

ASSEMBLY BILL

No. 2666

Introduced by Assembly Member Daly

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2666, as introduced, Daly. 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. The act defines consumer as a person who purchases a new or refurbished covered electronic device in a transaction that is a retail sale or in a transaction to which a use tax applies, and defines "person" to, among other things, include the United States and its agencies and instrumentalities to the extent permitted by law. Under existing law the electronic waste recycling fees are deposited in the Electronic Waste Recovery and Recycling Account, and the Department of Resources Recycling and Recovery, known as CalRecycle, is continuously appropriated the money in the account to, among other things, make electronic waste recovery payments and recycling payments.

This bill would revise the definition of "person" under the act to exclude the United States and its agencies and instrumentalities.

Vote: majority. Appropriation: no. Fiscal committee: yes.
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:

6 (a) "Account" means the Electronic Waste Recovery and
7 Recycling Account created in the Integrated Waste Management
8 Fund under Section 42476.

9 (b) "Authorized collector" means any of the following:

10 (1) A city, county, or district that collects covered electronic
11 devices.

12 (2) A person or entity that is required or authorized by a city,
13 county, or district to collect covered electronic devices pursuant
14 to the terms of a contract, license, permit, or other written
15 authorization.

16 (3) A nonprofit organization that collects or accepts covered
17 electronic devices.

18 (4) A manufacturer or agent of the manufacturer that collects,
19 consolidates, and transports covered electronic devices for
20 recycling from consumers, businesses, institutions, and other
21 generators.

22 (5) An entity that collects, handles, consolidates, and transports
23 covered electronic devices and has filed applicable notifications
24 with the department pursuant to Chapter 23 (commencing with
25 Section 66273.1) of Division 4.5 of Title 22 of the California Code
26 of Regulations.

27 (c) "*CalRecycle*" means the *Department of Resources Recycling*
28 *and Recovery*.

29 (e)

30 (d) "Consumer" means a person who purchases a new or
31 refurbished covered electronic device in a transaction that is a
32 retail sale or in a transaction to which a use tax applies pursuant
33 to Part 1 (commencing with Section 6001) of Division 2 of the
34 Revenue and Taxation Code.

35 (d)

36 (e) Notwithstanding Section 40118, "department" means the
37 Department of Toxic Substances Control.

38 (e)

1 (f) (1) Except as provided in paragraph (2), “covered electronic
2 device” means a video display device containing a screen greater
3 than four inches, measured diagonally, that is identified in the
4 regulations adopted by the department pursuant to subdivision (b)
5 of Section 25214.10.1 of the Health and Safety Code.

6 (2) “Covered electronic device” does not include any of the
7 following:

8 (A) A video display device that is a part of a motor vehicle, as
9 defined in Section 415 of the Vehicle Code, or any component
10 part of a motor vehicle assembled by, or for, a vehicle manufacturer
11 or franchised dealer, including replacement parts for use in a motor
12 vehicle.

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

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

20 (D) An electronic device, on and after the date that it ceases to
21 be a covered electronic device under subdivision (e) of Section
22 25214.10.1 of the Health and Safety Code.

23 ~~(f)~~

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

26 ~~(g)~~

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

30 ~~(h)~~

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

33 (1) A person who engages in the manual or mechanical
34 separation of covered electronic devices to recover components
35 and commodities contained therein for the purpose of reuse or
36 recycling.

37 (2) A person who changes the physical or chemical composition
38 of a covered electronic device, in accordance with the requirements
39 of Chapter 6.5 (commencing with Section 25100) of Division 20
40 of the Health and Safety Code and the regulations adopted pursuant

1 to that chapter, by deconstructing, size reduction, crushing, cutting,
 2 sawing, compacting, shredding, or refining for purposes of
 3 segregating components, for purposes of recovering or recycling
 4 those components, and who arranges for the transport of those
 5 components to an end user.

6 (3) A manufacturer who meets any conditions established by
 7 this chapter and Chapter 6.5 (commencing with Section 25100)
 8 of Division 20 of the Health and Safety Code for the collection or
 9 recycling of covered electronic waste.

10 ~~(i)~~

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

13 ~~(j)~~

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

17 ~~(k)~~

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

21 ~~(l)~~

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

24 ~~(m)~~

25 (n) “Manufacturer” means either of the following:

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

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

30 ~~(n)~~

31 (o) “Person” means an individual, trust firm, joint stock
 32 company, business concern, and corporation, including, but not
 33 limited to, a government corporation, partnership, limited liability
 34 company, and association. Notwithstanding Section 40170,
 35 “person” also includes a city, county, city and county, district,
 36 commission, the state or a department, agency, or political
 37 subdivision thereof, *and* an interstate body, ~~and the United States~~
 38 ~~and its agencies and instrumentalities to the extent permitted by~~
 39 ~~law body.~~ “Person” *does not include the United States and its*
 40 *agencies and instrumentalities.*

1 ~~(o)~~
2

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

4 ~~(p)~~
5

(q) “Refurbished,” when used to describe a covered electronic
6 device, means a device that the manufacturer has tested and
7 returned to a condition that meets factory specifications for the
8 device, has repackaged, and has labeled as refurbished.

9 ~~(q)~~
10

(r) “Retailer” means a person who makes a retail sale of a new
11 or refurbished covered electronic device. “Retailer” includes a
12 manufacturer of a covered electronic device who sells that covered
13 electronic device directly to a consumer through any means,
14 including, but not limited to, a transaction conducted through a
15 sales outlet, catalog, or the Internet, or any other similar electronic
16 means.

17 ~~(r)~~
18

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

20

(2) “Retail sale” does not include the sale of a covered electronic
21 device that is temporarily stored or used in California for the sole
22 purpose of preparing the covered electronic device for use
23 thereafter solely outside the state, and that is subsequently
24 transported outside the state and thereafter used solely outside the
25 state.

26 ~~(s)~~
27

(t) “Vendor” means a person that makes a sale of a covered
28 electronic device for the purpose of resale to a retailer who is the
29 lessor of the covered electronic device to a consumer under a lease
30 that is a continuing sale and purchase pursuant to Part 1
31 (commencing with Section 6001) of Division 2 of the Revenue
32 and Taxation Code.

33 ~~(t)~~
34

(u) “Video display device” means an electronic device with an
35 output surface that displays, or is capable of displaying, moving
36 graphical images or a visual representation of image sequences or
37 pictures, showing a number of quickly changing images on a screen
38 in fast succession to create the illusion of motion, including, if
39 applicable, a device that is an integral part of the display, in that
40 it cannot be easily removed from the display by the consumer, that

- 1 produces the moving image on the screen. A video display device
- 2 may use, but is not limited to, a cathode ray tube (CRT), liquid
- 3 crystal display (LCD), gas plasma, digital light processing, or other
- 4 image projection technology.