

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4179**

BY DELEGATES KELLY, COOPER, FAIRCLOTH, ATKINSON,  
PERRY, WAXMAN, ZATEZALO, HOWELL, IRELAND, AZINGER  
AND ROMINE

[Introduced January 20, 2016;  
referred to Committee on Government Organization  
then the Judiciary.]

1 A BILL to amend and reenact §22-15A-2 of the Code of West Virginia, 1931, as amended, relating  
2 to removing televisions from definition of covered electronic items.

*Be it enacted by the Legislature of West Virginia:*

1 That §22-15A-2 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL  
ACTION PLAN.**

**§22-15A-2. Definitions.**

3 Unless the context clearly indicates a different meaning or defined elsewhere in this  
4 chapter, as used in this article:

5 (1) "Beneficial use" means the use or reuse of whole waste tires or tire derived material  
6 which are reused in constructing retaining walls, rebuilding highway shoulders and subbase,  
7 building highway crash attenuation barriers and other civil engineering applications, feed hopper  
8 or watering troughs for livestock, other agricultural uses approved by the Department of  
9 Environmental Protection, playground equipment, boat or truck dock construction, house or  
10 building construction, go-cart, motorbike or race track barriers, recapping, alternative daily cover  
11 or similar types of beneficial applications: *Provided*, That waste tires may not be reused as  
12 fencing, as erosion control structures, along stream banks or river banks or reused in any manner  
13 where human health or the environment, as determined by the Secretary of the Department of  
14 Environmental Protection, is put at risk.

15 (2) "Brand" means the name, symbol, logo, trademark, or other information that identifies  
16 a product rather than the components of the product.

17 (3) "Collected for commercial purposes" means taking solid waste for disposal from any  
18 person for remuneration regardless of whether or not the person taking the solid waste is a  
19 common carrier by motor vehicle governed by article two, chapter twenty-four-a of this code.

20 (4) "Computer" means a desktop, personal computer or laptop computer, including the  
21 computer monitor. Computer does not include a personal digital assistant device, computer  
22 peripheral devices such as a mouse or other similar pointing device, a printer or a detachable  
23 keyboard.

24 (5) "Court" means any circuit, magistrate or municipal court.

25 (6) "Covered electronic device" means a ~~television~~, computer or video display device with  
26 a screen that is greater than four inches measured diagonally. "Covered electronic device" does  
27 not include a television or a video display device that is part of a motor vehicle or that is contained  
28 within a household appliance or commercial, industrial or medical equipment.

29 (7) "Department" means the Department of Environmental Protection.

30 (8) "Litter" means all waste material, including, but not limited to, any garbage, refuse,  
31 trash, disposable package, container, can, bottle, paper, covered electronic devices, ashes,  
32 cigarette or cigar butt, carcass of any dead animal or any part thereof or any other offensive or  
33 unsightly matter, but not including the wastes of primary processes of mining, logging, sawmilling,  
34 farming or manufacturing.

35 (9) "Litter receptacle" means those containers suitable for the depositing of litter at each  
36 respective public area designated by the secretary's rules promulgated pursuant to subsection  
37 (e), section three of this article.

38 (10) "Manufacturer" means a person that is the brand owner of a covered electronic device  
39 ~~or television~~ sold or offered for sale in this state by any means, including transactions conducted  
40 through retail sales outlets, catalogs or the Internet.

41 (11) "Person" means a natural person, corporation, firm, partnership, association or  
42 society and the plural as well as the singular.

43 (12) "Public area" means an area outside of a municipality, including public road and  
44 highway rights-of-way, parks and recreation areas owned or controlled by this state or any county  
45 of this state or an area held open for unrestricted access by the general public.

46 (13) "Recyclable materials" means those materials that would otherwise become solid  
47 waste for disposal in a refuse disposal system and which may be collected, separated or  
48 processed and returned to the marketplace in the form of raw materials or products.

49 (14) "Remediate or remediation" means to remove all litter, solid waste and tires located  
50 above grade at a site: *Provided*, That remediation does not include clean up of hazardous waste.

51 ~~(15) "Television" means any telecommunication system device that can receive moving~~  
52 ~~pictures and sound broadcast over a distance and includes a television tuner or a video display~~  
53 ~~device peripheral to a computer in which the display contains a television tuner.~~

54 ~~(16)~~ (15) "Secretary" means the Secretary of the Department of Environmental Protection.

55 ~~(17)~~ (16) "Video display device" means an electronic device with an output surface that  
56 displays or is capable of displaying moving graphical images or visual representations of image  
57 sequences or pictures that show a number of quickly changing images on a screen to create the  
58 illusion of motion. Video display device includes a device that is an integral part of the display and  
59 cannot easily be removed from the display by the consumer and that produces the moving image  
60 on the screen. A "video display device" may use a cathode-ray tube (CRT), liquid crystal display  
61 (LCD), gas plasma, digital light processing, other image-projection technology or imaging display  
62 technologies.

63 ~~(18)~~ (17) "Waste tire" means any continuous solid or pneumatic rubber covering designed  
64 to encircle the wheel of a vehicle but which has been discarded, abandoned or is no longer  
65 suitable for its original, intended purpose nor suitable for recapping, or other beneficial use  
66 because of wear, damage or defect. A tire is no longer considered to be suitable for its original  
67 intended purpose when it fails to meet the minimum requirements to pass a West Virginia motor  
68 vehicle safety inspection. Used tires located at a commercial recapping facility or tire dealer for  
69 the purpose of being reused or recapped are not waste tires.

70 ~~(19)~~ (18) "Waste tire monofill or monofill" means an approved solid waste facility where no  
71 solid waste except waste tires are placed for the purpose of long term storage for eventual

72 retrieval for marketing purposes.

73 ~~(20)~~ (19) "Waste tire processing facility" means a solid waste facility or manufacturer that  
74 accepts waste tires generated by sources other than the owner or operator of the facility for  
75 processing by such means as cryogenics, pyrolysis, pyroprocessing cutting, splitting, shredding,  
76 quartering, grinding or otherwise breaking down waste tires for the purposes of disposal, reuse,  
77 recycling and/or marketing.

78 ~~(24)~~ (20) "Waters of the state" means generally, without limitation, natural or artificial lakes,  
79 rivers, streams, creeks, branches, brooks, ponds, impounding reservoirs, springs, wells,  
80 watercourses and wetlands.

81 ~~(22)~~ (21) "Yard waste" means grass clippings, weeds, leaves, brush, garden waste, shrub  
82 or tree prunings and other living or dead plant tissues, except that materials, which due to  
83 inadvertent contamination or mixture with other substances which render the waste unsuitable for  
84 composting, are not yard waste: *Provided*, That the same or similar waste generated by  
85 commercial agricultural enterprises is excluded.

NOTE: This purpose of this bill is to remove televisions from the definition of "covered electronic device."

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.