

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0139.01 Thomas Morris

HOUSE BILL 11-1244

HOUSE SPONSORSHIP

Fischer, Gardner D., Hullinghorst, Kefalas, Kerr A., Pabon, Ryden, Solano, Tyler, Wilson

SENATE SPONSORSHIP

Newell and Schwartz, Steadman

House Committees

Health and Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RECYCLING OF CONSUMER ELECTRONIC DEVICES,**
102 **AND, IN CONNECTION THEREWITH, REQUIRING VIDEO DISPLAY**
103 **DEVICE MANUFACTURERS TO REGISTER WITH THE DEPARTMENT**
104 **OF PUBLIC HEALTH AND ENVIRONMENT, IMPLEMENT RECYCLING**
105 **PROGRAMS, AND FILE PERIODIC REPORTS; REQUIRING**
106 **RECYCLERS OF ELECTRONIC DEVICES TO BE CERTIFIED BY THE**
107 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; AND**
108 **INCREMENTALLY BANNING THE DISPOSAL OF COVERED**
109 **ELECTRONIC DEVICES IN LANDFILLS WITHIN A SPECIFIED TIME.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill creates the "Consumer Electronics Recycling Act" (act). Manufacturers of eligible electronic devices must implement recycling programs for those products, including educating the public about the programs. Manufacturers are not permitted to sell certain covered electronic devices without an identifying label. Manufacturers must also recycle their market share allocation of their respective markets in Colorado.

Manufacturers are required to register with, pay an annual registration fee to, and submit annual reports to the department of public health and environment. The solid and hazardous waste commission must adopt rules to regulate manufacturers' recycling programs, including a tradable recycling credit program, and implement a phased-in ban of the disposal of covered electronic devices in landfills.

Processors of eligible electronic devices must be certified, pay the department an annual fee, and comply with recycling and processing standards established by the commission. Collectors must be registered. Retailers may not sell or offer to sell a covered electronic device unless the device is labeled with the manufacturer's brand name and the manufacturer has a recycling plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 17 of title 25, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PART to read:

4 **PART 3**

5 **ELECTRONIC DEVICE RECYCLING**

6 **25-17-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
7 BE CITED AS THE "CONSUMER ELECTRONICS RECYCLING ACT".

8 **25-17-302. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY HEREBY FINDS THAT CONSUMER ELECTRONIC DEVICES AND
10 OTHER CONSUMER PRODUCTS MAY CONTAIN HAZARDOUS MATERIALS AS
11 WELL AS COMPONENTS AND MATERIALS THAT ARE VALUED AS
12 COMMODITIES. IT IS IMPORTANT TO CREATE A VIABLE MEANS OF

1 RECYCLING THESE MATERIALS FOR ALL COLORADO CITIZENS THROUGH A
2 MODEL OF EXTENDED PRODUCER RESPONSIBILITY IN PARTNERSHIP WITH
3 MANUFACTURERS WHO SELL THESE PRODUCTS WITHIN THE STATE. THIS
4 WILL ELIMINATE THE THREAT TO OUR ENVIRONMENT POSED BY BURYING
5 OR INCINERATING HARMFUL MATERIALS AND PREVENT THE EXPORT OF
6 TOXIC MATERIALS TO COUNTRIES WITH INSUFFICIENT ENVIRONMENTAL
7 CONTROLS IN PLACE TO RECYCLE THEM SAFELY. ENGAGING
8 MANUFACTURERS' FISCAL AND ETHICAL RESPONSIBILITY FOR
9 MANAGEMENT OF THE PRODUCTS THEY DESIGN AND MANUFACTURE WILL
10 ENCOURAGE MANUFACTURERS TO MAKE PRODUCTS THAT ARE EASIER TO
11 REPAIR, RECYCLE, AND REUSE.

12 (2) FURTHER, THE GENERAL ASSEMBLY'S INTENT IN ENACTING THIS
13 PART 3 IS TO FOSTER ECONOMIC GROWTH WITHIN THIS STATE BY CREATING
14 OPPORTUNITIES FOR LOCAL COMPANIES TO COLLECT AND PROCESS
15 MATERIALS COVERED BY THIS PART 3. RECYCLING, REUSE, AND
16 RECONDITIONING OF OLD ELECTRONIC DEVICES CAPTURES VALUE PRESENT
17 IN THE DEVICES TO THE BENEFIT OF COLORADO'S CITIZENS AND
18 ENVIRONMENT BY KEEPING BOTH TOXIC AND VALUABLE MATERIALS OUT
19 OF LANDFILLS, AND THUS CREATING JOBS AND STRENGTHENING LOCAL
20 ECONOMIES.

21 (3) THE GENERAL ASSEMBLY FINDS THAT CONSUMERS CURRENTLY
22 BEAR ALMOST ALL OF THE COSTS OF RECYCLING ELECTRONIC DEVICES AND
23 THAT THESE COSTS SHOULD BE SHARED BETWEEN CONSUMERS AND
24 MANUFACTURERS MORE EQUITABLY AS IS CURRENTLY BEING DONE IN
25 MANY OTHER STATES. ENGAGING MANUFACTURERS AS PART OF THE
26 SOLUTION RESULTS IN A SYSTEM OF RECYCLING ELECTRONIC DEVICES
27 THAT SUPPORTS THE CREATION OF LOCAL JOBS AND REDUCES TOXIC

1 MATERIALS IN OUR WASTE STREAM.

2 (4) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF
3 THIS PART 3 IS TO ESTABLISH A COMPREHENSIVE AND CONVENIENT
4 ELECTRONICS RECYCLING AND REUSE PROGRAM. THE PURPOSES OF THIS
5 PROGRAM ARE TO:

6 (a) ENSURE THAT CONSUMER ELECTRONICS PRODUCTS ARE
7 RESPONSIBLY REUSED, RECONDITIONED, OR RECYCLED TO PROMOTE
8 RESOURCE CONSERVATION THROUGH THE DEVELOPMENT OF AN EFFECTIVE
9 AND EFFICIENT SYSTEM FOR COLLECTING AND RECYCLING SUCH
10 PRODUCTS;

11 (b) REQUIRE MANUFACTURERS TO OFFER A RECYCLING SERVICE
12 FOR CERTAIN ELECTRONIC DEVICES THAT IS CONVENIENT AND IMPOSES
13 LITTLE OR NO COST ON CONSUMERS; AND

14 (c) PROVIDE EDUCATION AND INFORMATION TO CONSUMERS FOR
15 MAKING INFORMED DECISIONS AS WELL AS ASSURANCES THAT THEIR
16 RECYCLED ELECTRONIC DEVICES ARE RECYCLED RESPONSIBLY.

