



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1417

Introduced 2/9/2017, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

415 ILCS 150/30  
415 ILCS 150/40  
415 ILCS 150/57 new

Amends the Electronic Products Recycling and Reuse Act. Provides that a retailer may collect a fee for each covered electronic device or eligible electronic device collected. Provides that municipalities, townships, and other units of local government that are acting as collectors may collect a fee for each covered electronic device or eligible electronic device collected. Removes provisions providing that individual consumers shall not be charged a fee for bringing covered electronic devices or eligible electronic devices to collection sites. Provides that a retailer shall be considered to have complied with specified provisions prohibiting the sale of computers, computer monitors, printers, or televisions if certain conditions are met. Effective immediately.

LRB100 09551 MJP 19717 b

FISCAL NOTE ACT  
MAY APPLY

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 Sections 30 and 40 and by adding Section  
6 57 as follows:

7 (415 ILCS 150/30)

8 Sec. 30. Manufacturer responsibilities.

9 (a) Prior to April 1, 2009 for the first program year, and  
10 by October 1 for program year 2011 and each program year  
11 thereafter, manufacturers who sell computers, computer  
12 monitors, printers, televisions, electronic keyboards,  
13 facsimile machines, videocassette recorders, portable digital  
14 music players, digital video disc players, video game consoles,  
15 electronic mice, scanners, digital converter boxes, cable  
16 receivers, satellite receivers, digital video disc recorders,  
17 or small-scale servers in this State must register with the  
18 Agency. The registration must be submitted in the form and  
19 manner required by the Agency. The registration must include,  
20 without limitation, all of the following:

21 (1) a list of all of the manufacturer's brands of  
22 computers, computer monitors, printers, televisions,  
23 electronic keyboards, facsimile machines, videocassette

1 recorders, portable digital music players, digital video  
2 disc players, video game consoles, electronic mice,  
3 scanners, digital converter boxes, cable receivers,  
4 satellite receivers, digital video disc recorders, and  
5 small-scale servers to be offered for sale in the next  
6 program year;

7 (2) (blank); and

8 (3) a statement disclosing whether any of the  
9 manufacturer's 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,  
13 electronic mice, scanners, digital converter boxes, cable  
14 receivers, satellite receivers, digital video disc  
15 recorders, or small-scale servers sold in this State exceed  
16 the maximum concentration values established for lead,  
17 mercury, cadmium, hexavalent chromium, polybrominated  
18 biphenyls (PBBs), and polybrominated diphenyl ethers  
19 (PBDEEs) under the RoHS (restricting the use of certain  
20 hazardous substances in electrical and electronic  
21 equipment) Directive 2002/95/EC of the European Parliament  
22 and Council and any amendments thereto and, if so, an  
23 identification of the aforementioned electronic device  
24 that exceeds the directive.

25 If, during the program year, any of the manufacturer's  
26 aforementioned electronic devices are sold or offered for sale

1 in Illinois under a new brand that is not listed in the  
2 manufacturer's registration, then, within 30 days after the  
3 first sale or offer for sale under the new brand, the  
4 manufacturer must amend its registration to add the new brand.

5 (b) Prior to July 1, 2009 for the first program year, and  
6 by the November 1 preceding program years 2011 and later, all  
7 manufacturers whose computers, computer monitors, printers,  
8 televisions, electronic keyboards, facsimile machines,  
9 videocassette recorders, portable digital music players,  
10 digital video disc players, video game consoles, electronic  
11 mice, scanners, digital converter boxes, cable receivers,  
12 satellite receivers, digital video disc recorders, or  
13 small-scale servers are offered for sale in the State shall  
14 submit to the Agency, at an address prescribed by the Agency,  
15 the registration fee for the next program year. The  
16 registration fee for program year 2010 is \$5,000. The  
17 registration fee for program year 2011 is \$5,000, increased by  
18 the applicable inflation factor as described below. In program  
19 year 2012, if, in program year 2011, a manufacturer sold 250 or  
20 fewer of the aforementioned electronic devices in the State,  
21 then the registration fee for that manufacturer is \$1,250. In  
22 each program year after 2012, if, in the preceding program  
23 year, a manufacturer sold 250 or fewer of the aforementioned  
24 electronic devices in the State, then the registration fee is  
25 the fee that applied in the previous year to manufacturers that  
26 sold that number of the aforementioned electronic devices,

1 increased by the applicable inflation factor as described  
2 below. In program year 2012, if, in the preceding program year  
3 a manufacturer sold 251 or more of the aforementioned  
4 electronic devices in the State, then the registration fee for  
5 that manufacturer is \$5,000. In each program year after 2012,  
6 if, in the preceding program year, a manufacturer sold 251 or  
7 more of the aforementioned electronic devices in the State,  
8 then the registration fee is the fee that applied in the  
9 previous year to manufacturers that sold that number of the  
10 aforementioned electronic devices, increased by the applicable  
11 inflation factor as described below. For program year 2011,  
12 program year 2013, and each program year thereafter, the  
13 applicable registration fee is increased each year by an  
14 inflation factor determined by the annual Implicit Price  
15 Deflator for Gross National Product, as published by the U.S.  
16 Department of Commerce in its Survey of Current Business. The  
17 inflation factor must be calculated each year by dividing the  
18 latest published annual Implicit Price Deflator for Gross  
19 National Product by the annual Implicit Price Deflator for  
20 Gross National Product for the previous year. The inflation  
21 factor must be rounded to the nearest 1/100th, and the  
22 resulting registration fee must be rounded to the nearest whole  
23 dollar. No later than October 1 of each program year, the  
24 Agency shall post on its website the registration fee for the  
25 next program year.

