AN ACT TO PROVIDE FOR THE REMOVAL AND RECYCLING OF CERTAIN MERCURY-ADDED COMPONENTS IN MOTOR VEHICLES; TO AUTHORIZE THE MOTOR VEHICLE COMMISSION TO DEVISE A SYSTEM FOR LISTING MERCURY-ADDED COMPONENTS IN MOTOR VEHICLES; TO AUTHORIZE THE MOTOR VEHICLE COMMISSION TO GRANT CERTAIN EXEMPTIONS; TO REQUIRE MOTOR VEHICLE MANUFACTURERS TO ESTABLISH A STATEWIDE SYSTEM FOR COLLECTING AND RECYCLING MERCURY-ADDED COMPONENTS; TO REQUIRE THE COMMISSION ON ENVIRONMENTAL QUALITY AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROVIDE TECHNICAL ASSISTANCE AND PUBLIC OUTREACH PROGRAMS RELATED TO THE COLLECTION AND DISPOSAL OF MERCURY-ADDED COMPONENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meaning:

(a) "Commission" means the Mississippi Motor Vehicle Commission.

(b) "Department" means the Mississippi Department of Environmental Quality.

(c) "Mercury-added product" means any of the following items if it contains mercury-added during manufacture:

(i) A thermostat or thermometer;

(ii) A switch or other device, individually or as part of another product, used to measure, control or regulate gas, other fluids or electricity;

(iii) A medical or scientific instrument;

(iv) An electric relay or other electrical device;

and

(v) A lamp.

(d) "Mercury headlamp" is a mercury-added lamp that is mounted on the front of a motor vehicle to illuminate the roadway.
(e) "Mercury light switch" means a mercury switch used for the purpose of turning a light bulb or lamp on and off.

(f) "Mercury switch" means a mercury-added product that uses a liquid pool of mercury to measure, control or regulate the flow of gas, other fluids or electricity.

(g) "Motor vehicle component" means a mercury-added product that is a component in a motor vehicle, including, but not limited to, a mercury headlamp, a mercury light switch and a mercury switch in antilock braking systems.

SECTION 2. (1) A person may not sell a motor vehicle manufactured on or after January 1, 2005, if it contains a mercury switch. A motor vehicle manufacturer may apply to the commissioner for an exemption from this prohibition. The commission may grant an exemption upon finding that:

(a) Use of the mercury switch is necessary to protect public health or safety;

(b) There are no technically feasible alternatives to the mercury switch at comparable cost; and

(c) The manufacturer has provided assurance that a system exists for the proper removal and recycling of the mercury switch.

(2) Effective January 1, 2005, a person may not sell or distribute a mercury light switch for installation in a motor vehicle.

(3) Effective January 1, 2005, a person may not sell a used motor vehicle at retail without first removing any mercury light switch. This prohibition applies to a person who sells twenty (20) or more used motor vehicles in calendar year 2004 or any calendar year thereafter.

(4) Effective January 1, 2005, a person may not send a motor vehicle to a scrap recycling facility without first removing any mercury switch or mercury headlamp that is a component of the motor vehicle, except that a scrap recycling facility may agree to
accept a motor vehicle that has not been flattened, crushed or
baled knowing it contains a mercury switch or mercury headlamp, in
which case the scrap recycling facility is responsible for
removing that component. Upon removal, the components must be
collected, stored, transported and otherwise handled in accordance
with the universal waste rules adopted by the Commission on
Environmental Quality.

(5) By January 1, 2005, manufacturers of motor vehicles sold
or distributed in the state shall, individually or collectively,
do the following:

(a) Manufacturers of motor vehicles that contain
mercury light switches shall establish, maintain and publicize the
availability of a source separation program by which a motor
vehicle owner may have the mercury light switches removed or
replaced with nonmercury light switches at no direct charge to the
owner when the vehicle is brought to a manufacturer-affiliated
dealership.

(b) Manufacturers of motor vehicles that contain
mercury switches shall:

(i) Establish and maintain a program necessary to
create and implement an effective source separation program to
remove and collect the mercury switches; and

(ii) Establish and maintain a system by which
switches removed pursuant to the requirements of this section may,
at no cost to the person responsible for removal, be consolidated
and transported for recycling in accordance with the universal
waste rules adopted by the Commission on Environmental Quality.

(c) Manufacturers of motor vehicles that contain
mercury switches or mercury headlamps shall provide the department
and persons subject to the requirements of subsections (3) and (4)
with information, training and other technical assistance required
to facilitate removal and recycling of these components,
including, but not limited to, information identifying the motor
vehicle models that contain or may contain mercury switches or mercury headlamps.

(6) The department shall:

(a) Assist used car dealers, motor vehicle manufacturers and others subject to the source separation requirements of this section by providing training on the universal waste rules adopted by the board under subsection (9) and by taking other steps as determined appropriate to provide for the safe removal and proper handling of motor vehicle components;

(b) Distribute the stickers required under subsection (8); and

(c) Make available to the public information concerning services to remove mercury light switches in motor vehicles.

(7) In approving a compliance plan for labeling for motor vehicles, the commission shall require a motor vehicle manufacturer to apply a doorpost label listing the mercury-added products that may be components in the motor vehicle. The commission may not require a manufacturer to affix a label to each mercury-added component.

(8) Any person who removes a mercury light switch from a motor vehicle before the motor vehicle is removed from service shall affix an official sticker to the motor vehicle to indicate that the switch has been removed. The stickers may be obtained from the department and must be affixed to the doorpost or other location specified by the commission. A person may not install a mercury light switch into a motor vehicle to which the sticker is affixed.

(9) The Commission on Environmental Quality shall adopt universal waste rules as necessary to establish standards by which mercury switches in motor vehicles may be handled as universal waste.

(10) Before July 1, 2005, and annually thereafter, motor vehicle manufacturers shall report in writing to the department on
the results of the source separation program required under this section. The report must include, at a minimum, the numbers of mercury switches and mercury headlamps removed and recycled from motor vehicles during the previous calendar year compared to the estimated number of these components potentially available for collection under subsections (3), (4) and (5); the estimated total amount of mercury contained in the components; and any recommendations to improve the future collection and recycling of motor vehicle components. Before January 1, 2006, and annually thereafter, the department shall report to the Legislature on the effectiveness of the source separation program required under this section whether other motor vehicle components should be added to the source separation program and whether the program should be terminated and, if so, when.

SECTION 3. This act shall take effect and be in force from and after July 1, 2003.