

AN ACT

relating to the removal and collection of convenience switches from motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 5, Health and Safety Code, is amended by adding Chapter 375 to read as follows:

CHAPTER 375. REMOVAL OF CONVENIENCE SWITCHES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 375.001. DEFINITIONS. In this chapter:

(1) "Capture rate" means the annual number of convenience switches removed, collected, and recovered, expressed as a percentage of the number of convenience switches estimated to be available for removal in that year from end-of-life vehicles.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Convenience switch" means a capsule, commonly known as a bullet, that:

(A) is part of a convenience light switch assembly; and

(B) because of its mercury content, is the type of switch subject to work practice standards promulgated by the United States Environmental Protection Agency under Section 112 of the federal Clean Air Act (42 U.S.C. Section 7412).

(4) "Convenience switch recovery program" means a

1 program for removing, collecting, and recovering convenience  
2 switches from end-of-life vehicles in accordance with Subchapter B.

3 (5) "Eligible vehicle" means a vehicle identified by  
4 information provided by the manufacturer to the commission under  
5 Section 375.051 as a vehicle that might contain a convenience  
6 switch.

7 (6) "End-of-life vehicle" means a vehicle that:

8 (A) has not been intentionally flattened,  
9 crushed, shredded, or baled; and

10 (B) is sold, given, or otherwise conveyed to a  
11 vehicle recycler or scrap metal recycling facility for the purpose  
12 of recycling.

13 (7) "Executive director" means the executive director  
14 of the commission.

15 (8) "Manufacturer" means:

16 (A) a person who is the last entity in the  
17 production or assembly process of a new vehicle; or

18 (B) the importer or domestic distributor of the  
19 vehicle, in the case of an imported vehicle.

20 (9) "Scrap metal recycling facility" means a facility  
21 at a fixed location that uses equipment to process and refabricate  
22 scrap metal into prepared grades and principally produces scrap  
23 iron, scrap steel, or nonferrous metallic scrap for sale.

24 (10) "Vehicle" means any automobile, station wagon,  
25 truck, van, or sport utility vehicle with a gross vehicle weight  
26 rating of less than 12,000 pounds.

27 (11) "Vehicle recycler" means a person engaged in the

1 business of acquiring, dismantling, or preparing for recycling six  
2 or more end-of-life vehicles in a calendar year for the primary  
3 purpose of reselling the vehicles' parts. The term includes a  
4 salvage vehicle dealer licensed under Chapter 2302, Occupations  
5 Code.

6 Sec. 375.002. APPLICABILITY OF CHAPTER. (a) This chapter  
7 applies only to:

8 (1) a manufacturer of vehicles sold in this state that  
9 contain or contained convenience switches; and

10 (2) a vehicle recycler or scrap metal recycling  
11 facility in this state.

12 (b) The requirements of this chapter do not apply to a  
13 manufacturer on or after the 10th anniversary of the date on which  
14 the manufacturer last installed a convenience switch in a vehicle  
15 sold in this state.

16 Sec. 375.003. EXPIRATION. This chapter expires August 31,  
17 2015.

18 [Sections 375.004-375.050 reserved for expansion]

19 SUBCHAPTER B. CONVENIENCE SWITCH RECOVERY PROGRAM

20 Sec. 375.051. MANUFACTURER PROGRAM COMPONENTS. (a) Each  
21 manufacturer of vehicles sold in this state, individually or as  
22 part of a group, shall, not later than January 1, 2006, implement a  
23 program that provides the following:

24 (1) information identifying that manufacturer's  
25 eligible vehicles, including:

26 (A) a description of the convenience switches  
27 used by the manufacturer;

1                   (B) the location on each vehicle of each  
2 convenience switch;

3                   (C) the safe and environmentally sound methods  
4 for removing a convenience switch from an end-of-life vehicle; and

5                   (D) the estimated number of convenience switches  
6 available, for purposes of computing the capture rate;

7                   (2) educational materials to assist a vehicle recycler  
8 or scrap metal recycling facility in following a safe and  
9 environmentally sound method to remove convenience switches from  
10 end-of-life vehicles, including educational materials on hazards  
11 presented by the content of a convenience switch and the proper  
12 handling of that content;

13                   (3) methods for recycling or disposing of the  
14 manufacturer's convenience switches, including the method of  
15 packaging and shipping a convenience switch to an authorized  
16 recycling, storage, or disposal facility; and

17                   (4) methods for the storage of a convenience switch  
18 collected and recovered from an end-of-life vehicle if  
19 environmentally appropriate recycling or disposal technologies are  
20 not available.

21                   (b) To the extent possible, a convenience switch recovery  
22 program must use existing end-of-life vehicle infrastructure. If  
23 that infrastructure is not used, the program must include reasons  
24 for establishing a separate infrastructure.

25                   Sec. 375.052. PACKAGING, SHIPPING, AND RECYCLING COSTS.  
26 Each manufacturer, individually or as part of a group, shall pay the  
27 costs of:

1           (1) packaging and shipping of the manufacturer's  
2 convenience switches to recycling, storage, or disposal  
3 facilities; and

4           (2) recycling, storing, or disposing of the  
5 manufacturer's removed convenience switches.

