fee, and is
19 otherwise in compliance with the provisions of this Act.

20 (o) Beginning January 1, 2012, no manufacturer may sell a
21 computer, computer monitor, printer, television, electronic
22 keyboard, facsimile machine, videocassette recorder, portable
23 digital music player, digital video disc player, video game
24 console, electronic mouse, scanner, digital converter box,
25 cable receiver, satellite receiver, digital video disc
26 recorder, or small-scale server in this State unless the

1 manufacturer's brand name is permanently affixed to, and is
2 readily visible on, the computer, computer monitor, printer, or
3 television.

4 (Source: P.A. 97-287, eff. 8-10-11; 98-714, eff. 7-16-14.)

5 (415 ILCS 150/57 new)

6 Sec. 57. Cathode ray tube collection fee. Notwithstanding
7 any other provision of this Act, a collector may charge a fee
8 to accept a CED that contains a cathode-ray tube. The fee
9 authorized under this Section shall not exceed \$30 for each
10 accepted CED that contains a cathode-ray tube. However,
11 collectors may charge a fee in excess of \$30 for premium
12 services such as curbside collection, home pick-up, or a
13 similar method of collection. Any CED for which a collector
14 charged a fee may not be sold to or used by a manufacturer to
15 satisfy its recycling obligation under this Act.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."