

By: González

H.B. No. 87

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the collection and recycling of computer and television
3 equipment by certain retailers; providing for the imposition of
4 administrative penalties.

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

6 SECTION 1. Section 361.952, Health and Safety Code, is
7 amended by adding Subdivisions (3-a) and (4-a) to read as follows:

8 (3-a) "Large retailer" means a retailer that:

9 (A) has annual sales of \$5 million or more, not
10 including motor fuel, as defined by Section 162.001, Tax Code; and

11 (B) has over 75,000 square feet of retail space
12 that generates sales or use tax.

13 (4-a) "Retailer" means a person who owns or operates a
14 business that sells computer equipment by any means directly to a
15 consumer. The term does not include a person who, in the ordinary
16 course of business, regularly leases, offers to lease, or arranges
17 for leasing of merchandise under a rental-purchase agreement.

18 SECTION 2. Section 361.956, Health and Safety Code, is
19 amended by adding Subsection (a-1) and amending Subsection (c) to
20 read as follows:

21 (a-1) A large retailer may not sell or offer to sell new
22 computer equipment in this state unless the retailer complies with
23 Section 361.9565.

24 (c) Except as provided by Section 361.9565, a [A] retailer

1 is not required to collect computer equipment for recycling or
2 reuse under this subchapter.

3 SECTION 3. Subchapter Y, Chapter 361, Health and Safety
4 Code, is amended by adding Section 361.9565 to read as follows:

5 Sec. 361.9565. LARGE RETAILER RESPONSIBILITY. (a) A large
6 retailer shall:

7 (1) accept without charge at the retailer's location
8 during normal business hours computer equipment from a consumer;

9 (2) make readily available at the retailer's location
10 and on its website, if applicable, information about the collection
11 and recycling of computer equipment under this chapter;

12 (3) post at the retailer's location prominent, easily
13 visible signs that provide information about the collection and
14 recycling of computer equipment and indicate that computer
15 equipment is accepted by the retailer at that location; and

16 (4) ensure that all computer equipment collected under
17 this section is recycled, reused, or disposed of in a manner that
18 complies with Section 361.964.

19 (b) A sign posted under Subsection (a)(3) may state the
20 retailer's normal business hours and include a statement that
21 computer equipment is accepted only during those hours.

22 (c) A large retailer may enter into an agreement with a
23 manufacturer or group of manufacturers of computer equipment to
24 satisfy the requirements of Subsection (a)(4).

25 SECTION 4. Section 361.971, Health and Safety Code, is
26 amended by adding Subdivision (3-a) to read as follows:

27 (3-a) "Large retailer" means a retailer that:

1 (A) has annual sales of \$5 million or more, not
2 including motor fuel, as defined by Section 162.001, Tax Code; and

3 (B) has over 75,000 square feet of retail space
4 that generates sales or use tax.

5 SECTION 5. Section 361.974, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 361.974. SALES PROHIBITION. (a) A person may not
8 offer for sale in this state new covered television equipment
9 unless the equipment has been labeled in compliance with Section
10 361.975.

11 (b) A large retailer may not sell or offer to sell covered
12 television equipment in this state unless the retailer complies
13 with Section 361.9815.

14 SECTION 6. Section 361.981(c), Health and Safety Code, is
15 amended to read as follows:

16 (c) Except as provided by Section 361.9815, this ~~[This]~~
17 subchapter does not require a retailer to collect covered
18 television equipment for recycling.

19 SECTION 7. Subchapter Z, Chapter 361, Health and Safety
20 Code, is amended by adding Section 361.9815 to read as follows:

21 Sec. 361.9815. LARGE RETAILER RESPONSIBILITY. (a) A large
22 retailer shall:

23 (1) accept without charge at the retailer's location
24 during normal business hours covered television equipment from a
25 consumer;

26 (2) make readily available at the retailer's location
27 and on its website, if applicable, information about the collection

1 and recycling of covered television equipment under this chapter;

2 (3) post at the retailer's location prominent, easily
3 visible signs that provide information about the collection and
4 recycling of covered television equipment and indicate that covered
5 television equipment is accepted by the retailer at that location;
6 and

7 (4) ensure that all covered television equipment
8 collected under this section is disposed of or recycled in a manner
9 that complies with Section 361.990.

10 (b) A sign posted under Subsection (a)(3) may state the
11 retailer's normal business hours and include a statement that
12 covered television equipment is accepted only during those hours.

13 (c) A large retailer may enter into an agreement with
14 manufacturers of covered television equipment to satisfy the
15 requirements of Subsection (a)(4).

16 SECTION 8. (a) The Texas Commission on Environmental
17 Quality shall adopt any rules required to implement this Act not
18 later than May 1, 2016.

19 (b) The changes in law made to Subchapters Y and Z, Chapter
20 361, Health and Safety Code, by this Act may not be enforced before
21 September 1, 2016.

22 SECTION 9. This Act takes effect September 1, 2015.