17 **25-17-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "BRAND" MEANS A SYMBOL, LOGO, WORD, OR MARK THAT
20 IDENTIFIES A COVERED ELECTRONIC DEVICE, RATHER THAN ANY OF ITS
21 COMPONENTS.

22 (2) "COLLECT" OR "COLLECTION" MEANS THE RECOVERY, AFTER
23 MANUFACTURE AND DISTRIBUTION OR INITIAL SALE, OF AN ELIGIBLE
24 ELECTRONIC DEVICE. THE TERM INCLUDES COLLECTION THROUGH A
25 MAIL-BACK PROGRAM, COLLECTION SITE, COLLECTION EVENT, OR
26 CURBSIDE OR HOME COLLECTION.

27 (3) "COLLECTOR" MEANS A PERSON THAT RECEIVES AN ELIGIBLE

1 ELECTRONIC DEVICE FROM A CONSUMER AND ARRANGES FOR DELIVERY OF
2 THE DEVICE TO A RECYCLER.

3 (4) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
4 COMMISSION CREATED IN SECTION 25-15-302.

5 (5) "CONSUMER" MEANS A NATURAL PERSON WHO HAS PURCHASED
6 AN ELIGIBLE ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR HOME
7 BUSINESS USE.

8 (6) (a) "COVERED ELECTRONIC DEVICE" MEANS A DEVICE THAT IS
9 MARKETED BY A MANUFACTURER FOR USE BY A CONSUMER AND THAT IS:

10 (I) A TELEVISION OR COMPUTER MONITOR, INCLUDING A LAPTOP
11 COMPUTER, ELECTRONIC BOOK, NOTEBOOK COMPUTER, OR OTHER DEVICE
12 DETERMINED BY THE COMMISSION BY RULE, THAT CONTAINS A CATHODE
13 RAY TUBE OR FLAT PANEL SCREEN WITH A SCREEN SIZE THAT IS GREATER
14 THAN FOUR INCHES MEASURED DIAGONALLY; OR

15 (II) A CENTRAL PROCESSING UNIT.

16 (b) "COVERED ELECTRONIC DEVICE" DOES NOT INCLUDE:

17 (I) A DEVICE THAT IS PART OF A MOTOR VEHICLE OR ANY
18 COMPONENT PART OF A MOTOR VEHICLE ASSEMBLED BY, OR FOR, A
19 VEHICLE MANUFACTURER OR FRANCHISED MOTOR VEHICLE DEALER,
20 INCLUDING REPLACEMENT PARTS FOR USE IN A MOTOR VEHICLE;

21 (II) A DEVICE, INCLUDING A TOUCH SCREEN DISPLAY, THAT IS
22 FUNCTIONALLY OR PHYSICALLY PART OF OR CONNECTED TO A SYSTEM OR
23 EQUIPMENT DESIGNED AND INTENDED FOR USE IN ANY OF THE FOLLOWING
24 SETTINGS, INCLUDING DIAGNOSTIC, MONITORING, OR CONTROL
25 EQUIPMENT:

26 (A) INDUSTRIAL;

27 (B) COMMERCIAL, INCLUDING RETAIL;

- 1 (C) LIBRARY CHECKOUT;
- 2 (D) TRAFFIC CONTROL;
- 3 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;
- 4 (F) BORDER CONTROL;
- 5 (G) MEDICAL; OR
- 6 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

7 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE
8 FOLLOWING:

- 9 (A) A CLOTHES WASHER OR DRYER;
- 10 (B) A REFRIGERATOR OR REFRIGERATOR AND FREEZER;
- 11 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;
- 12 (D) A DISHWASHER; OR
- 13 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

14 (IV) EITHER OF THE FOLLOWING THAT DOES NOT CONTAIN A VIDEO
15 DISPLAY AREA GREATER THAN FOUR INCHES MEASURED DIAGONALLY:

- 16 (A) A TELEPHONE; OR
- 17 (B) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO
18 SERVICE AS DEFINED IN 47 CFR 20.3.

19 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
20 AND ENVIRONMENT.

21 (8) "ELIGIBLE ELECTRONIC DEVICE" MEANS A COMPUTER,
22 PERIPHERAL, PRINTER, FACSIMILE MACHINE, DIGITAL VIDEO DISC PLAYER,
23 VIDEO CASSETTE RECORDER, COVERED ELECTRONIC DEVICE, OR OTHER
24 ELECTRONIC DEVICE SPECIFIED BY RULE PROMULGATED BY THE
25 COMMISSION THAT IS SOLD TO A CONSUMER BY MEANS OF RETAIL,
26 WHOLESALE, OR ELECTRONIC COMMERCE.

27 (9) (a) "MANUFACTURER" MEANS A PERSON, IN BUSINESS OR NO

1 LONGER IN BUSINESS BUT HAVING A SUCCESSOR IN INTEREST, THAT,
2 IRRESPECTIVE OF THE SELLING TECHNIQUE USED, INCLUDING BY MEANS OF
3 DISTANCE OR REMOTE SALE:

4 (I) MANUFACTURES OR HAS MANUFACTURED A COVERED
5 ELECTRONIC DEVICE UNDER ITS OWN BRAND NAME FOR SALE IN THIS
6 STATE;

7 (II) ASSEMBLES OR HAS ASSEMBLED A COVERED ELECTRONIC
8 DEVICE THAT IS FOR SALE IN THIS STATE UNDER THE ASSEMBLER'S BRAND
9 NAME AND USES PARTS MANUFACTURED BY OTHERS;

10 (III) RESELLS OR HAS RESOLD IN THIS STATE, UNDER ITS OWN
11 BRAND NAME, A COVERED ELECTRONIC DEVICE PRODUCED BY OTHER
12 SUPPLIERS, INCLUDING A RETAIL ESTABLISHMENT THAT SELLS COVERED
13 ELECTRONIC DEVICES UNDER ITS OWN BRAND NAME;

