

HOUSE AMENDMENTS TO HOUSE BILL 2626

By COMMITTEE ON ENERGY AND THE ENVIRONMENT

April 12

1 On page 1 of the printed bill, line 2, delete the first “and”.

2 In line 3, before the period insert “; appropriating money; and declaring an emergency”.

3 Delete lines 5 through 24 and delete pages 2 through 8 and insert:

“FINDINGS

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7 “SECTION 1. The Legislative Assembly finds that:

8 “(1) It is necessary to encourage the design of electronic devices that are more
9 resource-efficient, more recyclable and less environmentally toxic;

10 “(2) The development and availability of a statewide system that conveniently serves both
11 urban and rural areas of Oregon for the collection, transportation and recycling of electronic
12 devices is in the best interest of the state; and

13 “(3) A statewide collection, transportation and recycling system should be financed by the
14 manufacturers of those electronic devices.

“DEFINITIONS

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18 “SECTION 2. As used in sections 2 to 13 of this 2007 Act:

19 “(1) ‘Brand’ means a name, symbols, words or marks that identify a covered electronic
20 device, rather than any of its components, and attribute the device to the owner of the brand
21 as the manufacturer.

22 “(2) ‘Collector’ means an entity that collects covered electronic devices as part of a
23 manufacturer program or the state contractor program.

24 “(3)(a) ‘Covered electronic device’ means:

25 “(A) A computer monitor of any type having a viewable area greater than four inches
26 measured diagonally;

27 “(B) A desktop computer or portable computer; or

28 “(C) A television of any type having a viewable area greater than four inches measured
29 diagonally.

30 “(b) ‘Covered electronic device’ does not include:

31 “(A) Any part of a motor vehicle;

32 “(B) Any part of a larger piece of equipment designed and intended for use in an indus-
33 trial, commercial or medical setting, such as diagnostic, monitoring or control equipment;

34 “(C) Telephones or personal digital assistants of any type unless the telephone or per-
35 sonal digital assistant contains a viewable area greater than four inches measured

1 diagonally; or

2 “(D) Any part of a clothes washer, clothes dryer, refrigerator, freezer, microwave oven,
3 conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.

4 “(4) ‘Covered entity’ means any Oregon household, a business that employs 10 or fewer
5 individuals, a not-for-profit organization exempt from taxation under section 501(c)(3) of the
6 Internal Revenue Code that employs 10 or fewer individuals, or any person giving seven or
7 fewer covered electronic devices to a collector at any one time.

8 “(5) ‘Environmentally sound management practices’ means practices that comply with
9 all applicable laws, including but not limited to adequate record keeping, tracking the fate
10 of recycled materials, performance audits and inspections, provisions for reuse and
11 refurbishment, compliance with worker health and safety requirements, maintaining liability
12 insurance and financial assurances and practices that may be adopted by rule by the Envi-
13 ronmental Quality Commission.

14 “(6)(a) ‘Manufacturer’ means any person, irrespective of the selling technique used, in-
15 cluding by means of remote sale:

16 “(A) That manufactures covered electronic devices under a brand that it owns or is li-
17 censed to use;

18 “(B) That sells covered electronic devices manufactured by others under a brand that the
19 seller owns;

20 “(C) That manufactures covered electronic devices without affixing a brand;

21 “(D) That manufactures covered electronic devices to which it affixes a brand that it does
22 not own; or

23 “(E) On whose account covered electronic devices manufactured outside the United
24 States are imported into the United States. This subparagraph does not apply if, at the time
25 the covered electronic devices are imported into the United States, another person is regis-
26 tered as the manufacturer of the brand of the covered electronic devices.

27 “(b) ‘Manufacturer’ does not include a person with a license to manufacture covered
28 electronic devices for delivery exclusively to or at the order of the licensor.

29 “(7) ‘Manufacturer program’ means a statewide plan for collecting, transporting and re-
30 cycling covered electronic devices that is provided by a single manufacturer or group of
31 manufacturers pursuant to section 5 of this 2007 Act.

32 “(8) ‘Orphan device’ means a covered electronic device for which no manufacturer can
33 be identified.

