

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2666**

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**Introduced by Assembly Member Daly**

February 21, 2014

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

LEGISLATIVE COUNSEL’S DIGEST

AB 2666, as amended, 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:*

SECTION 1. Section 42463 of the Public Resources Code is amended to read:

42463. For the purposes of this chapter, the following terms have the following meanings, unless the context clearly requires otherwise:

(a) “Account” means the Electronic Waste Recovery and Recycling Account created in the Integrated Waste Management Fund under Section 42476.

(b) “Authorized collector” means any of the following:

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

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

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

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

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

~~(e) “CalRecycle” means the Department of Resources Recycling and Recovery.~~

~~(d)~~

(c) “Consumer” means 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 pursuant to Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code.

~~(e)~~

(d) Notwithstanding Section 40118, “department” means the Department of Toxic Substances Control.

~~(f)~~

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

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

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

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

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

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

~~(g)~~

~~(f)~~ “Covered electronic waste” or “covered e-waste” means a covered electronic device that is discarded.

~~(h)~~

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

~~(i)~~

~~(h)~~ “Covered electronic waste recycler” or “covered e-waste recycler” means any of the following:

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

(2) A person who changes the physical or chemical composition of a covered electronic device, in accordance with the requirements of Chapter 6.5 (commencing with Section 25100) of Division 20 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 (j)  
11 (i) “Discarded” has the same meaning as defined in subdivision  
12 (b) of Section 25124 of the Health and Safety Code.

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

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

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

24 (n)  
25 (m) “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 (o)  
31 (n) “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. “Person” does not  
38 include the United States and its agencies and instrumentalities.

39 (p)

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

3 ~~(q)~~

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

8 ~~(r)~~

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

16 ~~(s)~~

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

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

25 ~~(t)~~

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

32 ~~(u)~~

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

- 1 may use, but is not limited to, a cathode ray tube (CRT), liquid
- 2 crystal display (LCD), gas plasma, digital light processing, or other
- 3 image projection technology.