

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 75

BY: EASLEY

AS INTRODUCED

AN ACT RELATING TO PUBLIC HEALTH AND SAFETY; CREATING THE LEAD ACID BATTERY RECYCLING ACT; PROVIDING SHORT TITLE; PROHIBITING CERTAIN DISPOSAL OF LEAD ACID BATTERIES; PROVIDING EXCEPTIONS; PROVIDING METHOD OF DISPOSAL FOR RETAILERS; STATING VIOLATIONS; PROVIDING PENALTIES FOR VIOLATIONS; STATING REQUIREMENTS FOR RETAIL SELLERS OF LEAD ACID BATTERIES; REQUIRING THE STATE DEPARTMENT OF HEALTH TO PROVIDE CERTAIN NOTICES FOR PLACES SELLING LEAD ACID BATTERIES FOR RETAIL; AUTHORIZING STATE DEPARTMENT OF HEALTH TO MAKE INSPECTIONS AND ISSUE CITATIONS AND WARNINGS FOR FAILURE TO COMPLY; PROVIDING PENALTY; REQUIRING WHOLESALERS TO ACCEPT USED BATTERIES WITHIN CERTAIN TIME PERIOD; AUTHORIZING STATE DEPARTMENT OF HEALTH TO PROMULGATE RULES TO ENFORCE THE PROVISIONS OF THE LEAD ACID BATTERY RECYCLING ACT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5000 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Lead Acid Battery Recycling Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5001 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No person may place a used lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a collection or recycling facility authorized under the law of the State of Oklahoma, or to a secondary lead smelter permitted by the Environmental Protection Agency.

B. No automotive battery retailer shall dispose of a used lead acid battery except by delivery to the agent of a battery wholesaler, to a battery manufacturer for delivery to a secondary lead smelter permitted by the Environmental Protection Agency, or to a collection or recycling facility authorized under the law of the State of Oklahoma, or to a secondary lead smelter permitted by the Environmental Protection Agency.

C. Each battery improperly disposed of shall constitute a separate violation.

D. Any person violating the provisions of this act, upon conviction thereof, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed Fifty Dollars (\$50.00) or by imprisonment in the county jail for a term not to exceed thirty (30) days, or both such fine and imprisonment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5002 of Title 63, unless there is created a duplication in numbering, reads as follows:

A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in the state shall:

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

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

- a. it is illegal to discard a motor vehicle battery or other lead acid battery,
- b. recycle your used batteries, and
- c. state law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall produce, print, and distribute the notices required by Section 3 of this act to all places where lead acid batteries are offered for sale at retail. In performing its duties under this section the State Department of Health may inspect any place, building, or premise governed by Section 3 of this act. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirement of those sections. Failure to post the required notice following warning shall subject the establishment to a fine of Fifty Dollars (\$50.00) per day.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5004 of Title 63, unless there is created a duplication in numbering, reads as follows:

Any person selling new lead acid batteries at wholesale shall accept, at the point of transfer, in a quantity at least equal to

the number of new batteries purchased, used lead acid batteries from customers, if offered by customers. A person accepting batteries in transfer from an automotive battery retailer shall be allowed a period not to exceed ninety (90) days to remove batteries from the retail point of collection.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5005 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Department of Health shall promulgate rules to enforce the provisions of this act.

SECTION 7. This act shall become effective September 1, 1991.

43-1-227

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