34 “(9) ‘Person’ means the United States, the state or a public or private corporation, local
35 government unit, public agency, individual, partnership, association, firm, trust, estate or
36 other legal entity.

37 “(10) ‘Portable computer’ means any of the following that has a viewable area greater
38 than four inches measured diagonally and that can be carried as one unit by an individual:

39 “(a) A laptop computer;

40 “(b) A notebook computer; or

41 “(c) A notepad computer.

42 “(11) ‘Premium service’ means services such as at-location system upgrade services and
43 at-home pickup services, including curbside pickup service.

44 “(12)(a) ‘Recycling’ means:

45 “(A) Processing through disassembling, dismantling, shredding, transforming or reman-

1 manufacturing covered electronic devices, components and by-products into usable or marketable
2 raw materials or products in a manner such that the original products may lose their iden-
3 tity; or

4 “(B) Smelting materials from components removed from covered electronic devices to
5 recover metals for reuse in conformance with applicable laws and rules.

6 “(b) ‘Recycling’ does not include:

7 “(A) Landfill disposal or incineration of covered electronic devices; or

8 “(B) Energy recovery or energy generation by means of combusting covered electronic
9 devices, components and by-products with or without other waste.

10 “(13) ‘Retailer’ means a person that offers new covered electronic devices for sale at re-
11 tail through any means, including but not limited to remote offerings such as sales outlets,
12 catalogs or the Internet.

13 “(14) ‘Return share’ means the minimum percentage of covered electronic devices that
14 an individual manufacturer is responsible for collecting, transporting and recycling.

15 “(15) ‘Return share by weight’ means the minimum total weight of covered electronic
16 devices that an individual manufacturer is responsible for collecting, transporting and recy-
17 cling.

18 “(16)(a) ‘Sell’ or ‘sale’ means any transfer of title for consideration, including but not
19 limited to remote sales conducted through sales outlets, catalogs or the Internet, or any
20 other similar electronic means.

21 “(b) ‘Sell’ or ‘sale’ does not include leases.

22 “(17) ‘State contractor program’ means a statewide program for collecting, transporting
23 and recycling covered electronic devices that is provided by the Department of Environ-
24 mental Quality for manufacturers who pay a recycling fee to the department pursuant to
25 section 7 of this 2007 Act.

26 27 “MANUFACTURERS

28
29 “SECTION 3. (1) Sections 2 to 13 of this 2007 Act apply to all manufacturers engaging in
30 the activities set forth in section 2 (6) of this 2007 Act before, on or after the effective date
31 of this 2007 Act.

32 “(2) Sections 2 to 13 of this 2007 Act do not apply to reused or refurbished covered elec-
33 tronic devices.

34 “(3) A manufacturer may not sell or offer for sale any covered electronic device in or for
35 delivery in this state unless:

36 “(a) The covered electronic device is labeled with a brand and the label is permanently
37 affixed and readily visible; and

38 “(b) The brand is included in the plan that is filed with the Department of Environmental
39 Quality pursuant to section 5 of this 2007 Act.

40 “SECTION 4. (1) Before January 1 of each year, a manufacturer of covered electronic
41 devices sold or offered for sale in this state shall register with the Department of Environ-
42 mental Quality, for a period to cover the upcoming calendar year, on a form provided by the
43 department. The registration shall include:

44 “(a) A list of all the brands manufactured, sold or imported by the manufacturer, in-
45 cluding those brands being offered for sale in this state by the manufacturer.

1 “(b) A statement of whether the manufacturer will be implementing a manufacturer
2 program or utilizing the state contractor program for recycling covered electronic devices.

3 “(c) Any other information required by the department to implement sections 2 to 13 of
4 this 2007 Act.

5 “(2)(a) Not later than July 1 of each year, a manufacturer of covered electronic devices
6 sold or offered for sale in this state shall pay an annual registration fee to the department.

7 “(b) For calendar years 2008 through 2011, the manufacturer registration fee shall be:

8 “(A) \$15,000 for manufacturers selling more than one percent of the total number of units
9 of covered electronic devices sold in this state the previous calendar year.

10 “(B) \$5,000 for manufacturers selling at least 0.1 percent but not more than one percent
11 of the total number of units of covered electronic devices sold in this state the previous
12 calendar year.