6           Sec. 375.053. COSTS OF EDUCATIONAL MATERIALS. Each  
7 manufacturer shall provide financing for:

8           (1) the preparation of educational materials required  
9 under Section 375.051; and

10           (2) the distribution of those materials at workshops  
11 that the commission is required to conduct as part of the  
12 commission's technical assistance.

13           Sec. 375.054. PROVISION OF STORAGE CONTAINERS. Each  
14 manufacturer, individually or as part of a group, shall pay for and  
15 provide to each vehicle recycler and scrap metal recycling facility  
16 containers suitable for the safe storage of convenience switches,  
17 including switches encased in light assemblies from which the  
18 switches cannot be removed.

19           [Sections 375.055-375.100 reserved for expansion]

20           SUBCHAPTER C. CONVENIENCE SWITCH RECOVERY PROGRAM IMPLEMENTATION

21           Sec. 375.101. REMOVAL AND MANAGEMENT OF CONVENIENCE  
22 SWITCHES. (a) A vehicle recycler or scrap metal recycling facility  
23 that removes convenience switches from eligible vehicles in  
24 accordance with educational materials received under this chapter  
25 shall be provided regulatory incentives by the commission under  
26 programs implemented pursuant to Section 5.755, Water Code,  
27 including on-site technical assistance and compliance history

1 classification adjustments.

2 (b) In order to qualify for the regulatory incentives  
3 provided by this section, a vehicle recycler or scrap metal  
4 recycling facility must submit a report to the commission by  
5 November 15 of each year documenting:

6 (1) the number of convenience switches collected  
7 during the prior 12 months; and

8 (2) the total number of eligible vehicles processed  
9 for recycling during the same time period.

10 (c) Nothing in this chapter shall be construed to require  
11 scrap metal recycling facilities or vehicle recyclers to remove  
12 convenience switches or maintain records regarding convenience  
13 switches they have not removed, and the commission shall not  
14 promulgate regulations that create such requirements.

15 Sec. 375.102. HANDLING OF CONVENIENCE SWITCHES. After  
16 removal from a vehicle, a convenience switch shall be collected,  
17 stored, transported, and otherwise handled in accordance with:

18 (1) the applicable convenience switch recovery  
19 program; and

20 (2) the applicable solid waste rules of the  
21 commission.

22 [Sections 375.103-375.150 reserved for expansion]

23 SUBCHAPTER D. REPORTS

24 Sec. 375.151. ANNUAL IMPLEMENTATION REPORT. (a) On or  
25 before December 31 of each year, the commission shall:

26 (1) publish a report that documents the capture rate  
27 achieved through the implementation of this chapter; and

1           (2) issue recommendations to the governor, the  
2 lieutenant governor, the speaker of the house of representatives,  
3 and the chair of each standing committee of the legislature with  
4 jurisdiction over environmental issues, which identifies  
5 legislative action that may be appropriate to improve the capture  
6 rate referenced in Subsection (a)(1) while promoting vehicle  
7 recycling and preventing the export of scrap metal from the state.

8           (b) The executive director may discontinue the requirement  
9 for an annual report under this section if the executive director  
10 determines that the convenience switches in end-of-life vehicles no  
11 longer pose a significant threat to the environment or to public  
12 health.

13           Sec. 375.152. ANNUAL MANUFACTURER'S IMPLEMENTATION REPORT.  
14 On or before November 15 of each year, each manufacturer,  
15 individually or as part of a group, shall report to the commission  
16 the total number of convenience switches recovered in this state  
17 and the total amount of mercury, by weight, recovered from those  
18 convenience switches during the preceding 12 months.

19           SECTION 2. (a) The Texas Commission on Environmental  
20 Quality shall adopt rules for regulating a convenience switch, as  
21 defined by Section 375.001, Health and Safety Code, as added by this  
22 Act, as universal waste under 30 T.A.C. Section 335.261.

23           (b) Until rules have been adopted and promulgated under  
24 Subsection (a) of this section, the Texas Commission on  
25 Environmental Quality shall regulate a convenience switch, as  
26 defined by Section 375.001, Health and Safety Code, as added by this  
27 Act, as a universal waste in accordance with 40 C.F.R. Part 273, and

1 as incorporated by reference in 30 T.A.C. Section 335.261.

2       SECTION 3. Not later than the 60th day after the effective  
3 date of this Act, individually or as part of a group, a manufacturer  
4 shall provide containers as required by Section 375.054, Health and  
5 Safety Code, as added by this Act, to each vehicle recycler and  
6 scrap metal recycling facility identified by the Texas Commission  
7 on Environmental Quality.

8       SECTION 4. The initial report described by Section 375.151,  
9 Health and Safety Code, as added by this Act, shall be published as  
10 required by that section on or before December 31, 2006.

11       SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect August 29, 2005.



H.B. No. 2793

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2793 was passed by the House on May 13, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 2793 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2793 on May 29, 2005, by a non-record vote.

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Chief Clerk of the House

H.B. No. 2793

I certify that H.B. No. 2793 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2793 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor