

By: Farias

H.B. No. 1058

Substitute the following for H.B. No. 1058:

By: Rodriguez of Travis

C.S.H.B. No. 1058

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notice and information provided by a solid waste  
3 facility and a commercial transporter of solid waste regarding  
4 recycling programs for certain electronic waste.

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

6 SECTION 1. Section 361.954(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) The collection, recycling, and reuse provisions of this  
9 subchapter apply to computer equipment used and returned to the  
10 manufacturer by a consumer in this state and, except as provided by  
11 Section 361.967, do not impose any obligation on an owner or  
12 operator of a solid waste facility or a commercial transporter of  
13 solid waste.

14 SECTION 2. Section 361.966, Health and Safety Code, is  
15 amended to read as follows:

16 Sec. 361.966. FEDERAL PREEMPTION; EXPIRATION. (a) If  
17 federal law establishes a national program for the collection and  
18 recycling of computer equipment and the commission determines that  
19 the federal law substantially meets the purposes of Sections  
20 361.952 through 361.965 [~~this subchapter~~], the commission may adopt  
21 an agency statement that interprets the federal law as preemptive  
22 of those sections [~~this subchapter~~].

23 (b) Sections 361.952 through 361.965 expire [~~This~~  
24 ~~subchapter expires~~] on the date the commission issues a statement

1 under this section.

2 SECTION 3. Subchapter Y, Chapter 361, Health and Safety  
3 Code, is amended by adding Section 361.967 to read as follows:

4 Sec. 361.967. NOTICE AND INFORMATION PROVIDED TO CONSUMER  
5 BY SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a) In this  
6 section, "electronic waste" means computer equipment that is  
7 eligible for collection under a manufacturer's recovery plan  
8 adopted under Section 361.955.

9 (b) An owner or operator of a solid waste facility shall  
10 post in a conspicuous location at the solid waste facility a sign  
11 that encourages consumers to recycle electronic waste. An owner or  
12 operator is not liable for electronic waste collected or disposed  
13 of at the solid waste facility and is not required to remove  
14 electronic waste collected or disposed of. An owner or operator is  
15 not in violation of this subsection if the owner or operator has  
16 made a good faith effort to comply with this subsection.

17 (c) A commercial transporter of solid waste who transports  
18 waste to a solid waste facility shall provide each person who has  
19 contracted directly with the commercial transporter for the  
20 transportation of solid waste an informational insert that  
21 encourages consumers to recycle electronic waste. A commercial  
22 transporter must provide the insert to each person at least once  
23 each year. A commercial transporter is not liable for electronic  
24 waste carried by the commercial transporter and is not required to  
25 remove electronic waste collected. A commercial transporter is not  
26 in violation of this subsection if the commercial transporter has  
27 made a good faith effort to comply with this subsection. This

1 subsection expires December 31, 2017.

2 (d) The commission by rule shall develop the sign and  
3 informational insert required by this section. The sign and insert  
4 must include information relating to recycling programs for  
5 electronic waste and the commission's Internet website.

6 SECTION 4. Section 361.973(a), Health and Safety Code, is  
7 amended to read as follows:

8 (a) Except as provided by this section and Sections  
9 [Section] 361.991 and 361.993, this subchapter applies only to  
10 covered television equipment that is:

11 (1) offered for sale or sold to a consumer in this  
12 state; or

13 (2) used by a consumer in this state and returned for  
14 recycling.

15 SECTION 5. Subchapter Z, Chapter 361, Health and Safety  
16 Code, is amended by adding Section 361.993 to read as follows:

17 Sec. 361.993. NOTICE AND INFORMATION PROVIDED TO CONSUMER  
18 BY SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a) In this  
19 section, "electronic waste" means covered television equipment  
20 that is eligible for collection under:

21 (1) a manufacturer's recovery plan adopted under  
22 Section 361.978; or

23 (2) a manufacturer recycling leadership program  
24 established under Section 361.979.

25 (b) An owner or operator of a solid waste facility shall  
26 post in a conspicuous location at the solid waste facility a sign  
27 that encourages consumers to recycle electronic waste. An owner or

1 operator is not liable for electronic waste collected or disposed  
2 of at the solid waste facility and is not required to remove  
3 electronic waste collected or disposed of. An owner or operator is  
4 not in violation of this subsection if the owner or operator has  
5 made a good faith effort to comply with this subsection.

6 (c) A commercial transporter of solid waste who transports  
7 waste to a solid waste facility shall provide each person who has  
8 contracted directly with the commercial transporter for the  
9 transportation of solid waste an informational insert that  
10 encourages consumers to recycle electronic waste. A commercial  
11 transporter must provide the insert to each person at least once  
12 each year. A commercial transporter is not liable for electronic  
13 waste carried by the commercial transporter and is not required to  
14 remove electronic waste collected. A commercial transporter is not  
15 in violation of this subsection if the commercial transporter has  
16 made a good faith effort to comply with this subsection. This  
17 subsection expires December 31, 2017.

18 (d) The commission by rule shall develop the sign and  
19 informational insert required by this section. The sign and insert  
20 must include information relating to recycling programs for  
21 electronic waste and the commission's Internet website.

22 SECTION 6. (a) The Texas Commission on Environmental  
23 Quality shall adopt rules to implement this Act not later than  
24 December 31, 2015.

25 (b) Sections 361.967 and 361.993, Health and Safety Code, as  
26 added by this Act, apply to an owner or operator of a solid waste  
27 facility and a commercial transporter of solid waste who transports

1 waste to a solid waste facility beginning on the effective date of  
2 rules adopted by the Texas Commission on Environmental Quality  
3 under Subsection (a) of this section.

4 SECTION 7. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2015.