13 “(C) \$200 for manufacturers selling at least 0.01 percent but less than 0.1 percent of the
14 total number of units of covered electronic devices sold in this state the previous calendar
15 year.

16 “(D) \$40 for manufacturers selling less than 0.01 percent of the total number of units of
17 covered electronic devices sold in this state the previous calendar year.

18 “(c) For calendar years 2012 and beyond, the Environmental Quality Commission may
19 modify the registration fees under this section so that the total of registration fees collected
20 approximately matches the department’s costs in implementing sections 2 to 13 of this 2007
21 Act, excluding costs incurred under section 10 (4) of this 2007 Act.

22 “(3)(a) If a manufacturer ceases to manufacture, sell or import covered electronic de-
23 vices and covered electronic devices manufactured, sold or imported by the manufacturer
24 are collected for recycling under a manufacturer program or the state contractor program,
25 the manufacturer shall register with the department and pay a registration fee of \$250.

26 “(b) Any manufacturer described in paragraph (a) of this subsection to which the de-
27 partment provides notification of a return share and return share by weight and that has
28 not previously filed a registration shall, within 30 days of receiving the notification, file a
29 registration with the department and pay to the department a registration fee of \$250.

30 “SECTION 5. (1) A manufacturer choosing to implement a manufacturer program shall
31 submit a plan to the Department of Environmental Quality at the time of payment of the
32 annual registration fee required under section 4 of this 2007 Act.

33 “(2) The manufacturer’s plan must describe how the manufacturer will:

34 “(a) Finance, manage and conduct a statewide program to collect covered electronic de-
35 vices from covered entities in this state.

36 “(b) Provide for environmentally sound management practices to collect, transport and
37 recycle covered electronic devices.

38 “(c) Provide for advertising and promotion of collection opportunities statewide and on
39 a regular basis.

40 “(d) Include convenient service in every county in this state and at least one collection
41 site for any city with a population of at least 10,000. A collection site for a county may be
42 the same as a collection site for a city in the county. Collection sites shall be staffed and
43 open to the public at a frequency adequate to meet the needs of the area being served. A
44 program may provide collection service jointly with another program.

45 “(3) A manufacturer choosing to implement a manufacturer program shall:

1 “(a) Meet or exceed the requirements for collection sites described in subsection (2) of
2 this section.

3 “(b) Provide for collection, transportation and recycling of covered electronic devices for
4 covered entities free of charge, except that a manufacturer that provides premium service
5 for a covered entity may charge for the additional cost of that premium service.

6 “(c) Implement the plan required under this section.

7 “(4) A group of manufacturers may choose to implement a manufacturer program as one
8 entity, if in doing so the manufacturers meet the sum of their individual return shares by
9 weight under section 10 (3) of this 2007 Act and that sum is at least five percent.

10 “(5) By July 1 of each year, a manufacturer that does not meet its return share by weight
11 for the previous calendar year shall pay the department for the amount not achieved at a
12 rate determined by the department to be equivalent to the amount the manufacturer would
13 have paid, plus 10 percent, to be part of the state contractor program under section 10 of this
14 2007 Act.

15 “(6) A manufacturer participating in the state contractor program under section 10 of
16 this 2007 Act shall notify the department at the time of its registration each year.

17 “(7) Except as provided in subsection (4) of this section, a manufacturer with less than
18 a five percent return share is required to participate in the state contractor program under
19 section 10 of this 2007 Act.

20 “SECTION 6. Section 5 of this 2007 Act is amended to read:

21 “**Sec. 5.** (1) A manufacturer choosing to implement a manufacturer program shall submit a plan
22 to the Department of Environmental Quality at the time of payment of the annual registration fee
23 required under section 4 of this 2007 Act.

24 “(2) The manufacturer’s plan must describe how the manufacturer will:

25 “(a) Finance, manage and conduct a statewide program to collect covered electronic devices
26 from covered entities in this state.

27 “(b) Provide for environmentally sound management practices to collect, transport and recycle
28 covered electronic devices.

29 “(c) Provide for advertising and promotion of collection opportunities statewide and on a regular
30 basis.

