

**ASSEMBLY BILL**

**No. 468**

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**Introduced by Assembly Member Chesbro**

February 19, 2013

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An act to amend Section 42463 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 468, as introduced, Chesbro. Recycling: electronic waste.

Existing law, the Electronic Waste Recycling Act of 2003, requires a retailer selling a covered electronic device in this state to collect a covered electronic waste recycling fee from the consumer, as specified. These fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery (CalRecycle) is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments.

The bill would make conforming changes with reference to CalRecycle.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 42463 of the Public Resources Code is
- 2 amended to read:
- 3 42463. For the purposes of this chapter, the following terms
- 4 have the following meanings, unless the context clearly requires
- 5 otherwise:

- 1 (a) “Account” means the Electronic Waste Recovery and  
 2 Recycling Account created in the Integrated Waste Management  
 3 Fund under Section 42476.
- 4 (b) “Authorized collector” means any of the following:
- 5 (1) A city, county, or district that collects covered electronic  
 6 devices.
- 7 (2) A person or entity that is required or authorized by a city,  
 8 county, or district to collect covered electronic devices pursuant  
 9 to the terms of a contract, license, permit, or other written  
 10 authorization.
- 11 (3) A nonprofit organization that collects or accepts covered  
 12 electronic devices.
- 13 (4) A manufacturer or agent of the manufacturer that collects,  
 14 consolidates, and transports covered electronic devices for  
 15 recycling from consumers, businesses, institutions, and other  
 16 generators.
- 17 (5) An entity that collects, handles, consolidates, and transports  
 18 covered electronic devices and has filed applicable notifications  
 19 with the department pursuant to Chapter 23 (commencing with  
 20 Section 66273.1) of Division 4.5 of Title 22 of the California Code  
 21 of Regulations.
- 22 (c) *“CalRecycle” means the Department of Resources Recycling*  
 23 *and Recovery.*
- 24 ~~(e)~~
- 25 (d) “Consumer” means a person who purchases a new or  
 26 refurbished covered electronic device in a transaction that is a  
 27 retail sale or in a transaction to which a use tax applies pursuant  
 28 to Part 1 (commencing with Section 6001) of Division 2 of the  
 29 Revenue and Taxation Code.
- 30 ~~(e)~~
- 31 (e) Notwithstanding Section 40118, “department” means the  
 32 Department of Toxic Substances Control.
- 33 ~~(e)~~
- 34 (f) (1) Except as provided in paragraph (2), “covered electronic  
 35 device” means a video display device containing a screen greater  
 36 than four inches, measured diagonally, that is identified in the  
 37 regulations adopted by the department pursuant to subdivision (b)  
 38 of Section 25214.10.1 of the Health and Safety Code.
- 39 (2) “Covered electronic device” does not include any of the  
 40 following:

1 (A) A video display device that is a part of a motor vehicle, as  
2 defined in Section 415 of the Vehicle Code, or any component  
3 part of a motor vehicle assembled by, or for, a vehicle manufacturer  
4 or franchised dealer, including replacement parts for use in a motor  
5 vehicle.

6 (B) A video display device that is contained within, or a part of  
7 a piece of industrial, commercial, or medical equipment, including  
8 monitoring or control equipment.

9 (C) A video display device that is contained within a clothes  
10 washer, clothes dryer, refrigerator, refrigerator and freezer,  
11 microwave oven, conventional oven or range, dishwasher, room  
12 air-conditioner, dehumidifier, or air purifier.

13 (D) An electronic device, on and after the date that it ceases to  
14 be a covered electronic device under subdivision (e) of Section  
15 25214.10.1 of the Health and Safety Code.

16 ~~(f)~~

17 (g) “Covered electronic waste” or “covered e-waste” means a  
18 covered electronic device that is discarded.

19 ~~(g)~~

20 (h) “Covered electronic waste recycling fee” or “covered e-waste  
21 recycling fee” means the fee imposed pursuant to Article 3  
22 (commencing with Section 42464).

23 ~~(h)~~

24 (i) “Covered electronic waste recycler” or “covered e-waste  
25 recycler” means any of the following:

26 (1) A person who engages in the manual or mechanical  
27 separation of covered electronic devices to recover components  
28 and commodities contained therein for the purpose of reuse or  
29 recycling.