14 (IV) MANUFACTURES OR MANUFACTURED A COBRANDED COVERED
15 ELECTRONIC DEVICE FOR SALE IN THIS STATE THAT CARRIES THE NAMES OF
16 BOTH THE MANUFACTURER AND A RETAILER;

17 (V) SELLS AT RETAIL A COVERED ELECTRONIC DEVICE ACQUIRED
18 FROM AN IMPORTER THAT IS THE MANUFACTURER AS DESCRIBED IN
19 SUBPARAGRAPH (VI) OF THIS PARAGRAPH (a) AND ELECTS TO REGISTER
20 WITH THE DEPARTMENT PURSUANT TO SECTION 25-17-305 (3) IN LIEU OF
21 THE IMPORTER AS THE MANUFACTURER FOR THOSE DEVICES; OR

22 (VI) IMPORTS OR HAS IMPORTED A COVERED ELECTRONIC DEVICE
23 INTO THE UNITED STATES THAT IS SOLD IN THIS STATE; EXCEPT THAT, IF
24 THE IMPORTED COVERED ELECTRONIC DEVICE IS MANUFACTURED BY ANY
25 PERSON WITH A PRESENCE IN THE UNITED STATES MEETING THE CRITERIA
26 OF A MANUFACTURER UNDER SUBPARAGRAPH (I), (II), (III), OR (IV) OF
27 THIS PARAGRAPH (a), THAT PERSON IS THE MANUFACTURER. FOR

1 PURPOSES OF THIS SUBPARAGRAPH (VI), A PERSON HAS A "PRESENCE" IF
2 THE PERSON PERFORMS ACTIVITIES CONDUCTED UNDER THE STANDARDS
3 ESTABLISHED FOR INTERSTATE COMMERCE UNDER THE COMMERCE
4 CLAUSE, ARTICLE I, SECTION 8, CLAUSE 3, OF THE UNITED STATES
5 CONSTITUTION.

6 (b) WHEN MORE THAN ONE PERSON IS WITHIN THE DEFINITION OF
7 A MANUFACTURER OF A BRAND OF A COVERED ELECTRONIC DEVICE, ONE
8 OR MORE OF THE PERSONS MAY ASSUME RESPONSIBILITY AS, AND SATISFY
9 THE OBLIGATIONS OF, A MANUFACTURER UNDER THIS PART 3 WITH
10 RESPECT TO COVERED ELECTRONIC DEVICES BEARING THAT BRAND. IF NO
11 PERSON ASSUMES RESPONSIBILITY AS, AND SATISFIES THE OBLIGATIONS OF,
12 A MANUFACTURER UNDER THIS PART 3 WITH RESPECT TO COVERED
13 ELECTRONIC DEVICES BEARING THAT BRAND, THE DEPARTMENT MAY
14 CONSIDER ANY ONE OR MORE PERSONS WITHIN THE DEFINITION TO BE THE
15 MANUFACTURER OF THAT BRAND.

16 (c) "MANUFACTURER" DOES NOT INCLUDE A MANUFACTURER:

17 (I) OF COVERED ELECTRONIC DEVICES THAT THE COMMISSION
18 DETERMINES ARE OF SUCH A CHARACTER THAT THE DEVICES WOULD NOT
19 BE USED BY A CONSUMER UNLESS THE MANUFACTURER ALSO
20 MANUFACTURES ONE OR MORE COVERED ELECTRONIC DEVICES THAT ARE
21 OF SUCH CHARACTER AS TO BE USED BY A CONSUMER; OR

22 (II) THAT SELLS FEWER THAN TWO HUNDRED COVERED
23 ELECTRONIC DEVICES TO CONSUMERS IN COLORADO ANNUALLY.

24 (10) "MARKET SHARE" MEANS A MANUFACTURER'S PRIOR
25 CALENDAR YEAR'S SALES OF COVERED ELECTRONIC DEVICES IN WEIGHT,
26 EXPRESSED AS A PERCENTAGE OF THE TOTAL OF ALL MANUFACTURERS'
27 PRIOR YEAR'S STATE SALES WEIGHT FOR ALL COVERED ELECTRONIC

1 DEVICES, BASED ON A STATE POPULATION PRORATION DERIVED FROM
2 NATIONAL SALES DATA.

3 (11) "MATERIALS OF CONCERN" MEANS ANY OF THE FOLLOWING:

4 (a) ANY DEVICE, INCLUDING A FLUORESCENT LIGHT OR TUBE, THAT
5 CONTAINS MERCURY OR POLYCHLORINATED BIPHENYLS;

6 (b) A BATTERY;

7 (c) A CATHODE RAY TUBE OR LEADED GLASS; AND

8 (d) A WHOLE CIRCUIT BOARD.

9 (12) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR ANY OTHER
10 DEVICE THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER
11 AND PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.

12 (13) "PERSON" MEANS AN INDIVIDUAL, BUSINESS ENTITY,
13 PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION,
14 NOT-FOR-PROFIT CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY,
15 PUBLIC BENEFIT CORPORATION, OR PUBLIC AUTHORITY.

16 (14) "PROCESSING FOR REUSE" MEANS ANY METHOD, TECHNIQUE,
17 OR PROCESS BY WHICH ELIGIBLE ELECTRONIC DEVICES THAT WOULD
18 OTHERWISE BE DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED,
19 PROCESSED, AND RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR
20 TO OTHER USEFUL PURPOSES AS ELIGIBLE ELECTRONIC DEVICES.

21 (15) "PROGRAM YEAR" MEANS A FULL CALENDAR YEAR BEGINNING
22 ON OR AFTER JANUARY 1, 2012.

23 (16) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING
24 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN ELIGIBLE
25 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE
26 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR
27 REUSE. "RECYCLING" DOES NOT INCLUDE ANY PROCESS DEFINED AS

1 INCINERATION UNDER APPLICABLE LAWS OR RULES.

2 (17) "RECYCLER" MEANS A PERSON WHO PROCESSES ELIGIBLE
3 ELECTRONIC DEVICES FOR RECYCLING, REUSE, OR RESALE, BUT DOES NOT
4 INCLUDE TELECOMMUNICATIONS CARRIERS, TELECOMMUNICATIONS
5 MANUFACTURERS, OR COMMERCIAL MOBILE SERVICE PROVIDERS WITH AN
6 EXISTING RECYCLING PROGRAM.

