



BATTERY COUNCIL INTERNATIONAL

PROPOSED MODEL BATTERY RECYCLING LEGISLATION

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____

Section 1. LEAD-ACID BATTERIES;
LAND DISPOSAL
PROHIBITED.

(a) No person may place a used lead-acid battery in mixed municipal solid waste, in any landfill, or municipal solid waste incinerator.

(b) No person shall dispose of a used lead-acid battery except by delivery to a retailer or wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.

(c) No retailer shall dispose of a used lead-acid battery except by delivery to the agent of a wholesaler or a secondary lead smelter, or to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.

(d) Each battery improperly disposed of shall constitute a separate violation.

(e) For each violation of this section a violator shall be subject to a fine not to exceed \$_____ and/or a prison term not to exceed _____ days (as appropriate under state code).

Section 2. LEAD-ACID BATTERIES;
COLLECTION FOR
RECYCLING.

A retailer selling replacement lead-acid batteries in the state shall:

(a) Accept from customers, at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers;

(b) Collect a deposit of at least \$10.00 on the sale of an automotive type replacement lead-acid battery

that is not accompanied by the return of a used lead-acid battery of the same general type. All deposits shall inure to the benefit of the retailer unless the person paying the deposit pursuant to this subsection returns a used automotive lead-acid battery to the retailer within thirty days of the date of sale, in which case the deposit shall be returned to the customer; and

(c) Post written notice which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

(1) "It is illegal to discard a used lead-acid battery.";

(2) "Recycle your used batteries."; and

(3) "State law requires us to accept used lead-acid batteries for recycling in exchange for new batteries purchased."

Section 3. INSPECTION OF BATTERY
 RETAILERS.

The (appropriate state agency) shall produce and print the notices required by Section 2 and shall distribute such notices to all places where replacement lead-acid batteries are offered for retail sale. In performing its duties under this section, the division may inspect any place, building, or premises where batteries are sold at retail. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirements of Section 2. Failure to post the required notice following warning shall subject the establishment to a fine of \$_____ per day (as appropriate under state code).

Section 4. LEAD-ACID BATTERY
 WHOLESALEERS.

Any wholesaler selling replacement lead-acid batteries shall accept from customers at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers. A wholesaler accepting batteries in transfer from a retailer shall be allowed a period not to exceed 90 days to remove batteries from the retail point of collection.

Section 5. PLASTIC CODING.

Lead-acid battery cases shall not be required to bear an SPI, SAE or other resin identification code otherwise required for rigid plastic containers.

Section 6. DEFINITIONS.

For the purposes of Sections 1-5:

(a) The term lead-acid battery means a battery that:

(1) consists of lead and sulfuric acid;

(2) is used as a power source; and

(3) is not intended as a power source for consumer products.

(b) The term retailer means any person who engages in the sale of replacement lead-acid batteries directly to the end user.

(c) The term wholesaler means any person who sells replacement lead-acid batteries for resale.

(d) The term consumer product means any device that is primarily intended for personal or household use and is typically sold, distributed, or made available to the general population through retail or mail-order distribution. Such term does not include vehicles, motorcycles, wheelchairs, boats or other forms of motive power. The term does include, but is not limited to, computers, games, telephones, radios, and similar electronic devices.

Section 7. ENFORCEMENT.

The (appropriate state agency) shall enforce Sections 2 and 4. Violations shall be a misdemeanor under (applicable state code).

Section 8. SEVERABILITY.

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter or this application to their persons or circumstances.

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