CS FOR HOUSE BILL NO. 389 (L&C) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 3/6/92
Offered: 2/26/92

Sponsor(s): REPRESENTATIVES ULMER, Brown, B.Davis, Boyer, Finkelstein, Koponen

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the recycling of lead acid batteries."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 46.06 is amended by adding a new section to read:

4 Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) Each of the following shall
5 accept for recycling a used lead acid battery that is unbroken and in reasonably sound and clean
6 condition from a person who purchases a lead acid battery, and shall recycle the used batteries
7 that are received under this subsection:

8 (1) a person who sells lead acid batteries at retail or at wholesale;

9 (2) a person other than the seller of lead acid batteries at retail or at wholesale
10 if in the course of business operations the person accepts used lead acid batteries for the purpose
11 of recycling the batteries.

12 (b) If a person who purchases a lead acid battery from a retailer does not provide the
13 retailer with an unbroken and reasonably sound and clean used lead acid battery when making
14 the purchase, the retailer shall charge the purchaser an additional fee of not less than $5 but not

more than $25. The retailer shall refund the fee to the purchaser if within 30 days of the purchase the purchaser provides the retailer with an unbroken and reasonably sound and clean used lead acid battery. The retailer may keep the fee if the purchaser does not claim the fee within the 30 days.

(c) The purchaser of a lead acid battery who does not provide the retailer with a used lead acid battery under (b) of this section may return an unbroken and reasonably sound and clean used lead acid battery to a person who handles used batteries under (a)(2) of this section. In exchange for the used battery, the used battery handler shall provide the purchaser with a receipt indicating that the purchaser has returned a used battery to the handler. A purchaser may claim the fee under (b) of this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

(1) the receipt showing the purchaser's previous purchase of a new lead acid battery from the retailer; and

(2) the receipt of the used battery handler issued under this subsection.

(d) A retailer shall post in a manner that is clearly visible to purchasers of lead acid batteries a notice that is at least 8-1/2 inches by 11 inches, that contains the universal recycling symbol, and that states:

NOTICE: USED BATTERIES

This retailer is required to accept your used lead acid battery for recycling when you purchase a lead acid battery from the retailer. If you do not give the retailer a used lead acid battery when you make your purchase, the retailer must charge you an additional fee of not less than $5 but not more than $25. The retailer is required to refund the fee to you if you provide the retailer with a used lead acid battery within 30 days after you purchase the battery from the retailer. The retailer is also required to refund the fee to you if you provide the retailer, within 30 days after you purchase the battery from the retailer, (1) the receipt of purchase for the battery, and (2) the receipt written by a used battery recycler to show that you have provided a used battery to the recycler. If you do not claim the fee within the 30 days, the retailer may keep the fee. A retailer or used battery recycler is not required to accept a used battery from you unless the battery is unbroken and in reasonably sound and clean condition.

1 (e) A retailer who advertises lead acid batteries shall indicate in the advertisement that
2 an extra charge will be added to the price of the battery at the time of the sale if an unbroken
3 and reasonably sound and clean used lead acid battery is not exchanged for the new one.
4 (f) This section does not apply to the sale of a lead acid battery if
5 (1) the sale of the battery occurs in, or the seller delivers or arranges for the
6 delivery of the battery to the purchaser in, a municipality or unincorporated community; and
7 (2) the municipality or unincorporated community does not have a person located
8 in the municipality or community who
9 (A) possesses a current valid federal Environmental Protection Agency
10 identification number under 40 CFR 263.11; and
11 (B) is reasonably available and willing to transport lead acid batteries for
12 recycling or reclaiming under this section; in this paragraph, "reclaiming" has the meaning
13 given to "reclaimed" in 40 CFR 261.1.
14 (g) In this section,
15 (1) "battery" or "lead acid battery" means a battery that
16 (A) has a core consisting of elemental lead; and
17 (B) weighs 25 kilograms or less when filled with all necessary fluids;
18 (2) "recycle" and "recycling" have the meaning given to "recycled" under 40
19 CFR 261.1;
20 (3) "retailer" means a person who sells lead acid batteries at retail.
21 * **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:
22 (31) failing to comply with AS 46.06.105.
23 * **Sec. 3.** APPLICABILITY. For one year after the effective date of this Act, AS 46.06.105, enacted
24 by sec. 1 of this Act, does not apply to the sale of a lead acid battery if the sale occurs in a municipality
25 or unincorporated community that has a population less than 1,000, that is not on the state road or
26 marine highway system, and that does not have regular jet service.