31 “(d) Include convenient service in every county in this state and at least one collection site for
32 any city with a population of at least 10,000. A collection site for a county may be the same as a
33 collection site for a city in the county. Collection sites shall be staffed and open to the public at
34 a frequency adequate to meet the needs of the area being served. A program may provide collection
35 service jointly with another program.

36 “(3) A manufacturer choosing to implement a manufacturer program shall:

37 “(a) Meet or exceed the requirements for collection sites described in subsection (2) of this
38 section.

39 “(b) Provide for collection, transportation and recycling of covered electronic devices for cov-
40 ered entities free of charge, except that a manufacturer that provides premium service for a covered
41 entity may charge for the additional cost of that premium service.

42 “(c) Implement the plan required under this section.

43 “(d) **Conduct a statistically significant sampling or actual count of the covered electronic**
44 **devices collected and recycled by the manufacturer each calendar year using a methodology**
45 **approved by the department. The manufacturer shall report the results of the sampling or**

1 count to the department no later than March 1 of the following calendar year. The report
2 must include:

3 “(A) A list of all brands identified during the sampling or count by the manufacturer;

4 “(B) The weight of covered electronic devices identified for each brand during the sam-
5 pling or count; and

6 “(C) The total weight of covered electronic devices, including orphan devices, collected
7 from covered entities in the state by the manufacturer during the previous calendar year.

8 “(e) By March 1 of each year, provide a report to the department that details how the
9 plan required under this section was implemented during the previous calendar year.

10 “(4) A group of manufacturers may choose to implement a manufacturer program as one entity,
11 if in doing so the manufacturers meet the sum of their individual return shares by weight under
12 section 10 (3) of this 2007 Act and that sum is at least five percent.

13 “(5) By July 1 of each year, a manufacturer that does not meet its return share by weight for
14 the previous calendar year shall pay the department for the amount not achieved at a rate deter-
15 mined by the department to be equivalent to the amount the manufacturer would have paid, plus 10
16 percent, to be part of the state contractor program under section 10 of this 2007 Act.

17 “(6) A manufacturer participating in the state contractor program under section 10 of this 2007
18 Act shall notify the department at the time of its registration each year.

19 “(7) Except as provided in subsection (4) of this section, a manufacturer with less than a five
20 percent return share is required to participate in the state contractor program under section 10 of
21 this 2007 Act.

22 “**SECTION 7.** By September 1 of each year, a manufacturer that participates in the state
23 contractor program shall pay a recycling fee to the Department of Environmental Quality in
24 an amount determined by the department under section 10 (6) of this 2007 Act to cover the
25 costs of collecting, transporting and recycling the manufacturer’s annual return share of
26 covered electronic devices for the following year.

27 “**SECTION 8.** (1) Except as authorized in subsection (2) of this section, a manufacturer
28 program, the state contractor program or a collector participating in a manufacturer pro-
29 gram or the state contractor program may not charge a fee to covered entities for the col-
30 lection, transportation or recycling of covered electronic devices.

31 “(2) A collector that provides a premium service to a covered entity may charge for the
32 additional cost of providing the premium service.

33
34 “**RETAILERS**

35
36 “**SECTION 9.** (1) A retailer may not sell or offer for sale any covered electronic device
37 in or for delivery into this state unless:

38 “(a) The covered electronic device is labeled with a brand and the label is permanently
39 affixed and readily visible;

40 “(b) The brand is included on the list posted by the Department of Environmental Quality
41 pursuant to section 10 (1) of this 2007 Act; and

42 “(c) The list posted by the department pursuant to section 10 (1) of this 2007 Act specifies
43 that the manufacturer is in compliance with the requirements of sections 2 to 13 of this 2007
44 Act.

45 “(2) A retailer shall provide to a consumer at the time of the sale of a covered electronic

1 device information from the department's website that provides details about where and how
2 a consumer can recycle covered electronic devices in Oregon. The information shall be pro-
3 vided in printed form for in-store sales and in printable form for Internet sales and other
4 sales where the Internet is involved.