7 (18) "RETAILER" MEANS A PERSON WHO OWNS OR OPERATES A
8 BUSINESS THAT SELLS COVERED ELECTRONIC DEVICES DIRECTLY TO A
9 CONSUMER, INCLUDING THROUGH SALES OUTLETS, CATALOGS, OR THE
10 INTERNET, WHETHER OR NOT THE SELLER HAS A PHYSICAL PRESENCE IN
11 THIS STATE.

12 (19) "SELL", "OFFER FOR SALE", OR "SALE" MEANS ANY TRANSFER
13 OR OFFER OR SOLICITATION OF A TRANSFER, FOR CONSIDERATION, OF TITLE
14 TO A COVERED ELECTRONIC DEVICE IN OR INTO THIS STATE. THE TERM
15 INCLUDES RESALES AND TRANSACTIONS CONDUCTED THROUGH SALES
16 OUTLETS, CATALOGS, OR THE INTERNET OR ANY OTHER SIMILAR
17 ELECTRONIC MEANS, BUT DOES NOT INCLUDE FINANCING OR LEASING.

18 **25-17-304. Applicability - liability.** (1) THE COLLECTION AND
19 RECYCLING PROVISIONS OF THIS PART 3 APPLY TO ELIGIBLE ELECTRONIC
20 DEVICES USED AND RECYCLED BY CONSUMERS IN THIS STATE.

21 (2) NOTHING IN THIS PART 3 EXEMPTS ANY PERSON FROM
22 LIABILITY HE OR SHE WOULD OTHERWISE HAVE UNDER APPLICABLE LAW.

23 **25-17-305. Manufacturers - sale prohibition - reporting -**
24 **registration - fees - recycling plan - market share allocation -**
25 **penalties.** (1) **Prohibition on sale without brand label.** EFFECTIVE
26 JANUARY 1, 2012, A MANUFACTURER SHALL NOT SELL A COVERED
27 ELECTRONIC DEVICE IN THIS STATE UNLESS THE MANUFACTURER INCLUDES

1 THE MANUFACTURER'S NAME AND BRAND, WHETHER OWNED OR LICENSED
2 BY THE MANUFACTURER, ON THE COVERED ELECTRONIC DEVICE.

3 (2) **Annual reports.** EFFECTIVE JANUARY 1, 2013, EACH
4 MANUFACTURER SHALL ANNUALLY REPORT TO THE DEPARTMENT, ON OR
5 BEFORE A DATE AND IN A FORMAT ESTABLISHED BY RULE PROMULGATED
6 PURSUANT TO SECTION 25-17-308 (7), THE FOLLOWING:

7 (a) A LIST OF ALL OF THE BRANDS THE MANUFACTURER IS USING
8 ON ITS COVERED ELECTRONIC DEVICES, REGARDLESS OF WHETHER IT OWNS
9 OR LICENSES THE BRAND;

10 (b) THE TOTAL WEIGHT OF ELIGIBLE ELECTRONIC DEVICES
11 RECEIVED BY THE MANUFACTURER'S RECYCLING PROGRAM FROM
12 CONSUMERS IN THIS STATE DURING THE PREVIOUS PROGRAM YEAR;

13 (c) THE PROCESSES AND METHODS USED TO RECYCLE THE ELIGIBLE
14 ELECTRONIC DEVICES RECEIVED FROM CONSUMERS, WITH
15 DOCUMENTATION VERIFYING PROPER COLLECTION AND RECOVERY OF
16 RECYCLED MATERIAL RESULTING FROM THOSE PROCESSES AND METHODS,
17 INCLUDING DOCUMENTATION THAT EACH COLLECTOR AND RECYCLER USED
18 IN THE MANUFACTURER'S RECYCLING PROGRAM IS CURRENTLY CERTIFIED
19 PURSUANT TO SECTION 25-17-306;

20 (d) THE IDENTITY OF ANY COLLECTOR OR RECYCLER WITH WHOM
21 THE MANUFACTURER CONTRACTS FOR THE COLLECTION OR RECYCLING OF
22 ELIGIBLE ELECTRONIC DEVICES RECEIVED FROM CONSUMERS. THE
23 IDENTITY OF A RECYCLER INCLUDES THE ADDRESSES OF THAT RECYCLER'S
24 RECYCLING FACILITIES. THE IDENTITY OF A COLLECTOR OR RECYCLER
25 REPORTED UNDER THIS PARAGRAPH (d) IS EXEMPT FROM DISCLOSURE
26 PURSUANT TO THE "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF
27 TITLE 24, C.R.S.

1 (e) THE MANUFACTURER'S CREDITS RECEIVED, IF ANY, FOR
2 WORKING WITH LOCAL GOVERNMENT PROGRAMS, BUSINESSES, AND
3 NONPROFIT ORGANIZATIONS AND IN HARD-TO-SERVE AREAS.

4 (3) **Registration and fee.** BY JANUARY 1, 2012, EACH
5 MANUFACTURER SHALL REGISTER WITH THE DEPARTMENT PURSUANT TO,
6 AND PAY TO THE DEPARTMENT A REGISTRATION FEE DETERMINED BY,
7 RULES PROMULGATED PURSUANT TO SECTION 25-17-308 (7). THE
8 DEPARTMENT SHALL TRANSMIT THE FEES TO THE STATE TREASURER, WHO
9 SHALL DEPOSIT THEM IN THE ELECTRONICS RECYCLING CASH FUND
10 CREATED IN SECTION 25-17-308 (9).

