

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

A Bill

SENATE 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

15 "TO EXEMPT CERTAIN PLASTIC BOTTLES FROM LABELING
16 REQUIREMENTS AND TO PROVIDE EXEMPTIONS FROM THE SURCHARGE
17 ON THE SALE OF LEAD-ACID BATTERIES."

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

21

22 SECTION 1. Arkansas Code Annotated § 8-9-301 is hereby amended to read
23 as follows:

24 "§ 8-9-301. Definitions.

25 For the purposes of this subchapter:

26 (1) Label means a molded, imprint or raised symbol on or near the
27 bottom of a plastic product;

28 (2) Lead-acid battery means a battery with a core of elemental lead
29 and a capacity of six (6) or more volts;

30 (3) Plastic means any material made of polymeric organic compounds
31 and additives that can be shaped by flow;

32 (4) Plastic bottle means a plastic container, intended for a single
33 use, that has a neck that is smaller than the body of the container, accepts a
34 screw-type, snap cap, or other closure, and has a capacity of sixteen fluid
35 ounces (16 fl. ozs.) or more, but less than five gallons (5 gals.);

1 (5) Rigid plastic container means any formed or molded container,
2 other than a bottle, intended for single use, composed predominantly of
3 plastic resin, and having a relatively inflexible finite shape or form with a
4 capacity of eight ounces (8 ozs.) or more, but less than five gallons (5
5 gals.); and

6 (6) Single use means filled one time."
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8 SECTION 2. Arkansas Code Annotated § 8-9-303 is hereby amended to read
9 as follows:

10 "§ 8-9-303. Lead-acid batteries.

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

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

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

19 (A) It is illegal to discard a motor vehicle or marine
20 battery.;

21 (B) Recycle your used batteries.;

22 (C) State law requires us to accept used lead-acid
23 batteries for recycling, in exchange for new lead-acid batteries purchased.;
24 and

25 (D) When you purchase any new lead-acid battery, you will
26 be charged an additional ten dollars (\$10.00) unless you return a used
27 lead-acid battery for refund within thirty (30) days.

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

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

33 (B) That person provides a valid police report which
34 indicates that a lead-acid battery has been stolen from that person; or

35 (C) The purchase is for installation in an item which was

1 sold without a lead-acid battery and there is no used battery for that item
2 which could be returned, and that person signs a written statement containing
3 the following language:

4 _I attest that this purchase of a lead-acid battery is for installation
5 in an item which was sold without a lead-acid battery, and there is no used
6 battery for this item which can be returned._

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

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

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

16 (d) In performing its duties under this section, the department may
17 inspect any place, building, or premise governed by this section.

18 (e)(1) Any person selling new lead-acid batteries at wholesale shall
19 accept, at the point of transfer, in a quantity at least equal to the number
20 of new lead-acid batteries purchased, used lead-acid batteries from customers,
21 if offered by customers.

22 (2) A person accepting lead-acid batteries in transfer from a
23 lead-acid battery retailer shall be allowed a period not to exceed ninety (90)
24 days to remove lead-acid batteries from the retail point of collection.

25 (f) No person shall place a used lead-acid battery in municipal solid
26 waste, discard, or otherwise dispose of a lead-acid battery, except by
27 delivery to:

28 (1) A lead-acid battery retailer or wholesaler;

29 (2) A collection or recycling facility authorized under the law
30 of the State of Arkansas; or

31 (3) A secondary lead smelter permitted by the federal
32 Environmental Protection Agency.

33 (g) No lead-acid battery retailer shall dispose of a used lead-acid
34 battery except by delivery to the agent of a lead-acid battery wholesaler, to
35 a battery manufacturer for delivery to a secondary lead smelter permitted by

1 the Environmental Protection Agency, or to a collection or recycling facility
2 authorized under the law of the State of Arkansas, or to a secondary lead
3 smelter permitted by the Environmental Protection Agency.

4 (h) An owner or operator of a solid waste landfill shall not knowingly
5 accept for disposal a lead-acid battery.

6 (i) Each lead-acid battery improperly disposed or accepted for disposal
7 shall constitute a separate violation.

8 (j) The requirements for retailers contained in subsections (a) and (b)
9 of this section shall not apply to a person whose retail sales of lead-acid
10 batteries are not in the ordinary course of business.

11 (k) Nothing in this section shall be construed to prohibit the
12 collection, transportation, or disposal of lead-acid batteries mixed or
13 commingled with solid waste by any person engaged in the collection,
14 transportation, or disposal of solid waste, unless it can be demonstrated that
15 the person knew or should have known that such lead-acid batteries had been
16 mixed or commingled with the solid waste collected, transported, or disposed,
17 and unless it can be demonstrated that it is economically and environmentally
18 feasible to remove and recover the lead-acid batteries from the solid waste
19 collected, transported, or disposed."

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

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25 SECTION 4. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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

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