



2005 ASSEMBLY BILL 1111

March 14, 2006 – Introduced by Representative BLACK. Referred to Committee on Small Business.

1 **AN ACT** *to amend* 16.75 (1) (a) 1. and 287.97; and *to create* 16.71 (7) and 287.16
2 of the statutes; **relating to:** collection of used wireless telephones and purchase
3 or lease of wireless telephones by state agencies.

Analysis by the Legislative Reference Bureau

This bill requires a person who leases or sells wireless telephones at retail in this state to operate a system to collect used wireless telephones for reuse, recycling, or proper disposal. The bill requires a retailer to accept used wireless telephones originally provided by the retailer and requires a retailer to accept a used wireless telephone from a person to whom the retailer provides a new wireless telephone. A retailer may not charge a consumer for using the system. The bill requires a retailer to provide information to consumers about the system and encourage consumers to use the system. The bill's requirements take effect two years after passage. The penalty for violating the requirements imposed on retailers is a forfeiture (civil penalty) of \$10 per violation.

This bill also prohibits a state agency from buying or leasing a wireless telephone from a vendor unless the vendor demonstrates that it operates a system to collect used wireless telephones, as required by the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 16.71 (7) of the statutes is created to read:

2 16.71 (7) Beginning on the first day of the 24th month beginning after the
3 effective date of this subsection [revisor inserts date], the department and any
4 other purchasing agent under sub. (1) may not purchase or lease a wireless
5 telephone, as defined in s. 287.16 (1) (d), from a vendor unless the vendor
6 demonstrates compliance with s. 287.16.

7 **SECTION 2.** 16.75 (1) (a) 1. of the statutes is amended to read:

8 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
9 materials, supplies, equipment, and contractual services to be provided to any
10 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
11 (6), (7), (8), (9), and (10m) and ss. 16.71 (7), 16.73 (4) (a), 16.751, 16.754, 16.964 (8),
12 50.05 (7) (f), 153.05 (2m) (a), and 287.15 (7), shall be awarded to the lowest
13 responsible bidder, taking into consideration life cycle cost estimates under sub.
14 (1m), when appropriate, the location of the agency, the quantities of the articles to
15 be supplied, their conformity with the specifications, and the purposes for which they
16 are required and the date of delivery.

17 **SECTION 3.** 287.16 of the statutes is created to read:

18 **287.16 Wireless telephone collection. (1) DEFINITIONS.** In this section:

19 (a) “Consumer” means a person who owns, leases, or buys a wireless telephone
20 for purposes other than resale.

21 (b) “Retailer” means a person who sells or leases a wireless telephone to a
22 consumer.

23 (c) “Used wireless telephone” means a wireless telephone that has been used
24 and that a consumer makes available for reuse, recycling, or proper disposal.

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1 (d) "Wireless telephone" means a telephone device that is designed to send or
2 receive transmissions through a cellular radiotelephone service, as defined in 47
3 CFR 22.99, including any rechargeable battery that is connected to the device, except
4 that "wireless telephone" does not include a telephone device that is integrated into
5 the electrical system of a motor vehicle.

6 (2) SYSTEM. Beginning on the first day of the 24th month beginning after the
7 effective date of this subsection [revisor inserts date], a retailer may not sell or
8 lease a wireless telephone to a consumer in this state unless the retailer operates a
9 system to collect used wireless telephones for reuse, recycling, or proper disposal,
10 under which the retailer does all of the following:

11 (a) Accepts a used wireless telephone from a consumer who purchased or leased
12 the used wireless telephone from the retailer, at no cost to the consumer. The retailer
13 may require proof of the purchase or lease.

14 (b) Accepts a used wireless telephone from a consumer who purchases or leases
15 a new wireless telephone from the retailer, at no cost to the consumer.

16 (c) If the retailer delivers a new wireless telephone to a consumer, provides a
17 method for the consumer to ship a used wireless telephone to the retailer or another
18 person for reuse, recycling, or proper disposal, at no cost to the consumer.

19 (d) Provides information to consumers about the system and encourages
20 consumers to use the system through methods that may include signs; written
21 materials provided at the time of sale, lease, or delivery of a wireless telephone;
22 advertising; and discussions with consumers at the time that the consumers
23 purchase or lease a wireless telephone.

24 (3) PENALTY. Any person who violates sub. (2) shall forfeit \$10 for each
25 violation.