11 (4) **Recycling program - market share allocation - collection**
12 **systems.** (a) EFFECTIVE JANUARY 1, 2013, A MANUFACTURER SHALL:

13 (I) NOT SELL OR OFFER FOR SALE ANY COVERED ELECTRONIC
14 DEVICE IN THIS STATE UNLESS THE MANUFACTURER HAS ADOPTED AND IS
15 IMPLEMENTING A RECYCLING PLAN APPROVED BY THE DEPARTMENT
16 UNDER WHICH THE MANUFACTURER OFFERS TO COLLECT FROM
17 CONSUMERS AND RECYCLE EACH COVERED ELECTRONIC DEVICE THAT IS
18 LABELED WITH THE MANUFACTURER'S BRAND AND ANY ELIGIBLE
19 ELECTRONIC DEVICE THAT IMPOSES LITTLE OR NO COST ON THE
20 CONSUMER;

21 (II) ANNUALLY COLLECT AND RECYCLE OR ARRANGE FOR THE
22 COLLECTION AND RECYCLING OF ITS MARKET SHARE ALLOCATION OF
23 ELIGIBLE ELECTRONIC DEVICES BY PARTICIPATING IN AND FINANCING AN
24 ELIGIBLE ELECTRONIC DEVICE RECYCLING PROGRAM.

25 (b) (I) EACH MANUFACTURER'S RECYCLING PLAN MUST OFFER
26 ELIGIBLE ELECTRONIC DEVICE COLLECTION SERVICES THAT ARE
27 REASONABLY CONVENIENT AND AVAILABLE AND DESIGNED TO MEET THE

1 COLLECTION NEEDS OF CONSUMERS IN ALL REGIONS OF THIS STATE.

2 (II) SYSTEMS THAT CAN BE USED, ALONE OR TOGETHER, TO MEET
3 THE CONVENIENCE REQUIREMENTS OF THIS PARAGRAPH (b) INCLUDE:

4 (A) MAIL-BACK SYSTEMS: A MANUFACTURER OR ITS DESIGNEE
5 MAY OFFER A SYSTEM BY WHICH THE CONSUMER MAY RETURN ELIGIBLE
6 ELECTRONIC DEVICES THROUGH THE MAIL OR BY COMMON-CARRIER
7 SHIPMENT;

8 (B) PHYSICAL COLLECTION SITES: A MANUFACTURER OR ITS
9 DESIGNEE MAY KEEP OPEN AND STAFFED ONE OR MORE PHYSICAL
10 COLLECTION SITES AT WHICH CONSUMERS MAY RETURN ELIGIBLE
11 ELECTRONIC DEVICES;

12 (C) COLLECTION EVENTS: A MANUFACTURER OR ITS DESIGNEE
13 MAY HOLD ONE OR MORE COLLECTION EVENTS AT WHICH CONSUMERS MAY
14 RETURN ELIGIBLE ELECTRONIC DEVICES; OR

15 (D) CURBSIDE OR IN-HOME COLLECTION: A MANUFACTURER OR
16 ITS DESIGNEE MAY PROVIDE CURBSIDE COLLECTION OR IN-HOME
17 COLLECTION SERVICES TO RESIDENTIAL UNITS. IN SUCH CASES A CHARGE
18 MAY BE LEVIED FOR THE COLLECTION PORTION ONLY OF SUCH SERVICE.

19 (c) WHEREVER POSSIBLE, MANUFACTURERS SHALL WORK WITH
20 EXISTING LOCAL GOVERNMENT PROGRAMS, BUSINESSES, AND NONPROFIT
21 ORGANIZATIONS TO ACCOMMODATE CONSUMERS. MANUFACTURERS
22 OFFERING COLLECTION SERVICES ARE ENCOURAGED TO USE EXISTING
23 COLLECTION INFRASTRUCTURE FOR HANDLING ELIGIBLE ELECTRONIC
24 DEVICES. SUCH INFRASTRUCTURE MAY INCLUDE ELECTRONICS RECYCLERS
25 AND REPAIR SHOPS, MUNICIPAL OR LOCAL GOVERNMENT TRANSFER
26 STATIONS, RECYCLERS OF OTHER COMMODITIES, REUSE ORGANIZATIONS,
27 NOT-FOR-PROFIT CORPORATIONS, RETAILERS, OR OTHER SUITABLE

1 OPERATIONS.

2 (d) EACH MANUFACTURER SHALL, AS PART OF ITS RECYCLING
3 PLAN, INFORM ITS CUSTOMERS IN THIS STATE ABOUT WHERE AND HOW TO
4 RETURN AND RECYCLE ELIGIBLE ELECTRONIC DEVICES. EACH
5 MANUFACTURER SHALL INCLUDE COLLECTION AND RECYCLING
6 INFORMATION PROMINENTLY ON ITS WEB SITE AND SHALL PROVIDE SUCH
7 INFORMATION TO THE DEPARTMENT. THE MANUFACTURER MAY ALSO
8 INCLUDE SUCH INFORMATION IN THE ELIGIBLE ELECTRONIC DEVICE'S
9 PACKAGING OR IN PRINTED LITERATURE ACCOMPANYING THE SALE OF THE
10 ELIGIBLE ELECTRONIC DEVICE. EACH MANUFACTURER MUST PROVIDE
11 CONSUMERS WITH INFORMATION ON PROTECTING OR DELETING THE DATA
12 CONTAINED ON THE ELIGIBLE ELECTRONIC DEVICE BEING OFFERED FOR
13 RECYCLING.

14 (5) **Immunity for data security.** MANUFACTURERS,
15 COLLECTORS, RECYCLERS, AND THEIR LICENSORS ARE NOT LIABLE IN ANY
16 WAY FOR PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A
17 CONSUMER MAY LEAVE ON AN ELIGIBLE ELECTRONIC DEVICE THAT IS
18 COLLECTED OR RECYCLED.

19 (6) **Fines.** THE COMMISSION SHALL FINE A MANUFACTURER THAT
20 DOES NOT MEET ITS MARKET SHARE ALLOCATION ANNUALLY, BEGINNING
21 WITH THE SECOND PROGRAM YEAR, IN THE AMOUNT OF FIFTY CENTS PER
22 POUND FOR EVERY POUND NOT RECYCLED. THE DEPARTMENT SHALL
23 TRANSMIT THE FINE TO THE STATE TREASURER, WHO SHALL DEPOSIT IT IN
24 THE RECYCLING RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN
25 SECTION 25-16.5-106.5 (1).

26 **25-17-306. Collectors and recyclers - registration -**
27 **certification - fee - compliance.** (1) A PERSON SHALL NOT ACT AS A

1 COLLECTOR ON OR AFTER JANUARY 1, 2012, UNLESS THE PERSON HAS
2 REGISTERED WITH THE DEPARTMENT AS A COLLECTOR. A PERSON SHALL
3 NOT ACT AS A RECYCLER ON OR AFTER JANUARY 1, 2012, UNLESS THE
4 PERSON HAS BEEN CERTIFIED BY THE DEPARTMENT AS A RECYCLER. BY
5 JANUARY 1, 2012, EACH RECYCLER SHALL PAY TO THE DEPARTMENT AN
6 ANNUAL CERTIFICATION FEE DETERMINED BY RULES PROMULGATED
7 PURSUANT TO SECTION 25-17-308 (7), IN AN AMOUNT THAT IS SUFFICIENT
8 TO COVER THE DEPARTMENT'S DIRECT AND INDIRECT ADMINISTRATIVE
9 COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3 WITH REGARD TO
10 RECYCLERS. THE DEPARTMENT SHALL TRANSMIT THE FEES TO THE STATE
11 TREASURER, WHO SHALL DEPOSIT THEM IN THE ELECTRONICS RECYCLING
12 CASH FUND CREATED IN SECTION 25-17-308 (9).

13 (2) A RECYCLER SHALL COMPLY WITH THE CERTIFICATION AND
14 SOUND ENVIRONMENTAL MANAGEMENT RULES PROMULGATED PURSUANT
15 TO SECTION 25-17-309. A COLLECTOR SHALL COMPLY WITH THE SOUND
16 ENVIRONMENTAL MANAGEMENT RULES PROMULGATED PURSUANT TO
17 SECTION 25-17-309.

18 **25-17-307. Retailers - conditions upon sale - data security.**

19 (1) EFFECTIVE JANUARY 1, 2012, A RETAILER SHALL NOT SELL A COVERED
20 ELECTRONIC DEVICE IN COLORADO UNLESS:

21 (a) THE DEVICE HAS A LABEL THAT COMPLIES WITH SECTION
22 25-17-305 (1); AND

23 (b) THE MANUFACTURER HAS REGISTERED WITH THE DEPARTMENT
24 AND IS INCLUDED ON THE STATE LIST OF MANUFACTURERS WITH
25 RECYCLING PLANS.

26 (2) A RETAILER IS NOT LIABLE IN ANY WAY FOR PERSONAL OR
27 FINANCIAL DATA OR OTHER INFORMATION THAT A CONSUMER MAY LEAVE

1 ON A COVERED ELECTRONIC DEVICE THAT IS COLLECTED OR RECYCLED.

2 **25-17-308. Department's and commission's duties - rules -**

3 **fund - repeal.** (1) **Education.** THE DEPARTMENT OR ITS CONTRACTOR

4 SHALLEDUATE CONSUMERS ABOUT THE COLLECTION AND RECYCLING OF

5 ELIGIBLE ELECTRONIC DEVICES, THE REMOVAL OF DATA FROM A COVERED

6 ELECTRONIC DEVICE BEING OFFERED FOR RECYCLING, AND

7 IMPLEMENTATION OF THE LANDFILL BAN PURSUANT TO SECTION

8 25-17-310. THE DEPARTMENT MAY AWARD GRANTS FROM THE

9 ELECTRONICS RECYCLING CASH FUND CREATED IN SUBSECTION (9) OF THIS

10 SECTION TO LOCAL GOVERNMENTS FOR PUBLIC EDUCATION ABOUT LOCAL

11 COLLECTION AND RECYCLING OPPORTUNITIES AND BENEFITS.

12 (2) **Web site.** THE DEPARTMENT SHALL HOST, OR DESIGNATE

13 ANOTHER PERSON TO HOST, A WEB SITE ABOUT ELIGIBLE ELECTRONIC

14 DEVICE RECYCLING FOR CONSUMERS, WITH INFORMATION ABOUT THE

15 REMOVAL OF DATA FROM A COVERED ELECTRONIC DEVICE BEING OFFERED

16 FOR RECYCLING, LINKS TO MANUFACTURERS' COLLECTION AND RECYCLING

17 PLANS, AND INFORMATION ABOUT AND LINKS TO INFORMATION ABOUT

18 COLLECTION EVENTS, COLLECTION SITES, AND COMMUNITY RECYCLING

19 PROGRAMS FOR ELIGIBLE ELECTRONIC DEVICES. INCLUSION ON THE

20 STATE'S WEB SITE IS NOT A DETERMINATION BY THE STATE THAT A

21 MANUFACTURER'S RECYCLING PLAN OR ACTUAL RECYCLING ARE IN

22 COMPLIANCE WITH THIS PART 3 OR OTHER LAWS.

23 (3) **Enforcement.** (a) THE DEPARTMENT MAY CONDUCT AUDITS

24 AND INSPECTIONS TO DETERMINE COMPLIANCE UNDER THIS PART 3. THE

25 DEPARTMENT AND THE STATE ATTORNEY GENERAL, AS APPROPRIATE,

26 SHALL ENFORCE THIS PART 3 AND ASSESS FINES AGAINST ANY

27 MANUFACTURER, RETAILER, COLLECTOR, OR RECYCLER FOR FAILURE TO

1 COMPLY WITH THIS PART 3. THE DEPARTMENT SHALL TRANSMIT THE FINES
2 TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO THE RECYCLING
3 RESOURCES ECONOMIC OPPORTUNITY FUND CREATED IN SECTION
4 25-16.5-106.5 (1) (a).

5 (b) THE ATTORNEY GENERAL MAY ENJOIN A VIOLATION OF THE
6 SALES PROHIBITIONS OF THIS PART 3 IN AN ACTION BROUGHT IN THE NAME
7 OF THE STATE.

8 (4) **Market share allocation notification.** (a) BY AUGUST 30 OF
9 EACH YEAR BEGINNING IN 2012, THE DEPARTMENT SHALL NOTIFY EACH
10 MANUFACTURER OF THE MANUFACTURER'S MARKET SHARE ALLOCATION.
11 A MANUFACTURER'S MARKET SHARE ALLOCATION IS THE WEIGHT IN
12 POUNDS OF ELIGIBLE ELECTRONIC DEVICES REQUIRED TO BE RECYCLED BY
13 THE MANUFACTURER DURING THE NEXT PROGRAM YEAR. THE
14 DEPARTMENT SHALL CALCULATE THE MARKET SHARE ALLOCATION FOR
15 EACH MANUFACTURER AS THE PERCENTAGE OF THE MANUFACTURER'S
16 MARKET SHARE OF COVERED ELECTRONIC DEVICES THAT THE
17 MANUFACTURER IS REQUIRED TO RECYCLE TO MEET THE DEPARTMENT'S
18 RECYCLING GOALS FOR THE NEXT PROGRAM YEAR.