5
6 **“DEPARTMENT OF ENVIRONMENTAL QUALITY AND**
7 **ENVIRONMENTAL QUALITY COMMISSION**
8

9 **“SECTION 10. The Department of Environmental Quality shall:**

10 **“(1) Maintain and make available on its website the following lists, which must be up-**
11 **dated by the first day of each month:**

12 **“(a) A list of registered manufacturers and their brands;**

13 **“(b) A list of brands for which no manufacturer has registered; and**

14 **“(c) A list that identifies which manufacturers are in compliance with sections 2 to 13**
15 **of this 2007 Act.**

16 **“(2) Review and approve manufacturer plans that comply with section 5 of this 2007 Act**
17 **and are submitted annually by manufacturers choosing to implement a manufacturer pro-**
18 **gram for recycling covered electronic devices.**

19 **“(3)(a) Determine the return share and return share by weight for each calendar year for**
20 **each manufacturer. The return share shall be determined by dividing the total weight of**
21 **covered electronic devices of that manufacturer's brands by the total weight of covered**
22 **electronic devices for all manufacturers' brands. The return share by weight shall be deter-**
23 **mined by multiplying the return share for each such manufacturer by the total weight in**
24 **pounds of covered electronic devices, including orphan devices, collected from covered enti-**
25 **ties the previous calendar year.**

26 **“(b) For 2008 and 2009, determine the return share and return share by weight for each**
27 **manufacturer based on the best available public return share data and public weight data**
28 **from within the United States for covered electronic devices from covered entities. For**
29 **subsequent years, the return share of covered electronic devices for each manufacturer shall**
30 **be based on the most recent annual sampling or count of covered electronic devices. For**
31 **subsequent years, the total weight in pounds of covered electronic devices shall be based on**
32 **the total weight of covered electronic devices, including orphan devices, determined by the**
33 **department.**

34 **“(c) By May 1 of each year, provide to each manufacturer that had a return share de-**
35 **termined under this section its return share and its return share by weight for the following**
36 **year.**

37 **“(4) Establish a state contractor program for the collection, transportation and recycling**
38 **of covered electronic devices from covered entities in this state. The state contractor pro-**
39 **gram shall:**

40 **“(a) To the extent practicable, use existing local collection, transportation and recycling**
41 **infrastructure;**

42 **“(b) Utilize environmentally sound management practices to collect, transport and recy-**
43 **cle covered electronic devices;**

44 **“(c) Provide for covered entities, free of charge, convenient and available collection ser-**
45 **vices and sites for covered electronic devices in both rural and urban areas;**

1 “(d) Advertise and promote collection opportunities statewide and on a regular basis; and
2 “(e) Conduct a statistically significant sampling or actual count of the covered electronic
3 devices collected and recycled by the state contractor program during each calendar year
4 using a methodology approved by the department and prepare a report no later than March
5 1 of the following calendar year that includes:
6 “(A) A list of all brands identified during the sampling or count;
7 “(B) The weight of covered electronic devices identified for each brand during the sam-
8 pling or count; and
9 “(C) The total weight of covered electronic devices, including orphan devices, collected
10 from covered entities in the state by the state contractor program during the previous cal-
11 endar year.
12 “(5) Determine a manufacturer’s annual registration fee for purposes of section 4 (2) of
13 this 2007 Act using national market data prorated for Oregon based on statewide population.
14 “(6) Determine the recycling fee to be paid under section 7 of this 2007 Act by each
15 manufacturer that participates in the state contractor program established pursuant to
16 subsection (4) of this section. The department shall determine the recycling fees as follows:
17 “(a) For each manufacturer except those described in paragraph (b) of this subsection,
18 the department shall determine the recycling fee based on the manufacturer’s annual return
19 share and return share by weight as determined under subsection (3) of this section.
20 “(b) For each manufacturer whose manufacture of covered electronic devices as defined
21 in section 2 (3)(a)(C) of this 2007 Act exceeds its manufacture of covered electronic devices
22 as defined in section 2 (3)(a)(A) and (B) of this 2007 Act, the department shall determine the
23 recycling fee based on the total return share and return share by weight determined under
24 subsection (3) of this section of all manufacturers described in this paragraph, allocated ac-
25 cording to each manufacturer’s percentage of the total number of covered electronic devices
26 described in section 2 (3)(a)(C) of this 2007 Act sold in this state the previous calendar year.
27 The department may use national sales data to determine the percentages. The department
28 may assess a surcharge on the annual registration fee for manufacturers described in this
29 paragraph to pay any added costs to the department in making the determinations.
30 “(7) Maintain on its website information on collection opportunities for covered electronic
31 devices, including collection site locations and hours. The information must be made avail-
32 able in a printable format for retailers.
33 “(8) Report biennially to the Legislative Assembly on the operation of the statewide sys-
34 tem for collection, transportation and recycling of covered electronic devices.
35 “SECTION 11. The Environmental Quality Commission may adopt rules as necessary to
36 implement sections 2 to 13 of this 2007 Act.
37 “SECTION 12. Fees collected by the Department of Environmental Quality under sections
38 2 to 13 of this 2007 Act shall be deposited in the State Treasury to the credit of the Covered
39 Electronic Devices Account established under section 13 of this 2007 Act.
40 “SECTION 13. The Covered Electronic Devices Account is established separate and dis-
41 tinct from the General Fund. Interest earned by the account shall be credited to the account.
42 Moneys in the account are continuously appropriated to the Department of Environmental
43 Quality and may be used only to pay the costs of implementing sections 2 to 13 of this 2007
44 Act and enforcing the prohibition in ORS 459.247 relating to disposal of covered electronic
45 devices.

