

**SENATE CS FOR CS FOR HOUSE BILL NO. 389 (CRA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE SENATE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

**Offered: 5/5/92**

**Referred: Labor and Commerce**

**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; and providing for an effective  
2 date."

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

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

5       Sec. 46.06.105. LEAD ACID BATTERY RECYCLING. (a) A person may not dispose  
6 of a used lead acid battery by a method other than recycling. This subsection does not apply to  
7 a person if the municipality or community where the person resides and disposes of the battery  
8 does not have a transporter or a used battery recycler who is reasonably available and willing to  
9 transport lead acid batteries for recycling under this section.

10       (b) A person who sells lead acid batteries at retail or at wholesale shall accept for  
11 recycling a used lead acid battery that is unbroken, of comparable size, and in reasonably sound  
12 and clean condition from a person who purchases a lead acid battery, and shall recycle the used  
13 batteries that are received under this subsection.

14       (c) A person who does not sell lead acid batteries at retail or at wholesale but who

1 accepts in the course of business operation used lead acid batteries for the purpose of recycling  
2 the batteries shall accept for recycling a used lead acid battery from a person who purchases a  
3 lead acid battery of comparable size from another person and shall recycle the used batteries that  
4 are received under this subsection.

5 (d) If a person who purchases a lead acid battery from a retailer does not provide the  
6 retailer with an unbroken and reasonably sound and clean used lead acid battery of comparable  
7 size when making the purchase, the retailer shall charge the purchaser an additional fee of not  
8 less than \$5. The retailer shall refund the fee to the purchaser if within 30 days of the purchase  
9 that purchaser provides the retailer with an unbroken and reasonably sound and clean used lead  
10 acid battery of comparable size. The retailer may keep the fee if the purchaser does not claim  
11 the fee within the 30 days.

12 (e) The retail purchaser of a lead acid battery who does not provide the retailer with a  
13 used lead acid battery under (c) of this section may return a used lead acid battery of comparable  
14 size, whatever its condition, to a used battery recycler. In exchange for the used battery, the used  
15 battery recycler shall provide the purchaser with a receipt indicating that the purchaser has  
16 returned a used battery to the used battery recycler. A retailer shall refund the fee under (c) of  
17 this section if, within the time allowed for claim of the fee, the purchaser presents to the retailer

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

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

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

24 **NOTICE: USED BATTERIES**

25 This retailer is required to accept a used lead acid battery of comparable size for  
26 recycling when you purchase a lead acid battery from the retailer. If you do not  
27 give the retailer the used lead acid battery when you make your purchase, the  
28 retailer must charge you an additional fee of not less than \$5. The retailer is  
29 required to refund the fee to you if you provide the retailer with a used lead acid  
30 battery of comparable size within 30 days after you purchase the battery from the  
31 retailer. The retailer is also required to refund the fee to you if you provide the

1 retailer, within 30 days after you purchase the battery from the retailer, (1) the  
2 receipt of purchase for the battery, and (2) the receipt written by a used battery  
3 recycler to show that you have provided a used lead acid battery of comparable  
4 size to the recycler. If you do not claim the fee within the 30 days, the retailer  
5 may keep the fee. A retailer is not required to accept a used battery from you  
6 unless the battery is unbroken and in reasonably sound and clean condition. You  
7 may return a battery in any condition to a used battery recycler.

8 (g) A retailer who advertises lead acid batteries shall indicate in the advertisement that  
9 an extra charge will be added to the price of the battery at the time of the sale if an unbroken  
10 and reasonably sound and clean used lead acid battery of comparable size is not exchanged for  
11 the new one.

12 (h) This section does not apply to the sale of a lead acid battery if the sale

13 (1) occurs in, or the seller delivers or arranges for the delivery of the battery to  
14 the purchaser in, a municipality or unincorporated community that does not have a transporter  
15 or used battery recycler who is reasonably available and willing to transport lead acid batteries  
16 for recycling under this section; or

17 (2) is a retail sale made to a person who

18 (A) resides in a municipality or community that is not on the state  
19 highway system or marine highway system;

20 (B) purchases the battery in a municipality or community other than the  
21 municipality or community where the person resides; and

22 (C) provides the retailer at the time of the sale with a valid Alaska driver's  
23 license or a valid identification card issued under AS 18.65.310, and the license or card  
24 indicates that the person resides in a community or municipality that is not on the state  
25 highway system or marine highway system.

26 (i) In this section,

27 (1) "battery" or "lead acid battery" means a battery that has a core consisting of  
28 elemental lead and that weighs 55 pounds or less when filled with all necessary fluids, but does  
29 not include a sealed battery that weighs 25 pounds or less and is designed to be used for  
30 purposes other than starting, lighting, or ignition;

31 (2) "recycle" and "recycling" have the meaning given to "recycled" under 40

1           **CFR 261.1;**

2                           (3) "retailer" means a person who sells lead acid batteries at retail;

3                           (4) "transporter" means a person who possesses a current valid federal  
4           **Environmental Protection Agency identification number under 40 CFR 263.11;**

5                           (5) "used battery recycler" means a person who accepts in the course of business  
6           **operation used lead acid batteries for the purpose of recycling the batteries.**

7    \* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:

8                           (31) failing to comply with AS 46.06.105(b) - (g).

9    \* **Sec. 3.** This Act takes effect January 1, 1993.