

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Gibson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 8, CHAPTER 9,
9 SUBCHAPTER 3, TO EXEMPT CERTAIN PLASTIC BOTTLES FROM
10 LABELING REQUIREMENTS; TO PROVIDE EXEMPTIONS FROM THE
11 SURCHARGE ON THE SALE OF LEAD-ACID BATTERIES FOR NON-
12 REPLACEMENT SALES AND FOR SALES FOR REPLACING STOLEN
13 BATTERIES; AND FOR OTHER PURPOSES."

Subtitle

16 "TO EXEMPT CERTAIN PLASTIC BOTTLES FROM LABELING
17 REQUIREMENTS; AND FOR OTHER PURPOSES."

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21 SECTION 1. Arkansas Code 8-9-301 is hereby amended to read as follows:
22 "8-9-301. Definitions. For the purposes of this subchapter:
23 (1) _Label_ means a molded, imprint or raised symbol on or near the
24 bottom of a plastic product;
25 (2) _Lead-acid battery_ means a battery with a core of elemental lead and
26 a capacity of six (6) or more volts;
27 (3) _Plastic_ means any material made of polymeric organic compounds and
28 additives that can be shaped by flow;
29 (4) _Plastic bottle_ means a plastic container, intended for a single
30 use, that has a neck that is smaller than the body of the container, accepts a
31 screw-type, snap cap, or other closure, and has a capacity of sixteen fluid
32 ounces (16 fl. ozs.) or more, but less than five gallons (5 gals.);
33 (5) _Rigid plastic container_ means any formed or molded container, other
34 than a bottle, intended for single use, composed predominantly of plastic
35 resin, and having a relatively inflexible finite shape or form with a capacity

1 of eight ounces (8 ozs.) or more, but less than five gallons (5 gals.); and
 2 (6) _Single use_ means filled one time."

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4 SECTION 2. Arkansas 8-9-303 is hereby amended to read as follows:

5 "8-9-303. Lead-acid batteries.

6 (a) A person selling lead-acid batteries at retail or offering
 7 lead-acid batteries for retail sale in the state shall:

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

11 (2) Post written notices which must be at least eight and
 12 one-half inches by eleven inches (8 1/2" x 11") in size and must contain the
 13 universal recycling symbol and the following language:

14 (A) _It is illegal to discard a motor vehicle or marine
 15 battery._;

16 (B) _Recycle your used batteries._;

17 (C) _State law requires us to accept used lead-acid
 18 batteries for recycling, in exchange for new lead-acid batteries purchased._;
 19 and

20 (D) _When you purchase any new lead-acid battery, you will
 21 be charged an additional ten dollars (\$10.00) unless you return a used
 22 lead-acid battery for refund within thirty (30) days._

23 (b) (1) Each person who purchases a lead-acid battery at retail shall
 24 be assessed a surcharge of ten dollars (\$10.00) per battery by the retailer
 25 unless for each battery purchased:

26 (i) That person returns a used lead-acid battery to the
 27 retailer within thirty (30) days of the date of his surcharged purchase;

28 (ii) That person provides a valid police report which
 29 indicates that a lead-acid battery has been stolen from that person; or

30 (iii) The purchase is for installation in an item which was
 31 sold without a lead-acid battery and there is no used battery for that item
 32 which could be returned, and that person signs a written statement containing
 33 the following language:

34 _I attest that this purchase of a lead-acid battery is for installation
 35 in an item which was sold without a lead-acid battery, and there is no used

1 battery for this item which can be returned_.

2 (2) A retailer shall refund the ten dollar (\$10.00) surcharge to any
3 purchaser of a new lead-acid battery who presents a used lead-acid battery to
4 the retailer with a receipt for the purchase of a new lead-acid battery from
5 that retailer within that thirty (30) day period.

6 (3) A retailer may keep any lead-acid battery surcharge moneys which
7 are not properly claimed within thirty (30) days after the date of sale.

8 (c) The department shall produce, print, and distribute the notices
9 required by this section to all places where lead-acid batteries are offered
10 for sale at retail."

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12 SECTION 3. All provisions of this act of a general and permanent nature
13 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
14 Revision Commission shall incorporate the same in the Code.

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16 SECTION 4. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 5. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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