19 (b) THE DEPARTMENT SHALL SET THE MARKET SHARE ALLOCATION
20 FOR MANUFACTURERS DURING THE FIRST PROGRAM YEAR SUCH THAT THE
21 PROGRAM ACHIEVES A GOAL OF RECYCLING THREE POUNDS OF ELIGIBLE
22 ELECTRONIC DEVICES PER CAPITA PER YEAR WITHIN COLORADO. DURING
23 EACH SUBSEQUENT PROGRAM YEAR, THE DEPARTMENT SHALL
24 INCREMENTALLY INCREASE THE STATEWIDE RECYCLING GOAL PURSUANT
25 TO RULES PROMULGATED BY THE COMMISSION TO EVENTUALLY ACHIEVE,
26 TO THE EXTENT PRACTICABLE, ONE HUNDRED PERCENT DIVERSION OF THE
27 TOTAL COMBINED MARKET SHARE OF ALL MANUFACTURERS FROM

1 COLORADO'S SOLID WASTE STREAM.

2 (5) **Financial and proprietary information.** FINANCIAL AND
3 PROPRIETARY INFORMATION SUBMITTED TO THE DEPARTMENT UNDER THIS
4 PART 3 IS EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO THE
5 "COLORADO OPEN RECORDS ACT", ARTICLE 72 OF TITLE 24, C.R.S.

6 (6) **Annual report.** (a) THE DEPARTMENT SHALL COMPILE THE
7 INFORMATION RECEIVED FROM MANUFACTURERS, COLLECTORS, AND
8 RECYCLERS AND SUMMARIZE IT, AFTER REDACTING ALL FINANCIAL AND
9 PROPRIETARY INFORMATION, IN A REPORT TO THE HEALTH AND
10 ENVIRONMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
11 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR THEIR
12 SUCCESSOR COMMITTEES, BY APRIL 1 OF EACH YEAR, BEGINNING IN THE
13 THIRD PROGRAM YEAR.

14 (b) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 1, 2016.

15 (7) **Rules - tradable credits.** (a) BY JANUARY 1, 2012, THE
16 COMMISSION SHALL ADOPT SUCH RULES AS ARE NECESSARY TO IMPLEMENT
17 THIS PART 3.

18 (b) (I) THE RULES MUST INCLUDE CREDITS TO BE ALLOCATED TO
19 MANUFACTURERS THAT COLLECT MORE THAN THE MINIMUM AMOUNT OF
20 ELIGIBLE ELECTRONIC DEVICES REQUIRED TO BE COLLECTED IN A GIVEN
21 YEAR. THE DEPARTMENT SHALL ALLOCATE THE CREDITS BASED ON THE
22 FOLLOWING CRITERIA:

23 (A) A CREDIT EQUAL TO ONE AND ONE-HALF MULTIPLIED BY THE
24 AMOUNT OF ELIGIBLE ELECTRONIC DEVICES COLLECTED USING RECYCLERS
25 LOCATED IN COLORADO;

26 (B) A CREDIT EQUAL TO ONE AND ONE-HALF MULTIPLIED BY THE
27 AMOUNT OF ELIGIBLE ELECTRONIC DEVICES COLLECTED USING

1 COLLECTION OPPORTUNITIES LOCATED IN RURAL AREAS. FOR PURPOSES
2 OF THIS SUB-SUBPARAGRAPH (B), "RURAL AREA" MEANS A COUNTY, BUT
3 NOT A CITY AND COUNTY, IN THIS STATE THAT, AS OF JULY 1, 2009, HAS A
4 POPULATION OF NOT MORE THAN ONE HUNDRED FIFTY THOUSAND PEOPLE
5 AND, IF THE COUNTY'S POPULATION EXCEEDS TWENTY THOUSAND PEOPLE,
6 HAS A GROWTH RATE THAT DOES NOT EXCEED THE STATEWIDE AVERAGE
7 FOR THE 2008-2009 PERIOD BY MORE THAN TWENTY-FIVE PERCENT AS
8 DEFINED IN THE TWO MOST RECENT DECENNIAL CENSUSES.

9 (C) A CREDIT EQUAL TO ONE AND ONE-HALF MULTIPLIED BY THE
10 AMOUNT OF ELIGIBLE ELECTRONIC DEVICES COLLECTED AND PROCESSED
11 FOR REUSE BY THE MANUFACTURER OR ITS PROCESSORS; AND

12 (D) A CREDIT EQUAL TO ONE AND ONE-HALF MULTIPLIED BY THE
13 AMOUNT OF ELIGIBLE ELECTRONIC DEVICES DONATED FOR REUSE BY THE
14 MANUFACTURER TO A PRIMARY OR SECONDARY PUBLIC EDUCATION
15 INSTITUTION OR TO A NOT-FOR-PROFIT ENTITY THAT IS ESTABLISHED
16 UNDER SECTION 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE
17 OF 1986" AND WHOSE PRINCIPAL MISSION IS TO ASSIST LOW-INCOME
18 CHILDREN OR FAMILIES OR TO ASSIST THE DEVELOPMENTALLY DISABLED
19 IN COLORADO. THIS SUB-SUBPARAGRAPH (D) APPLIES ONLY TO ELIGIBLE
20 ELECTRONIC DEVICES FOR WHICH THE MANUFACTURER HAS RECEIVED A
21 WRITTEN CONFIRMATION THAT THE RECIPIENT HAS ACCEPTED THE
22 DONATION. COPIES OF ALL WRITTEN CONFIRMATIONS MUST BE SUBMITTED
23 IN THE ANNUAL REPORT REQUIRED UNDER SECTION 25-17-305.

24 (II) A MANUFACTURER MAY SELL OR TRADE THE CREDITS
25 ALLOCATED TO THE MANUFACTURER TO ANOTHER MANUFACTURER THAT
26 COLLECTS LESS THAN THE MINIMUM PERCENT REQUIRED TO BE COLLECTED
27 IN A GIVEN YEAR TO OFFSET THE SHORTFALL.