26 (c) A manufacturer whose computers, computer monitors,

1 printers, televisions, electronic keyboards, facsimile  
2 machines, videocassette recorders, portable digital music  
3 players, digital video disc players, video game consoles,  
4 electronic mice, scanners, digital converter boxes, cable  
5 receivers, satellite receivers, digital video disc recorders,  
6 or small-scale servers are sold or offered for sale in this  
7 State on or after January 1 of a program year must register  
8 with the Agency within 30 days after the first sale or offer  
9 for sale in accordance with subsection (a) of this Section and  
10 submit the registration fee required under subsection (b) of  
11 this Section prior to the aforementioned electronic devices  
12 being sold or offered for sale.

13 (d) Each manufacturer shall recycle or process for reuse  
14 CEDs and EEDs whose total weight equals or exceeds the  
15 manufacturer's individual recycling and reuse goal set forth in  
16 Section 15 of this Act. ~~Individual consumers shall not be~~  
17 ~~charged a fee when bringing their CEDs and EEDs to collection~~  
18 ~~locations, unless a financial incentive of equal or greater~~  
19 ~~value, such as a coupon, is provided.~~ Collectors may charge a  
20 fee for premium services such as curbside collection, home  
21 pick-up, or a similar method of collection.

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

25 (1) The total weight of CEDs processed by the  
26 manufacturer, its recyclers, or its refurbishers for reuse

1 is doubled.

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

13 (3) The total weight of CEDs collected by manufacturers  
14 free of charge in underserved counties is doubled. This  
15 subsection applies only to CEDs that are documented by  
16 collectors as being collected or received free of charge in  
17 underserved counties. This documentation must include,  
18 without limitation, the date and location of collection or  
19 receipt, the weight of the CEDs collected or received, and  
20 an acknowledgement by the collector that the CEDs were  
21 collected or received free of charge. Copies of the  
22 documentation must be submitted in the annual report  
23 required under subsection (h), (i), (j), (k), or (l) of  
24 Section 30.

25 (4) If an entity (i) collects, recycles, or refurbishes  
26 CEDs for a manufacturer, (ii) qualifies for non-profit

1 status under Section 501(c)(3) of the Internal Revenue Code  
2 of 1986, and (iii) at least 75% of its employees are  
3 developmentally disabled, then the total weight of CEDs  
4 will be tripled. A manufacturer that uses such a recycler  
5 or refurbisher shall submit documentation in the annual  
6 report required under Section 30 identifying the name,  
7 location, and length of service of the entity that  
8 qualifies for credit under this subsection.

9 (e) (Blank).

10 (f) Manufacturers shall ensure that only recyclers and  
11 refurbishers that have registered with the Agency are used to  
12 meet the individual recycling and reuse goals set forth in this  
13 Act.

14 (g) Manufacturers shall ensure that the recyclers and  
15 refurbishers used to meet the individual recycling and reuse  
16 goals set forth in this Act shall, at a minimum, comply with  
17 the standards set forth under subsection (d) of Section 50 of  
18 this Act. By November 1, 2011 and every November 1 thereafter,  
19 manufacturers shall submit a document, as prescribed by the  
20 Agency, listing each registered recycler and refurbisher that  
21 will be used to meet the manufacturer's annual CED recycling  
22 and reuse goal and certifying that those recyclers or  
23 refurbishers comply with the standards set forth in subsection  
24 (d) of Section 50.

25 (h) By September 1, 2012 and every September 1 thereafter,  
26 manufacturers of computers, computer monitors, printers,



1 televisions, electronic keyboards, facsimile machines,  
2 videocassette recorders, portable digital music players,  
3 digital video disc players, video game consoles, electronic  
4 mice, scanners, digital converter boxes, cable receivers,  
5 satellite receivers, digital video disc recorders, or  
6 small-scale servers shall submit to the Agency, in the form and  
7 manner required by the Agency, a report that contains the total  
8 weight of the aforementioned electronic devices sold under each  
9 of the manufacturer's brands to individuals in this State as  
10 calculated under subsection (c) and (c-5) of Section 15, as  
11 applicable. Each manufacturer shall indicate on the report  
12 whether the total weight of the aforementioned electronic  
13 devices was derived from its own sales records or national  
14 sales data. If a manufacturer's weight for aforementioned  
15 electronic devices is derived from national sales data, the  
16 manufacturer shall indicate the source of the sales data.

17 (i) (Blank).

18 (j) (Blank).