30 (2) A person who changes the physical or chemical composition  
31 of a covered electronic device, in accordance with the requirements  
32 of Chapter 6.5 (commencing with Section 25100) of Division 20  
33 of the Health and Safety Code and the regulations adopted pursuant  
34 to that chapter, by deconstructing, size reduction, crushing, cutting,  
35 sawing, compacting, shredding, or refining for purposes of  
36 segregating components, for purposes of recovering or recycling  
37 those components, and who arranges for the transport of those  
38 components to an end user.

39 (3) A manufacturer who meets any conditions established by  
40 this chapter and Chapter 6.5 (commencing with Section 25100)

1 of Division 20 of the Health and Safety Code for the collection or  
2 recycling of covered electronic waste.

3 ~~(i)~~

4 (j) “Discarded” has the same meaning as defined in subdivision  
5 (b) of Section 25124 of the Health and Safety Code.

6 ~~(j)~~

7 (k) “Electronic waste recovery payment” means an amount  
8 established and paid by ~~the Department of Resources Recycling~~  
9 ~~and Recovery CalRecycle~~ pursuant to Section 42477.

10 ~~(k)~~

11 (l) “Electronic waste recycling payment” means an amount  
12 established and paid by ~~the Department of Resources Recycling~~  
13 ~~and Recovery CalRecycle~~ pursuant to Section 42478.

14 ~~(l)~~

15 (m) “Hazardous material” has the same meaning as defined in  
16 Section 25501 of the Health and Safety Code.

17 ~~(m)~~

18 (o) “Manufacturer” means either of the following:

19 (1) A person who manufactures a covered electronic device sold  
20 in this state.

21 (2) A person who sells a covered electronic device in this state  
22 under that person’s brand name.

23 ~~(n)~~

24 (p) “Person” means an individual, trust firm, joint stock  
25 company, business concern, and corporation, including, but not  
26 limited to, a government corporation, partnership, limited liability  
27 company, and association. Notwithstanding Section 40170,  
28 “person” also includes a city, county, city and county, district,  
29 commission, the state or a department, agency, or political  
30 subdivision thereof, an interstate body, and the United States and  
31 its agencies and instrumentalities to the extent permitted by law.

32 ~~(o)~~

33 (q) “Recycling” has the same meaning as defined in subdivision  
34 (a) of Section 25121.1 of the Health and Safety Code.

35 ~~(p)~~

36 (r) “Refurbished,” when used to describe a covered electronic  
37 device, means a device that the manufacturer has tested and  
38 returned to a condition that meets factory specifications for the  
39 device, has repackaged, and has labeled as refurbished.

40 ~~(q)~~

1 (s) “Retailer” means a person who makes a retail sale of a new  
2 or refurbished covered electronic device. “Retailer” includes a  
3 manufacturer of a covered electronic device who sells that covered  
4 electronic device directly to a consumer through any means,  
5 including, but not limited to, a transaction conducted through a  
6 sales outlet, catalog, or the Internet, or any other similar electronic  
7 means.

8 (†)

9 (t) (1) “Retail sale” has the same meaning as defined under  
10 Section 6007 of the Revenue and Taxation Code.

11 (2) “Retail sale” does not include the sale of a covered electronic  
12 device that is temporarily stored or used in California for the sole  
13 purpose of preparing the covered electronic device for use  
14 thereafter solely outside the state, and that is subsequently  
15 transported outside the state and thereafter used solely outside the  
16 state.

17 (s)

18 (u) “Vendor” means a person that makes a sale of a covered  
19 electronic device for the purpose of resale to a retailer who is the  
20 lessor of the covered electronic device to a consumer under a lease  
21 that is a continuing sale and purchase pursuant to Part 1  
22 (commencing with Section 6001) of Division 2 of the Revenue  
23 and Taxation Code.

24 (†)

25 (v) “Video display device” means an electronic device with an  
26 output surface that displays, or is capable of displaying, moving  
27 graphical images or a visual representation of image sequences or  
28 pictures, showing a number of quickly changing images on a screen  
29 in fast succession to create the illusion of motion, including, if  
30 applicable, a device that is an integral part of the display, in that  
31 it cannot be easily removed from the display by the consumer, that  
32 produces the moving image on the screen. A video display device  
33 may use, but is not limited to, a cathode ray tube (CRT), liquid  
34 crystal display (LCD), gas plasma, digital light processing, or other  
35 image projection technology.