

HB2915



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2915

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", "mobile phone", and "smart phone". Makes a change to the definition of "computer".

LRB100 05966 MJP 15994 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 "Collector" means a person who receives covered electronic
13 devices or eligible electronic devices directly from a
14 residence for recycling or processing for reuse. "Collector"
15 includes, but is not limited to, manufacturers, recyclers, and
16 refurbishers who receive CEDs or EEDs directly from the public.

17 "Computer", often referred to as a "personal computer", ~~or~~
18 "PC", or "tablet", means a desktop or notebook computer as
19 further defined below and used only in a residence, but does
20 not mean an automated typewriter, electronic printer, mobile
21 telephone, portable hand-held calculator, portable digital
22 assistant (PDA), MP3 player, or other similar device.
23 "Computer" does not include computer peripherals, commonly

1 known as cables, mouse, or keyboard. "Computer" is further
2 defined as either:

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

22 (2) "Notebook computer", which means an electronic,
23 magnetic, optical, electrochemical, or other high-speed
24 data processing device performing logical, arithmetic, or
25 storage functions for general purpose needs that are met
26 through interaction with a number of software programs

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

18 (3) "Tablet computer", which means an electronic,
19 magnetic, optical, electrochemical, or other high-speed
20 data processing device performing logical, arithmetic, or
21 storage functions for general purpose needs that are met
22 through interaction with a number of software programs
23 contained therein, and that is not designed to exclusively
24 perform a specific type of logical, arithmetic, or storage
25 function or other limited or specialized application.
26 Human interface with a tablet computer is achieved through

1 a touch-screen and video display screen greater than 4 ~~6~~
2 inches in size (all of which are contained within the unit
3 that comprises the tablet computer). Tablet computers may
4 use an external or internal power source. "Tablet computer"
5 does not include a portable hand-held calculator, a
6 portable digital assistant, or a similar specialized
7 device.

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

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

22 (1) an electronic device that is a part of a motor
23 vehicle or any component part of a motor vehicle assembled
24 by or for a vehicle manufacturer or franchised dealer,
25 including replacement parts for use in a motor vehicle;

26 (2) an electronic device that is functionally or

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

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

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

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

21 (1) "Mental retardation" means significantly
22 subaverage general intellectual functioning as well as
23 deficits in adaptive behavior that manifested before age
24 18. A person's general intellectual functioning is
25 significantly subaverage if that person has an
26 intelligence quotient (IQ) of 70 or below on standardized

1 measures of intelligence. This upper limit, however, may be
2 extended upward depending on the reliability of the
3 intelligence test used.

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

13 "Dismantling" means the demanufacturing and shredding of a
14 CED.

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

23 "Low income children and families" mean those children and
24 families that are subject to the most recent version of the
25 United States Department of Health and Human Services Federal
26 Poverty Guidelines.

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

26 "Mobile telephone" means a cell phone or smart phone.

1 (1) "Cell phone" means a wireless device with the
2 primary function of making or receiving calls without a
3 physical connection to a network. A cell phone is sometimes
4 referred to as a mobile telephone.

5 (2) "Smart phone" means a cell phone with a mobile
6 operating system capable of running downloaded
7 applications. Human interface with a smart phone is
8 achieved through a touchscreen video display and
9 supplemental stand-alone interface devices, such as a
10 Bluetooth keyboard.

11 "municipal joint action agency" means a municipal joint
12 action agency created under Section 3.2 of the
13 Intergovernmental Cooperation Act.

14 "Orphan CEDs" means those CEDs that are returned for
15 recycling, or processing for reuse, whose manufacturer cannot
16 be identified, or whose manufacturer is no longer conducting
17 business and has no successor in interest.

18 "Person" means any individual, partnership,
19 co-partnership, firm, company, limited liability company,
20 corporation, association, joint stock company, trust, estate,
21 political subdivision, State agency, or any other legal entity,
22 or a legal representative, agent, or assign of that entity.

23 "Printer" means desktop printers, multifunction printer
24 copiers, and printer/fax combinations taken out of service from
25 a residence that are designed to reside on a work surface, and
26 include various print technologies, including without

1 limitation laser and LED (electrographic), ink jet, dot matrix,
2 thermal, and digital sublimation, and "multi-function" or
3 "all-in-one" devices that perform different tasks, including
4 without limitation copying, scanning, faxing, and printing.
5 Printers do not include floor-standing printers, printers with
6 optional floor stand, point of sale (POS) receipt printers,
7 household printers such as a calculator with printing
8 capabilities or label makers, or non-stand-alone printers that
9 are embedded into products that are not CEDs.

10 "Processing for reuse" means any method, technique, or
11 process by which CEDs or EEDs that would otherwise be disposed
12 of or discarded are instead separated, processed, and returned
13 to their original intended purposes or to other useful purposes
14 as electronic devices. "Processing for reuse" includes the
15 collection and transportation of CEDs or EEDs.

16 "Program Year" means a calendar year. The first program
17 year is 2010.

18 "Recycler" means a person who engages in the recycling of
19 CEDs or EEDs, but does not include telecommunications carriers,
20 telecommunications manufacturers, or commercial mobile service
21 providers with an existing recycling program.

22 "Recycling" means any method, technique, or process by
23 which CEDs or EEDs that would otherwise be disposed of or
24 discarded are instead collected, separated, or processed and
25 are returned to the economic mainstream in the form of raw
26 materials or products. "Recycling" includes the collection,

1 transportation, dismantling, and shredding of the CEDs or EEDs.

2 "Recycling coordinator" means the person designated by
3 each county waste management plan to administer the county
4 recycling program, as set forth in the Solid Waste Management
5 Act.

6 "Refurbisher" means any person who processes CEDs or EEDs
7 for reuse, but does not include telecommunications carriers,
8 telecommunications manufacturers, or commercial mobile service
9 providers with an existing recycling program.

10 "Residence" means a dwelling place or home in which one or
11 more individuals live.

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

1 mice, scanners, digital converter boxes, cable receivers,
2 satellite receivers, digital video disc recorders, or
3 small-scale servers at retail directly to individuals in this
4 State.

5 "Sale" means any retail transfer of title for consideration
6 of title including, but not limited to, transactions conducted
7 through sales outlets, catalogs, or the Internet or any other
8 similar electronic means but does not mean financing or
9 leasing.

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

23 "Television" means an electronic device (i) containing a
24 cathode-ray tube or flat panel screen the size of which is
25 greater than 4 inches when measured diagonally, (ii) that is
26 intended to receive video programming via broadcast, cable, or

1 satellite transmission or to receive video from surveillance or
2 other similar cameras, and (iii) that is used only in a
3 residence.

4 "Underserved counties" means those counties so identified
5 in Section 60.

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