

HOUSE BILL 457

Introduced by Hansen, et al.

2/04	Introduced
2/04	Referred to Natural Resources
2/04	First Reading
2/04	Fiscal Note Requested
2/10	Fiscal Note Received
2/10	Fiscal Note Printed
2/12	Hearing
2/13	Tabled in Committee

1 House BILL NO. 457
 2 INTRODUCED BY Steve Davidson Fitch Dowell
 3 Hayes Brink off Baron Hamm Winters
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE RECYCLING
 5 OF LEAD-ACID BATTERIES; PROHIBITING THE LAND DISPOSAL OF
 6 LEAD-ACID BATTERIES; ESTABLISHING A \$10 DEPOSIT ON THE SALE
 7 OF A NEW LEAD-ACID BATTERY IF A USED LEAD-ACID BATTERY IS
 8 NOT RETURNED; AND REQUIRING LEAD-ACID BATTERY RETAILERS TO
 9 DISPLAY A NOTICE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Definitions. As used in
 13 [sections 1 through 6], the following definitions apply:

14 (1) "Department" means the department of health and
 15 environmental sciences provided for in 2-15-2101.

16 (2) "Lead-acid battery" means a battery that consists
 17 of lead and sulfuric acid and that is used as a power
 18 source.

19 (3) "Person" means any individual, firm, partnership,
 20 company, association, corporation, city, town, local
 21 governmental entity, or any other state, federal, or private
 22 entity, whether or not organized for profit.

23 (4) "Solid waste management system" means any system
 24 that controls the storage, treatment, recycling, recovery,
 25 or disposal of solid waste.

1 NEW SECTION. Section 2. Disposal of lead-acid
 2 batteries prohibited. A person may not place a lead-acid
 3 battery in a solid waste management system or otherwise
 4 discard or dispose of a lead-acid battery except by delivery
 5 to a battery retailer, wholesaler, or manufacturer, to a
 6 secondary lead smelter, or to a battery collection or
 7 recycling center licensed under 75-10-221.

8 NEW SECTION. Section 3. Collection for recycling --
 9 retail. (1) A person who offers lead-acid batteries for
 10 retail sale shall:

11 (a) accept used lead-acid batteries of the type and in
 12 a quantity at least equal to the number of new lead-acid
 13 batteries the person sells annually; and

14 (b) collect a deposit of \$10 on the sale of a new
 15 lead-acid battery that is not accompanied by the return of a
 16 used lead-acid battery.

17 (2) A retailer shall refund the \$10 deposit collected
 18 pursuant to subsection (1)(b) if a lead-acid battery
 19 purchaser returns a used lead-acid battery to the retailer
 20 within 30 days of the date of sale.

21 (3) Thirty days after the date of sale, an unclaimed
 22 \$10 deposit accrues to the retailer.

23 NEW SECTION. Section 4. Used battery notice. (1) The
 24 department shall develop, produce, and distribute to
 25 lead-acid battery retailers a notice at least 8 1/2 inches x

1 11 inches in size that contains the universal recycling
 2 symbol and that states the following: "IT IS ILLEGAL TO
 3 DISCARD A MOTOR VEHICLE BATTERY OR OTHER LEAD-ACID BATTERY.
 4 STATE LAW REQUIRES THIS BUSINESS TO ACCEPT USED MOTOR
 5 VEHICLE BATTERIES OR OTHER LEAD-ACID BATTERIES FOR RECYCLING
 6 IN EXCHANGE FOR NEW BATTERIES PURCHASED. PLEASE RECYCLE YOUR
 7 USED BATTERIES."

8 (2) A person who offers lead-acid batteries for retail
 9 sale shall visibly display the notice distributed by the
 10 department pursuant to subsection (1).

11 NEW SECTION. Section 5. Collection for recycling --
 12 wholesale. A person who sells lead-acid batteries at
 13 wholesale shall accept used lead-acid batteries of the type
 14 and in a quantity at least equal to the number of new
 15 lead-acid batteries the person sells annually. The person
 16 shall remove batteries from the point of retail collection
 17 at least every 90 days.

18 NEW SECTION. Section 6. Civil penalty. (1) A person
 19 who violates a provision of [sections 1 through 5] is
 20 subject to a civil penalty not to exceed \$25.

21 (2) Penalties collected for violations of [sections 1
 22 through 5] must be deposited in the solid waste management
 23 account provided for in 75-10-117.

24 NEW SECTION. Section 7. Codification instruction.
 25 [Sections 1 through 6] are intended to be codified as an

1 integral part of Title 75, chapter 10, and the provisions of
 2 Title 75, chapter 10, apply to [sections 1 through 6].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0457, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill requiring the recycling of lead-acid batteries; prohibiting the land disposal of lead-acid batteries; establishing a \$10 deposit on the sale of a new lead-acid battery if a used battery is not returned; and requiring lead-acid battery retailers to display a notice.

ASSUMPTIONS:

1. There are several thousand retail facilities in Montana which sell lead-acid batteries, such as all automobile and truck repair shops, gas service stations, automotive and recreational vehicle supply stores, automobile and truck dealers, recreational vehicle dealers and repair shops, department stores, etc.,.
2. 5,000 lead-acid battery recycling signs will need to be printed and distributed to retailers and wholesalers. Designing, printing and distributing costs will be \$1.50 per sign for a total of \$7,500. These costs will be incurred during FY94 only.
3. Existing program FTEs will be utilized for complaint investigation concerning violations to this act as other program duties allow or if other program duties require a presence of personnel in the area of the complaint.
4. Collection of civil penalties for violations to the act will be limited or non-existent since the program costs to pursue the civil penalty in a court of law will far exceed the penalty itself.
5. No revenue is generated by this bill.

FISCAL IMPACT:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Expenditures:						
Operating Expenses	0	7,500	7,500	0	0	0
Funding:						
General Fund	0	7,500	7,500	0	0	0

David Lewis 2-9-93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Stella J. Hansen 2/10/93
 STELLA JEAN HANSEN, PRIMARY SPONSOR DATE

Fiscal Note for HB0457, as introduced**HB 457**