

April 9, 2009

H 1427. AMEND COMPUTER RECYCLING PROVISIONS. Filed 4/9/09. *TO MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS.*

Amends the definition of *computer equipment* in GS 130A-309.91 to include notebook computers, automated typewriters, professional workstations, servers, ICI devices and systems, mobile telephones, portable handheld calculators, portable digital assistants, MP3 players, and similar devices. Amends the definition of *computer equipment manufacturer* in GS 130A-309.91 to include persons that have sold under their own brand or label computer equipment produced by other suppliers, that have imported into the US computer equipment that was manufactured outside the US, or that has owned a brand that it licenses to another person for use on computer equipment, and to exclude from that definition (1) existing manufacturers that manufacture computer equipment that the Department of Environment and Natural Resources (DENR), determines is exclusively of such a character that the equipment would not be used by consumers, and (2) existing manufacturers who own and license the brand appearing on their computer equipment and have not manufactured or sold the equipment. Adds definitions of *desktop computer* and *notebook computer*. Includes recyclers within the definition of *discarded computer equipment or television collector*. Deletes definition of *orphan discarded computer equipment*. Amends GS 130A-309.93 to reduce from \$10,000 to \$3,000 the initial registration fee for computer equipment manufacturers and prohibits the imposition of additional fees or charges on such manufacturers.

Provides that a manufacturer's responsibility under a computer equipment recycling plan is limited to reusing or recycling computer equipment that is discarded by occupants of single detached dwelling units or single units of multiple dwelling units who have used the equipment primarily for personal or home business use. Makes additional changes regarding the content of required computer equipment recycling plans. Provides that manufacturers may not collect a charge from consumers for the management of discarded computer equipment at the time the equipment is discarded by consumers and that manufacturers are responsible for the costs of collection only from discarded computer equipment collectors with whom they have contractual agreements to assume those costs. Provides that manufacturers are not liable for data or other information left on a covered device that is collected or recovered.

Amends GS 130A-309.93A to provide that a television manufacturer's obligation to recycle its market share of televisions is limited to televisions that are discarded by occupants of single detached dwelling units or single units of multiple dwelling units who have used the equipment primarily for personal or home business use. Provides that television manufacturers and retailers are not liable for data or other information left on a covered device that is collected or recovered. Amends GS 147-33.104 to prohibit public bodies from entering into any contract with a television manufacturer who has failed to comply with the requirements of GS 130A-309.93A. Adds new GS 147-33.104(d) providing that in considering bids for any state contract by a computer equipment manufacturer or television manufacturer, a public body must give preference to manufacturers who have programs to recover other manufacturers' computer and television equipment.

Intro. by Gibson.

GS 130A, 147