



Rep. Mike Fortner

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LRB099 20368 MJP 46532 a

1 AMENDMENT TO HOUSE BILL 5920

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5920 by replacing  
3 everything after the enacting clause with the following:

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.

1 "Computer", often referred to as a "personal computer", ~~or~~  
2 "PC", or "tablet", means a desktop or notebook computer as  
3 further defined below and used only in a residence, but does  
4 not mean an automated typewriter, electronic printer, mobile  
5 telephone, portable hand-held calculator, portable digital  
6 assistant (PDA), MP3 player, or other similar device.  
7 "Computer" does not include computer peripherals, commonly  
8 known as cables, mouse, or keyboard. "Computer" is further  
9 defined as either:

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

1 supply for a power source. Desktop computer does not  
2 include an automated typewriter or typesetter; or

3 (2) "Notebook 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 notebook computer is achieved  
12 through a keyboard, video display greater than 4 inches in  
13 size, and mouse or other pointing device, all of which are  
14 contained within the construction of the unit that  
15 comprises the notebook computer; supplemental stand-alone  
16 interface devices typically can also be attached to the  
17 notebook computer. Notebook computers can use external,  
18 internal, or batteries for a power source. Notebook  
19 computer does not include a portable hand-held calculator,  
20 or a portable digital assistant or similar specialized  
21 device. A notebook computer has an incorporated video  
22 display greater than 4 inches in size and can be carried as  
23 one unit by an individual. A notebook computer is sometimes  
24 referred to as a laptop computer.

25 (3) "Tablet 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 tablet computer is achieved through  
8 a touch-screen and video display screen greater than 4 6  
9 inches in size (all of which are contained within the unit  
10 that comprises the tablet computer). Tablet computers may  
11 use an external or internal power source. "Tablet computer"  
12 does not include a portable hand-held calculator, a  
13 portable digital assistant, or a similar specialized  
14 device.

15 "Computer monitor" means an electronic device that is a  
16 cathode-ray tube or flat panel display primarily intended to  
17 display information from a computer and is used only in a  
18 residence.

19 "Covered electronic device" or "CED" means any computer,  
20 computer monitor, television, printer, electronic keyboard,  
21 facsimile machine, videocassette recorder, portable digital  
22 music player that has memory capability and is battery powered,  
23 digital video disc player, video game console, electronic  
24 mouse, scanner, digital converter box, cable receiver,  
25 satellite receiver, digital video disc recorder, or  
26 small-scale server sold at retail and taken out of service from

1 a residence in this State. "Covered electronic device" does not  
2 include any of the following:

3 (1) an electronic device that is a part of a motor  
4 vehicle or any component part of a motor vehicle assembled  
5 by or for a vehicle manufacturer or franchised dealer,  
6 including replacement parts for use in a motor vehicle;

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

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

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

24 "Developmentally disabled", as defined by the Illinois  
25 Department of Human Services, Division of Developmental  
26 Disabilities Program Manual, means having mental retardation

1 or a related condition. For the purposes of this Act:

2 (1) "Mental retardation" means significantly  
3 subaverage general intellectual functioning as well as  
4 deficits in adaptive behavior that manifested before age  
5 18. A person's general intellectual functioning is  
6 significantly subaverage if that person has an  
7 intelligence quotient (IQ) of 70 or below on standardized  
8 measures of intelligence. This upper limit, however, may be  
9 extended upward depending on the reliability of the  
10 intelligence test used.

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

20 "Dismantling" means the demanufacturing and shredding of a  
21 CED.

22 "Eligible electronic device" or "EED" means any of the  
23 following electronic products sold at retail and taken out of  
24 service from a residence in this State: mobile telephone;  
25 computer cable; portable digital assistant (PDA); or zip drive.  
26 To the extent allowed under federal and state laws and

1 regulations, an EED that is being collected, recycled, or  
2 processed for reuse is not considered to be hazardous waste,  
3 household waste, solid waste, or special waste.

4 "Low income children and families" mean those children and  
5 families that are subject to the most recent version of the  
6 United States Department of Health and Human Services Federal  
7 Poverty Guidelines.

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

1 more of the aforementioned electronic devices if the retail  
2 seller provides written notice to the Agency that it is  
3 accepting responsibility as the manufacturer of the device  
4 under this Act and identifies any of the aforementioned  
5 electronic devices for which it is electing to be the  
6 manufacturer.

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

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

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

18 "Municipal joint action agency" means a municipal joint  
19 action agency created under Section 3.2 of the  
20 Intergovernmental Cooperation Act.

