

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 255

By: McAffrey

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6 AS INTRODUCED

7 An Act relating to electronic waste collection;
8 creating the Oklahoma Retail Electronic Waste
9 Collection Act; providing short title; defining
10 terms; requiring certain retailers to accept
11 electronic waste at no charge; stating requirements;
12 requiring posting of certain notice; requiring
13 retailers to work with certain electronic producers
14 to recycle products; prohibiting certain retailers
15 from offering certain electronics; providing for
16 codification; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2-11-701 of Title 27A, unless
20 there is created a duplication in numbering, reads as follows:

21 OKLAHOMA RETAIL ELECTRONIC WASTE COLLECTION ACT

22 This act shall be known and may be cited as the "Oklahoma Retail
23 Electronic Waste Collection Act".

24 SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-11-702 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

As used in this act:

1 1. "Cathode ray tube" means a vacuum tube or picture tube used
2 to convert an electronic signal into a visual image;

3 2. "Computer" means an electronic, magnetic, optical,
4 electrochemical or other high-speed data processing device
5 performing a logical, arithmetic or storage function, including a
6 laptop computer and desktop computer, and includes any cable, cord,
7 or wiring permanently affixed to or incorporated into such product,
8 and may include both a computer central processing unit and a
9 monitor; but such term shall not include an automated typewriter or
10 typesetter, a portable hand-held calculator, a portable digital
11 assistant, server, or other similar device;

12 3. "Computer peripheral" means a monitor; electronic keyboard;
13 electronic mouse or similar pointing device; facsimile machine,
14 document scanner, or printer intended for use with a computer; and
15 includes any cable, cord, or wiring permanently affixed to or
16 incorporated into any such product. Computer peripheral shall not
17 include any document scanner or printer which weighs one hundred
18 (100) pounds or more;

19 4. "Consumer" means a person located in the state who owns or
20 uses covered electronic equipment, including but not limited to an
21 individual, a business, corporation, limited partnership, not-for-
22 profit corporation, the state, a public corporation, public school,
23 school district, private or parochial school or board of cooperative
24 educational services or governmental entity, but does not include an

1 entity involved in a wholesale transaction between a distributor and
2 retailer;

3 5. "Covered electronic equipment" means a computer, computer
4 peripheral, small electronic equipment, small-scale server, cathode
5 ray tube, or television, as defined in this section. "Covered
6 electronic equipment" does not include any motor vehicle or any part
7 thereof, camera or video camera, portable or stationary radio,
8 household appliances such as clothes washers, clothes dryers,
9 refrigerators, freezers, microwave ovens, ovens, ranges or
10 dishwashers, equipment that is functionally or physically part of a
11 larger piece of equipment intended for use in an industrial,
12 research and development or commercial setting, security or anti-
13 terrorism equipment, monitoring and control instrument or system;
14 thermostat, hand-held transceiver; telephone of any type, portable
15 digital assistant or similar device, calculator; a server other than
16 a small-scale server, a cash register or retail self-checkout
17 system; a stand-alone storage product intended for use in
18 industrial, research and development or commercial settings;
19 commercial medical equipment that contains within it a cathode ray
20 tube, a flat panel display or similar video display device, and is
21 not separate from the larger piece of equipment, or other medical
22 devices as that term is defined under the Federal Food, Drug and
23 Cosmetic Act;

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1 6. "Electronic waste" means covered electronic equipment that
2 has been discarded or is no longer wanted by its owner, or for any
3 other reason enters the waste collection, recovery, treatment,
4 processing, or recycling system;

5 7. "Monitor" means a separate visual display component of a
6 computer, whether sold separately or together with a computer
7 central processing unit, and includes a cathode ray tube, liquid
8 crystal display, gas plasma, digital light processing or other image
9 projection technology, greater than four inches when measured
10 diagonally, and its case, interior wires and circuitry, and any
11 cable cord or wiring permanently affixed thereto or incorporated
12 into such product;

13 8. "Large Retailer" means a commercial enterprise or
14 establishment, including a sole proprietorship, joint venture,
15 partnership, corporation, or other legally recognizable entity,
16 whether for profit or not-for-profit, that:

17 a. is a full-line, self-service retail store that sells
18 new covered electronic equipment by any means
19 directly to a consumer but does not include businesses
20 that regularly lease, offers to lease, or arranges for
21 leasing of merchandise under a rental-purchase
22 agreement,

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- 1 b. has annual sales of Five Million Dollars
2 (\$5,000,000.00) or more, not including sales of motor
3 fuel, and
4 c. has over seventy-five thousand (75,000) square feet of
5 retail space;

6 9. "Small electronic equipment" means any portable digital
7 music player that has memory capability and is battery-powered,
8 video cassette recorder, a digital video disc player, digital video
9 recorder, digital converter box, cable or satellite receiver, or
10 electronic or video game console, and includes any cable, cord, or
11 wiring permanently affixed to or incorporated into any such product;

12 10. "Small-scale server" means a computer that typically uses
13 desktop components in a desktop form factor, but is designed
14 primarily to be a storage host for other computers. To be considered
15 a small-scale server, a computer must have the following
16 characteristics: designed in a pedestal, tower, or other form factor
17 similar to those of desktop computers such that all data processing,
18 storage, and network interfacing is contained within one box or
19 product; intended to be operational twenty four (24) hours per day
20 and seven days a week, and unscheduled downtime is extremely low,
21 such as on the order of hours per year; is capable of operating in a
22 simultaneous multi-user environment serving several users through
23 networked client units; and designed for an industry accepted
24 operating system for home or low-end server applications; and

1 11. "Television" means a display system containing a cathode
2 ray tube or any other type of display primarily intended to receive
3 video programming via broadcast, cable or satellite transmission,
4 having a viewable area greater than four (4) inches when measured
5 diagonally.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2-11-703 of Title 27A, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Every retailer engaged in the sale of covered electronic
10 equipment shall:

11 1. Accept, at no charge, electronic waste from any person
12 during the normal business hours of such business; or

13 2. Offer to any person at no charge, the shipping of electronic
14 waste to a recycling program conducted by such retailer.

15 Information about such a program shall be readily available at such
16 retailer locations and on its website.

17 B. Every retailer required to accept electronic waste pursuant
18 to paragraph 1 of this section shall conspicuously post a sign open
19 to public view, clearly indicating that electronic waste is
20 accepted. Such signs may also state that electronic waste shall only
21 be accepted during normal business hours, and may state such hours.

22 C. Every retailer required to accept electronic waste shall
23 take reasonable steps to work with brand-owners of electronic
24 products to ensure all electronic waste accepted pursuant to this

1 section shall either be recycled, reused or disposed of in an
2 environmentally sound manner by a recycler with a certification.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2-11-704 of Title 27A, unless
5 there is created a duplication in numbering, reads as follows:

6 A large retailer may not offer covered electronics for sale in
7 this state unless the retailer complies with the provisions of this
8 act.

9 SECTION 5. This act shall become effective November 1, 2013.

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