1 (c) THE RULES MUST ESTABLISH, AS NEEDED:

2 (I) CRITERIA FOR THE GRANT PROGRAM ESTABLISHED PURSUANT
3 TO SUBSECTION (1) OF THIS SECTION; AND

4 (II) REGISTRATION AND CERTIFICATION FEES FOR
5 MANUFACTURERS, COLLECTORS, AND RECYCLERS IN AN AMOUNT
6 SUFFICIENT TO COVER THE DEPARTMENT'S DIRECT AND INDIRECT
7 ADMINISTRATIVE COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3
8 WITH REGARD TO THOSE ENTITIES. THE FEES FOR MANUFACTURERS MUST
9 BE TIERED AND BASED ON MANUFACTURERS' MARKET SHARE.

10 (8) **No implied fees.** THE DEPARTMENT SHALL NOT ASSESS ANY
11 FEE, INCLUDING AN ADVANCED RECYCLING FEE, CERTIFICATION FEE,
12 REGISTRATION FEE, OR OTHER FEE, ON CONSUMERS, MANUFACTURERS,
13 RETAILERS, COLLECTORS, OR RECYCLERS EXCEPT AS SPECIFIED IN
14 SECTIONS 25-17-305 (3) AND 25-17-306 (1).

15 (9) **Cash fund.** THE DEPARTMENT SHALL TRANSMIT ALL FEES
16 COLLECTED PURSUANT TO THIS PART 3 TO THE STATE TREASURER, WHO
17 SHALL CREDIT THEM TO THE ELECTRONICS RECYCLING CASH FUND, WHICH
18 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE STATE
19 TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE INVESTMENT
20 OF REVENUES IN THE FUND TO THE FUND. THE DEPARTMENT SHALL USE
21 THE REVENUES CREDITED TO THE FUND TO IMPLEMENT THIS PART 3.

22 **25-17-309. Sound environmental management standards -**
23 **certification - rules.** (1) ALL ELIGIBLE ELECTRONIC DEVICES COLLECTED
24 PURSUANT TO THIS PART 3 MUST BE COLLECTED AND RECYCLED IN A
25 MANNER THAT COMPLIES WITH ALL APPLICABLE FEDERAL, STATE, AND
26 LOCAL LAWS AND REQUIREMENTS.

27 (2) (a) THE COMMISSION SHALL ADOPT RULES NO LATER THAN

1 JANUARY 1, 2012, THAT ESTABLISH MINIMUM STANDARDS FOR
2 COLLECTORS AND RECYCLERS OF ELIGIBLE ELECTRONIC DEVICES. IN
3 ESTABLISHING STANDARDS, THE COMMISSION SHALL REQUIRE THAT ANY
4 EXPORTS OF ELIGIBLE ELECTRONIC DEVICES WITH MATERIALS OF CONCERN
5 DO NOT VIOLATE LAWS IN IMPORTING AND TRANSIT COUNTRIES,
6 THROUGHOUT FINAL DISPOSITION. COLLECTORS AND RECYCLERS SHALL
7 NOT USE PRISON LABOR. THE RULES MUST REQUIRE MINIMUM ON-SITE
8 HAZARD AND WORKER PROTECTIONS, POLLUTION INSURANCE COVERAGE,
9 ADEQUATE CONTROLS FOR ELIGIBLE ELECTRONIC DEVICES THAT ARE TO BE
10 REUSED, AND SPECIFIC REQUIREMENTS FOR THE CHAIN OF CUSTODY FOR
11 MATERIALS OF CONCERN.

12 (b) A COLLECTOR OR RECYCLER THAT MEETS THE STANDARDS
13 ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2)
14 SHALL BE CONSIDERED AS A CERTIFIED COLLECTOR OR RECYCLER. THE
15 DEPARTMENT MAY CHOOSE TO ACCEPT THIRD-PARTY CERTIFICATIONS IN
16 LIEU OF ITS OWN CERTIFICATION.

17 (c) THE DEPARTMENT SHALL ADOPT PROCEDURES FOR THE
18 ONGOING EVALUATION OF COLLECTORS AND RECYCLERS.

19 **25-17-310. Landfill ban - rules.** (1) BY JANUARY 1, 2012, THE
20 COMMISSION SHALL PROMULGATE A RULE TO BAN THE DISPOSAL OF
21 ELIGIBLE ELECTRONIC DEVICES FROM LANDFILLS IN THIS STATE. THE RULE
22 MUST:

23 (a) TAKE A STEPPED APPROACH TO ALLOW ELECTRONICS
24 RECYCLING INFRASTRUCTURE TO DEVELOP IN MORE RURAL AREAS; AND

25 (b) TAKE FULL EFFECT WITHIN FIVE YEARS AFTER THE EFFECTIVE
26 DATE OF THE RULE.

27 **SECTION 2.** 25-16.5-106.5 (1) (a), Colorado Revised Statutes,

1 is amended to read:

2 **25-16.5-106.5. Recycling resources economic opportunity fund**

3 **- creation - repeal.** (1) (a) The recycling resources economic
4 opportunity fund is hereby created in the state treasury, referred to in this
5 section as the "fund". The fund ~~shall consist~~ CONSISTS of:

6 (I) (A) Moneys collected for the fund pursuant to sections
7 25-16-104.5 (3.9) (a) and 25-17-202 (3) (a) (VI) and credited to the fund
8 in accordance with section 25-16-104.5 (3.9) (b). This sub-subparagraph
9 (A) is repealed, effective July 1, 2011.

10 (B) Effective July 1, 2011, moneys collected for the fund pursuant
11 to section 25-16-104.5 (3.9) (a) and credited to the fund in accordance
12 with section 25-16-104.5 (3.9) (b);

13 (II) Any moneys appropriated to the fund by the general assembly;
14 **and**

15 (III) All other moneys that may be available to the fund, including
16 moneys made available from gifts, grants, or bequests; AND

17 (IV) FINES TRANSFERRED PURSUANT TO SECTION 25-17-308 (3)
18 (a).

19 **SECTION 3. Act subject to petition - effective date.** This act
20 shall take effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part shall not take effect
26 unless approved by the people at the general election to be held in

1 November 2012 and shall take effect on the date of the official
2 declaration of the vote thereon by the governor.