
A BILL FOR AN ACT

RELATING TO ELECTRONIC WASTE RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 339D-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "covered electronic
4 device" to read:

5 ""Covered electronic device":

6 (1) Means a computer, computer printer, computer monitor,
7 or portable computer[~~7~~] with a screen size greater
8 than four inches measured diagonally; and

9 (2) Shall not include:

10 (A) A covered electronic device that is a part of a
11 motor vehicle or any component part of a motor
12 vehicle assembled by or for a motor vehicle
13 manufacturer or franchised dealer, including
14 replacement parts for use in a motor vehicle;

15 (B) A covered electronic device that is functionally
16 or physically a part of a larger piece of
17 equipment designed and intended for use in [~~an~~
18 ~~industrial, commercial, or medical setting,~~

1 ~~including~~] diagnostic, monitoring, or control
2 equipment;

3 (C) A covered electronic device that is contained
4 within a clothes washer, clothes dryer,
5 refrigerator, refrigerator and freezer, microwave
6 oven, conventional oven or range, dishwasher,
7 room air conditioner, dehumidifier, or air
8 purifier; or

9 (D) A telephone of any type."

10 2. By amending the definition of "manufacturer" to read:
11 ""Manufacturer" means any existing person:

12 (1) Who manufactures or manufactured covered electronic
13 devices under a brand that it owns or owned or is or
14 was licensed to use, other than a license to
15 manufacture covered electronic devices for delivery
16 exclusively to or at the order of the licensor;

17 (2) Who sells or sold covered electronic devices
18 manufactured by others under a brand that the seller
19 owns or owned or is or was licensed to use, other than
20 a license to manufacture covered electronic devices
21 for delivery exclusively to or at the order of the
22 licensor;

1 (3) Who manufactures or manufactured covered electronic
2 devices without affixing a brand;

3 (4) Who manufactures or manufactured covered electronic
4 devices to which it affixes or affixed a brand that it
5 neither owns or owned nor is or was licensed to use;
6 or

7 (5) For whose account covered electronic devices
8 manufactured outside the United States are or were
9 imported into the United States; provided that if at
10 the time such covered electronic devices are or were
11 imported into the United States and another person has
12 registered as the manufacturer of the brand of the
13 covered electronic devices, this paragraph shall not
14 apply;

15 provided that the term "manufacturer" shall not include persons
16 [~~located in the State~~] who manufacture [~~specialized computers~~
17 ~~and have sales of~~] no more than one hundred computers per year."

18 SECTION 2. Section 339D-4, Hawaii Revised Statutes, is
19 amended by amending subsection (c) to read as follows:

20 "(c) By June 1, 2009, and annually thereafter, each
21 manufacturer shall submit a plan to the department to establish,
22 conduct, and manage a program for the collection,

1 transportation, and recycling of its covered electronic devices
2 sold in the State[-], which shall be subject to the following
3 conditions:

4 (1) The plan shall not permit the charging of a fee at the
5 point of recycling if the covered electronic device is
6 brought by the covered electronic device owner to a
7 central location for recycling; provided that the plan
8 may include a reasonable transportation fee if the
9 manufacturer or manufacturer's agent picks up the
10 covered electronic device from the owner's premises at
11 the owner's request and if the pick-up is not in
12 conjunction with delivery of a new electronic device
13 to the owner;

14 (2) Each manufacturer may develop its own recycling
15 program or may collaborate with other manufacturers,
16 so long as the program is implemented and fully
17 operational no later than January 1, 2010; and

18 (3) Each manufacturer shall be responsible for ensuring
19 that the manufacturer and its agents follow all
20 federal, state, and local regulations when collecting,
21 transporting, and recycling covered electronic

1 devices, and adopt environmentally sound recycling
2 practices for the covered electronic devices."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2009.

Report Title:

Electronic Waste Recycling

Description:

Makes clarifying amendments to the Electronic Waste Recycling Act. Amends the definition of "manufacturer" to delete the annual sales provision. Prohibits manufacturers from charging electronic device owners a fee to recycle electronic devices under some circumstances. Requires that manufacturers and their agents be responsible for following regulations and for adopting environmentally sound recycling programs. Requires recycling programs to be fully implemented and operational no later than January 1, 2010. (SD1)