1 “**SECTION 14.** (1) **The Department of Environmental Quality shall evaluate any federal**
2 **law that establishes a national program for the collection and recycling of electronic devices.**

3 “(2) **If the department determines that the federal law substantially meets or exceeds the**
4 **requirements and intent of sections 2 to 13 of this 2007 Act, the department shall include**
5 **information on the federal law in the next biennial report to the Legislative Assembly pur-**
6 **suant to section 10 of this 2007 Act.**

7 “**SECTION 14a.** **Sections 2 to 13 of this 2007 Act do not supersede any authority under**
8 **ORS chapter 459 or 459A for cities and counties to regulate the collection of solid waste.**

9
10 **“DISPOSAL PROHIBITION**

11
12 “**SECTION 15.** **ORS 459.247 is amended to read:**

13 “**459.247. (1) No person shall dispose of and no disposal site operator shall knowingly accept for**
14 **disposal the following types of solid waste at a solid waste disposal site:**

15 “(a) **Discarded or abandoned vehicles;**

16 “(b) **Discarded large home or industrial appliances;**

17 “(c) **Used oil;**

18 “(d) **Tires; [or]**

19 “(e) **Lead-acid batteries[.]; or**

20 “**(f) Covered electronic devices.**

21 “(2) **As used in this section[.];**

22 “(a) **‘Covered electronic device’ has the meaning given that term in section 2 of this 2007**
23 **Act; and**

24 “(b) **‘Used oil’ has the meaning given that term in ORS 459A.555.**

25 “(3) **Nothing in this section shall prohibit a disposal site operator from accepting and storing,**
26 **for purposes of recycling or recovering, any of the types of solid waste listed in subsection (1) of this**
27 **section.**

28 “(4) **The Environmental Quality Commission may postpone the prohibition under sub-**
29 **section (1)(f) of this section in any area of this state where the commission determines there**
30 **is an inadequate system for the collection, transportation and recycling of covered electronic**
31 **devices.**

32 “(5)(a) **Each disposal site operator shall establish and implement, in accordance with any**
33 **permit requirements established by the Department of Environmental Quality, a program**
34 **reasonably designed to prevent acceptance of covered electronic devices for disposal. If an**
35 **operator operates the disposal site in conformity with the program, the operator is presumed**
36 **to have complied with the provisions of this section that prohibit knowingly accepting cov-**
37 **ered electronic devices for disposal.**

38 “(b) **This section does not prevent the disposal site operator from accepting and storing,**
39 **for purposes of recycling, reusing or refurbishing, covered electronic devices.**

40
41 **“PENALTIES**

42
43 “**SECTION 16.** **ORS 459.995 is amended to read:**

44 “**459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty**
45 **provided by law:**

1 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.705 to
2 459.790, 459A.005 to 459A.620, 459A.675 to 459A.685 or 646.845 **or sections 3 to 9 of this 2007 Act,**
3 or any rule or order of the Environmental Quality Commission pertaining to the disposal, collection,
4 storage or reuse or recycling of solid wastes, as defined by ORS 459.005, or any rule or order per-
5 taining to the disposal, storage or transportation of waste tires, as defined by ORS 459.705, or any
6 rule or order pertaining to the sale of novelty items that contain encapsulated liquid mercury, shall
7 incur a civil penalty not to exceed \$10,000 a day for each day of the violation.