21 "Orphan CEDs" means those CEDs that are returned for  
22 recycling, or processing for reuse, whose manufacturer cannot  
23 be identified, or whose manufacturer is no longer conducting  
24 business and has no successor in interest.

25 "Person" means any individual, partnership,  
26 co-partnership, firm, company, limited liability company,



1 corporation, association, joint stock company, trust, estate,  
2 political subdivision, State agency, or any other legal entity,  
3 or a legal representative, agent, or assign of that entity.

4 "Printer" means desktop printers, multifunction printer  
5 copiers, and printer/fax combinations taken out of service from  
6 a residence that are designed to reside on a work surface, and  
7 include various print technologies, including without  
8 limitation laser and LED (electrographic), ink jet, dot matrix,  
9 thermal, and digital sublimation, and "multi-function" or  
10 "all-in-one" devices that perform different tasks, including  
11 without limitation copying, scanning, faxing, and printing.  
12 Printers do not include floor-standing printers, printers with  
13 optional floor stand, point of sale (POS) receipt printers,  
14 household printers such as a calculator with printing  
15 capabilities or label makers, or non-stand-alone printers that  
16 are embedded into products that are not CEDs.

17 "Processing for reuse" means any method, technique, or  
18 process by which CEDs or EEDs that would otherwise be disposed  
19 of or discarded are instead separated, processed, and returned  
20 to their original intended purposes or to other useful purposes  
21 as electronic devices. "Processing for reuse" includes the  
22 collection and transportation of CEDs or EEDs.

23 "Program Year" means a calendar year. The first program  
24 year is 2010.

25 "Recycler" means a person who engages in the recycling of  
26 CEDs or EEDs, but does not include telecommunications carriers,

1 telecommunications manufacturers, or commercial mobile service  
2 providers with an existing recycling program.

3 "Recycling" means any method, technique, or process by  
4 which CEDs or EEDs that would otherwise be disposed of or  
5 discarded are instead collected, separated, or processed and  
6 are returned to the economic mainstream in the form of raw  
7 materials or products. "Recycling" includes the collection,  
8 transportation, dismantling, and shredding of the CEDs or EEDs.

9 "Recycling coordinator" means the person designated by  
10 each county waste management plan to administer the county  
11 recycling program, as set forth in the Solid Waste Management  
12 Act.

13 "Refurbisher" means any person who processes CEDs or EEDs  
14 for reuse, but does not include telecommunications carriers,  
15 telecommunications manufacturers, or commercial mobile service  
16 providers with an existing recycling program.

17 "Residence" means a dwelling place or home in which one or  
18 more individuals live.

19 "Retailer" means a person who sells, rents, or leases,  
20 through sales outlets, catalogues, or the Internet, computers,  
21 computer monitors, printers, televisions, electronic  
22 keyboards, facsimile machines, videocassette recorders,  
23 portable digital music players, digital video disc players,  
24 video game consoles, electronic mice, scanners, digital  
25 converter boxes, cable receivers, satellite receivers, digital  
26 video disc recorders, or small-scale servers at retail to

1 individuals in this State. For purposes of this Act, sales to  
2 individuals at retail are considered to be sales for  
3 residential use. "Retailer" includes, but is not limited to,  
4 manufacturers who sell computers, computer monitors, printers,  
5 televisions, electronic keyboards, facsimile machines,  
6 videocassette recorders, portable digital music players,  
7 digital video disc players, video game consoles, electronic  
8 mice, scanners, digital converter boxes, cable receivers,  
9 satellite receivers, digital video disc recorders, or  
10 small-scale servers at retail directly to individuals in this  
11 State.

12 "Sale" means any retail transfer of title for consideration  
13 of title including, but not limited to, transactions conducted  
14 through sales outlets, catalogs, or the Internet or any other  
15 similar electronic means but does not mean financing or  
16 leasing.

17 "Small-scale server" means a computer that typically uses  
18 desktop components in a desktop form designed primarily to  
19 serve as a storage host for other computers. To be considered a  
20 small-scale server, a computer must: be designed in a pedestal,  
21 tower, or other form that is similar to that of a desktop  
22 computer so that all data processing, storage, and network  
23 interfacing is contained within one box or product; be designed  
24 to be operational 24 hours per day and 7 days per week; have  
25 very little unscheduled downtime (on the order of hours per  
26 year); be capable of operating in a simultaneous multi-user

1 environment serving several users through networked client  
2 units; and be designed for an industry accepted operating  
3 system for home or low-end server applications.

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

11 "Underserved counties" means those counties so identified  
12 in Section 60.

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