

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 997) of Robert L. Hedlund, Bruce E. Tarr, Jo Ann Sprague and Mary Jeanette Murray for legislation to provide for the recycling of lead-acid motor vehicle and marine batteries. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT PROVIDING FOR THE RECYCLING OF LEAD-ACID AUTOMOTIVE AND MARINE BATTERIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21H of the General Laws, as appearing in the 1992
2 Official Edition, is hereby amended by inserting at the end thereof
3 the following new sections:—

4 Section 9A. (a) No person may place a used automotive or
5 marine lead-acid battery in a mixed municipal solid waste facility,
6 nor discard or otherwise dispose of an automotive or marine lead-
7 acid battery, except by delivery to an automotive or marine lead-
8 acid battery retailer or wholesaler, to a collection or recycling
9 facility authorized under the laws of the commonwealth, or to a
10 secondary lead smelter permitted by the United States
11 Environmental Protection Agency (EPA).

12 (b) No person who sells automotive or marine lead-acid bat-
13 teries at retail, or offers such batteries for retail sale in the com-
14 monwealth, may dispose of a used automotive or marine lead-acid
15 battery, except by delivery to the agency of a battery wholesaler,
16 to a battery manufacturer for delivery to a secondary lead smelter
17 permitted by the EPA, or directly to such a secondary lead
18 smelter.

19 (c) Any person who violates subsection (a) or (b) of this section
20 shall be punished by a fine of not more than five hundred dollars,
21 or by imprisonment of not more than sixty days, or both. Each
22 battery improperly discarded shall constitute a separate violation.
23 The department shall enforce the provisions of this section.

24 Section 9A. (a) All persons selling automotive or marine lead-
25 acid batteries at retail, or offering automotive or marine lead-acid
26 batteries for retail sale, in the commonwealth, shall:

27 (1) accept at the point of transfer, from their customers who so
28 offer them, used automotive or marine lead-acid batteries in a
29 quantity at least equal to the number of new batteries purchased;
30 and

31 (2) collect a deposit of ten dollars on the sale of any automotive
32 or marine lead-acid battery that is not accompanied by the return
33 of a used automotive or motor vehicle lead-acid battery of the
34 same or similar type, given that said deposit shall inure to the ben-
35 efit of the retailer unless the person paying the deposit pursuant to
36 this subsection returns a used automotive or marine lead-acid bat-
37 tery to the retailer within thirty days of the date of sale, in which
38 case the deposit shall be returned to the customer; and

39 (3) post a sign, at least eight and one-half inches by eleven
40 inches in size, containing the universal recycling symbol and the
41 following language, conspicuously displayed:

42 (i) "It is illegal to discard a motor vehicle or marine battery.";

43 (ii) "Recycle your used batteries here."; and

44 (iii) "State law requires us to accept used motor vehicle and
45 marine batteries for recycling."

46 (b) The department shall produce, print and distribute the signs,
47 which are required by subdivision (3) of subsection (a), to all
48 premises from which automotive and marine lead-acid batteries
49 are sold at retail or offered for retail sale.

50 (c) The department shall enforce the provisions of this section.
51 In doing so, it may inspect any premises to which this section is
52 applicable. Any person offering automotive or marine lead-acid
53 batteries for retail sale who fails to post the required signs shall be
54 subject to a fine of one hundred dollars for each day the sign is
55 not posted.

56 Section 9B. Any person selling new automotive or marine lead-
57 acid batteries at wholesale, or offering such batteries for whole-
58 sale, shall accept at the point of transfer, from their customers
59 who so offer them, used automotive or marine lead-acid batteries
60 in a quantity at least equal to the number of new batteries pur-
61 chased. Said battery wholesalers, upon acceptance of used auto-
62 motive or marine batteries in transfer from an automotive or

63 marine battery retailer, shall be allowed a period not to exceed
64 ninety days to remove the used batteries from the retailers' point
65 of collection.

