

HOUSE BILL No. 5115

September 6, 2005, Introduced by Rep. Bieda and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding part 175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

PART 175. CELL PHONE RECYCLING

SEC. 17501. AS USED IN THIS PART:

(A) "CELL PHONE" MEANS A WIRELESS TELEPHONE DEVICE THAT IS
DESIGNED TO SEND OR RECEIVE TRANSMISSIONS THROUGH A CELLULAR
RADIOTELEPHONE SERVICE, INCLUDING A RECHARGEABLE BATTERY CONNECTED
TO THE DEVICE. CELL PHONE DOES NOT INCLUDE A WIRELESS TELEPHONE
DEVICE THAT IS INTEGRATED INTO THE ELECTRICAL ARCHITECTURE OF A
MOTOR VEHICLE.

1 (B) "CELLULAR RADIOTELEPHONE SERVICE" MEANS THAT TERM AS
2 DEFINED IN 47 CFR 22.99.

3 (C) "CONSUMER" MEANS A PERSON WHO IS THE PURCHASER OR OWNER OF
4 A CELL PHONE. CONSUMER DOES NOT INCLUDE A PERSON INVOLVED IN A
5 WHOLESALE TRANSACTION BETWEEN A DISTRIBUTOR AND A RETAILER.

6 (D) "DISTRIBUTOR" MEANS A PERSON WHO SELLS A CELL PHONE TO A
7 RETAILER.

8 (E) "RETAILER" MEANS A PERSON WHO SELLS A CELL PHONE IN THIS
9 STATE TO A CONSUMER, INCLUDING A MANUFACTURER OF A CELL PHONE WHO
10 SELLS THE CELL PHONE DIRECTLY TO A CONSUMER.

11 (F) "SELL" MEANS TO TRANSFER, FOR CONSIDERATION, OWNERSHIP OR
12 THE RIGHT TO USE, BY LEASE OR SALES CONTRACT, INCLUDING, BUT NOT
13 LIMITED TO, A TRANSFER MADE THROUGH A SALES OUTLET, CATALOG, OR THE
14 INTERNET OR ANY OTHER, SIMILAR ELECTRONIC MEANS. SELL DOES NOT
15 INCLUDE A TRANSFER THAT IS A WHOLESALE TRANSACTION WITH A
16 DISTRIBUTOR OR A RETAILER.

17 (G) "USED CELL PHONE" MEANS A CELL PHONE THAT HAS BEEN
18 PREVIOUSLY USED AND IS MADE AVAILABLE, BY A CONSUMER, FOR REUSE,
19 RECYCLING, OR PROPER DISPOSAL.

20 SEC. 17503. (1) BEGINNING JULY 1, 2006, A RETAILER THAT SELLS
21 CELL PHONES IN THIS STATE SHALL HAVE IN PLACE A SYSTEM TO RECEIVE
22 AND COLLECT USED CELL PHONES FOR REUSE, RECYCLING, OR PROPER
23 DISPOSAL THAT MEETS THE MINIMUM REQUIREMENTS OF SUBSECTION (2).

24 (2) A SYSTEM TO RECEIVE AND COLLECT USED CELL PHONES FOR
25 REUSE, RECYCLING, OR PROPER DISPOSAL SHALL, AT A MINIMUM, INCLUDE
26 ALL OF THE FOLLOWING ELEMENTS:

27 (A) ACCEPTANCE FROM A CONSUMER OF A USED CELL PHONE THAT THE

1 RETAILER SOLD TO THE CONSUMER, AT NO COST TO THE CONSUMER. THE
2 RETAILER MAY REQUIRE PROOF THAT THE CELL PHONE WAS SOLD BY THE
3 RETAILER.

4 (B) ACCEPTANCE OF A USED CELL PHONE FROM A CONSUMER WHO IS
5 PURCHASING A NEW CELL PHONE FROM THE RETAILER, AT NO COST TO THE
6 CONSUMER.

7 (C) IF THE RETAILER DELIVERS A CELL PHONE DIRECTLY TO A
8 CONSUMER IN THIS STATE, A MECHANISM FOR THE CONSUMER, AT THE TIME
9 OF DELIVERY, TO SEND A USED CELL PHONE TO THE RETAILER, AT NO COST
10 TO THE CONSUMER.

11 (D) A METHOD TO MAKE INFORMATION AVAILABLE TO CONSUMERS ABOUT
12 CELL PHONE RECYCLING PROVIDED BY THE RETAILER AND TO ENCOURAGE
13 CONSUMERS TO MAKE USE OF THAT RECYCLING. THE METHOD MAY INCLUDE,
14 BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:

15 (i) SIGNS PROMINENTLY DISPLAYED AND EASILY VISIBLE TO
16 CONSUMERS.

17 (ii) WRITTEN MATERIALS PROVIDED TO CONSUMERS AT THE TIME OF
18 PURCHASE OR DELIVERY.

19 (iii) REFERENCE TO THE CELL PHONE RECYCLING IN ADVERTISING OR
20 PROMOTIONAL MATERIALS.

21 (iv) DIRECT COMMUNICATIONS WITH THE CONSUMER AT THE TIME OF
22 PURCHASE.

23 (3) SUBSECTION (2)(D) DOES NOT APPLY TO A RETAILER THAT ONLY
24 SELLS PREPAID CELL PHONES AND DOES NOT OFFER A CONSUMER THE ABILITY
25 TO ENTER INTO A CONTRACT FOR CELL PHONE SERVICE.

26 SEC. 17505. BEGINNING JULY 1, 2006, A RETAILER SHALL NOT SELL
27 A CELL PHONE TO A CONSUMER IN THIS STATE UNLESS THE RETAILER OF THE

1 CELL PHONE COMPLIES WITH THIS PART.