

Subsection (3)(a).

Section 4. Section **19-6-1203** is enacted to read:

**19-6-1203. Electronic Recycling Program -- Duties of the board and executive secretary.**

(1) There is established the Electronic Recycling Program within the Division of Solid and Hazardous Waste.

(2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:

(a) recordkeeping and reporting requirements;

(b) environmental and handling requirements for the collection and recycling of electronic devices by a registered collector and recycler;

(c) the form and amount of financial responsibility requirements and liability insurance or other financial responsibility for a registered collector and recycler including:

(i) general liability insurance requirements;

(ii) environmental pollution liability protection for third-party bodily injuries or property damage from releases of harmful materials; and

(iii) financial assurance for the costs of facility clean up and closure;

(d) an administrative penalty for a violation of this chapter;

(e) information distribution requirements concerning electronic recycling for a retailer selling a covered electronic device;

(f) a requirement for retailers to verify whether a covered electronic device originates from a registered manufacturer;

(g) a requirement describing the minimum number of sites for collecting covered electronic devices for recycling;

(h) reimbursement ~~to~~ [for] from ~~the~~ manufacturers based on market share; and

(i) credit toward reimbursement for a manufacturer that maintains a voluntary recycling program.

(3) The board shall exercise all other incidental powers necessary to carry out the purposes of this part.

(4) The board may amend or revoke any action by the executive secretary.

(5) The executive secretary shall administer the Electronic Recycling Program as

(6) (a) The board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing a collector's solicitation of a registered recycler.

(b) In making the rules described in Subsection (6)(a), the board shall consult with the chief procurement officer, appointed in accordance with Section 63G-6-203.

Section 6. Section **19-6-1205** is enacted to read:

**19-6-1205. Manufacturers.**

(1) Beginning July 1, 2011, a manufacturer of covered electronic devices for sale within this state ~~H~~→ shall ←~~H~~ register with the executive secretary by submitting the form required by the executive secretary and pay a registration fee of \$3,000.

(2) Beginning July 1, 2012, and annually thereafter, a manufacturer shall pay a registration fee as provided in the department's fee schedule established in accordance with Section 63J-1-504.

(3) (a) Beginning July 1, 2012, a manufacturer shall pay a registered recycler for the cost of recycling covered electronic devices.

(b) The board and the executive secretary may not resolve a dispute between a manufacturer and recycler.

(4) A manufacturer may inspect the records of a registered recycler by which the manufacturer is billed to verify that the recycling process complies with this chapter and rules made in accordance with this chapter.

Section 7. Section **19-6-1206** is enacted to read:

**19-6-1206. Recyclers.**

(1) Beginning July 1, 2011, a recycler shall register with the executive secretary by submitting the form required by the executive secretary and pay a registration fee of \$500.

(2) Beginning July 1, 2012, and annually thereafter, the recycler shall pay a registration fee as provided in the department's fee schedule established in accordance with Section 63J-1-504.

Section 8. Section **19-6-1207** is enacted to read:

**19-6-1207. Retailers.**

(1) Beginning July 1, 2011, a retailer selling a new covered electronic device in Utah shall sell only a covered electronic device from a manufacturer registered with the executive secretary.