19 (k) (Blank).

20 (l) On or before January 31, 2013 and on or before every  
21 January 31 thereafter, manufacturers of computers, computer  
22 monitors, printers, televisions, electronic keyboards,  
23 facsimile machines, videocassette recorders, portable digital  
24 music players, digital video disc players, video game consoles,  
25 electronic mice, scanners, digital converter boxes, cable  
26 receivers, satellite receivers, digital video disc recorders,

1 and small-scale servers shall submit to the Agency, on forms  
2 and in a format prescribed by the Agency, a report that  
3 contains all of the following information for the previous  
4 program year:

5 (1) The total weight of computers, the total weight of  
6 computer monitors, the total weight of printers, facsimile  
7 machines, and scanners, the total weight of televisions,  
8 the total weight of the remaining CEDs, and the total  
9 weight of EEDs recycled or processed for reuse.

10 (2) The identification of all weights that are adjusted  
11 under subsection (d) of this Section. For all weights  
12 adjusted under item (2) of subsection (d), the manufacturer  
13 must include copies of the written confirmation required  
14 under that subsection.

15 (3) A list of each recycler, refurbisher, and collector  
16 used by the manufacturer to fulfill the manufacturer's  
17 individual recycling and reuse goal set forth in  
18 subsections (c) and (c-5) of Section 15 of this Act.

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

21 (m) Manufacturers must develop and maintain a consumer  
22 education program that complements and corresponds to the  
23 primary retailer-driven campaign required under Section 40 of  
24 this Act. The education program shall promote the recycling of  
25 electronic products and proper end-of-life management of the  
26 products by consumers.

1           (n) Beginning January 1, 2012, no manufacturer may sell a  
2 computer, computer monitor, printer, television, electronic  
3 keyboard, facsimile machine, videocassette recorder, portable  
4 digital music player, digital video disc player, video game  
5 console, electronic mouse, scanner, digital converter box,  
6 cable receiver, satellite receiver, digital video disc  
7 recorder, or small-scale server in this State unless the  
8 manufacturer is registered with the State as required under  
9 this Act, has paid the required registration fee, and is  
10 otherwise in compliance with the provisions of this Act.

11           (o) Beginning January 1, 2012, no manufacturer may sell a  
12 computer, computer monitor, printer, television, electronic  
13 keyboard, facsimile machine, videocassette recorder, portable  
14 digital music player, digital video disc player, video game  
15 console, electronic mouse, scanner, digital converter box,  
16 cable receiver, satellite receiver, digital video disc  
17 recorder, or small-scale server in this State unless the  
18 manufacturer's brand name is permanently affixed to, and is  
19 readily visible on, the computer, computer monitor, printer, or  
20 television.

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

22           (415 ILCS 150/40)

23           Sec. 40. Retailer responsibilities.

24           (a) Retailers shall be a primary source of information  
25 about end-of-life options to residential consumers of

1 computers, computer monitors, printers, and televisions. At  
2 the time of sale, the retailer shall provide each residential  
3 consumer with information from the Agency's website that  
4 provides information detailing where and how a consumer can  
5 recycle a CED or return a CED for reuse.

6 (b) Beginning January 1, 2010, no retailer may sell or  
7 offer for sale any computer, computer monitor, printer, or  
8 television in or for delivery into this State unless:

9 (1) the computer, computer monitor, printer, or  
10 television is labeled with a brand and the label is  
11 permanently affixed and readily visible; and

12 (2) the manufacturer is registered with the Agency and  
13 has paid the required registration fee as required under  
14 Section 20 of this Act.

15 This subsection (b) does not apply to any computer, computer  
16 monitor, printer, or television that was purchased prior to  
17 January 1, 2010.

18 (b-5) A retailer shall be considered to have complied with  
19 subsection (b) if:

20 (1) a manufacturer registers with the Agency within 30  
21 days of a retailer taking possession of the manufacturer's  
22 CED;

23 (2) a manufacturer's registration expires and the  
24 manufacturer is listed as non-compliant on the Agency's  
25 website and the retailer ordered the CED prior to the  
26 posting, the retailer may sell the CED, but only if the

1 sale takes place within 180 days of the posting; or

2 (3) a manufacturer is no longer conducting business and  
3 has no successor in interest, the retailer may sell any  
4 orphan CED ordered prior to the discontinuation of  
5 business.

6 (c) By July 1, 2009, retailers shall report to each  
7 television manufacturer, by model, the number of televisions  
8 sold at retail to individuals in this State under each of the  
9 manufacturer's brands during the 6-month period from October 1,  
10 2008 through March 31, 2009.

11 (d) (Blank).

12 (e) (Blank).

13 (Source: P.A. 95-959, eff. 9-17-08; 96-1154, eff. 7-21-10.)

14 (415 ILCS 150/57 new)

15 Sec. 57. Collection fee. Notwithstanding any other  
16 provision of this Act, a retailer may collect a fee for each  
17 CED or EED collected. Municipalities, townships, and other  
18 unites of local government that are acting as collectors may  
19 collect a fee for each CED or EED collected.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.