8 “(b) Any person who violates the provisions of ORS 459.420 to 459.426 shall incur a civil penalty
9 not to exceed \$500 for each violation. Each battery that is disposed of improperly shall be a separate
10 violation. Each day an establishment fails to post the notice required under ORS 459.426 shall be a
11 separate violation.

12 “(c) For each day a city, county or metropolitan service district fails to provide the opportunity
13 to recycle as required under ORS 459A.005, the city, county or metropolitan service district shall
14 incur a civil penalty not to exceed \$500 for each violation.

15 “(2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665
16 or any rule adopted under ORS 459A.650 to 459A.665 shall incur a civil penalty not to exceed \$1,000
17 per day for each day of the violation. A violation of ORS 459A.650 to 459A.665 shall not be subject
18 to additional penalties under subsection (1) of this section.

19 “(3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the
20 manner provided by ORS 468.135.

21 “**SECTION 17.** ORS 459.995, as amended by section 16 of this 2007 Act, is amended to read:

22 “459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty
23 provided by law:

24 “(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.705 to
25 459.790, 459A.005 to 459A.620, 459A.675 to 459A.685 or 646.845 or sections 3 to 9 of this 2007 Act,
26 or any rule or order of the Environmental Quality Commission pertaining to the disposal, collection,
27 storage or reuse or recycling of solid wastes, as defined by ORS 459.005, or any rule or order per-
28 taining to the disposal, storage or transportation of waste tires, as defined by ORS 459.705, or any
29 rule or order pertaining to the sale of novelty items that contain encapsulated liquid mercury, shall
30 incur a civil penalty not to exceed \$10,000 a day for each day of the violation.

31 “(b) Any person who violates the provisions of ORS 459.420 to 459.426 shall incur a civil penalty
32 not to exceed \$500 for each violation. Each battery that is disposed of improperly shall be a separate
33 violation. Each day an establishment fails to post the notice required under ORS 459.426 shall be a
34 separate violation.

35 “(c) For each day a city, county or metropolitan service district fails to provide the opportunity
36 to recycle as required under ORS 459A.005, the city, county or metropolitan service district shall
37 incur a civil penalty not to exceed \$500 for each violation.

38 “**(d) Any person who violates the provisions of ORS 459.247 (1)(f) shall incur a civil pen-**
39 **alty not to exceed \$500 for each violation. Each covered electronic device that is disposed of**
40 **improperly shall be a separate violation.**

41 “(2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665
42 or any rule adopted under ORS 459A.650 to 459A.665 shall incur a civil penalty not to exceed \$1,000
43 per day for each day of the violation. A violation of ORS 459A.650 to 459A.665 shall not be subject
44 to additional penalties under subsection (1) of this section.

45 “(3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the

1 manner provided by ORS 468.135.

2
3 **“MISCELLANEOUS**

4
5 **“SECTION 18. The unit captions used in this 2007 Act are provided only for the conven-**
6 **ience of the reader and do not become part of the statutory law of this state or express any**
7 **legislative intent in the enactment of this 2007 Act.**

8 **“SECTION 19. (1) Section 9 (1) of this 2007 Act applies to covered electronic devices sold**
9 **by a retailer on or after January 1, 2009.**

10 **“(2) The amendments to ORS 459.995 by section 16 of this 2007 Act apply to violations of**
11 **section 9 (1) of this 2007 Act occurring on or after January 1, 2009.**

12 **“(3) The amendments to ORS 459.247 and 459.995 by sections 15 and 17 of this 2007 Act**
13 **become operative on January 1, 2010.**

14 **“SECTION 20. The amendments to section 5 of this 2007 Act by section 6 of this 2007 Act**
15 **become operative on January 1, 2010.**

16 **“SECTION 21. This 2007 Act being necessary for the immediate preservation of the public**
17 **peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect**
18 **on its passage.”.**

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