

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

# A Bill

**ACT 579 OF 1993**  
**SENATE BILL 421**

## 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."  
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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.);

36 (5) Rigid plastic container means any formed or molded container,

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

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

9 "§ 8-9-303. Lead-acid batteries.

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

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

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

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

20 (B) Recycle your used batteries.;

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

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

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

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

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

34 (C) The purchase is for installation in an item which was  
35 sold without a lead-acid battery and there is no used battery for that item

1 which could be returned, and that person signs a written statement containing  
2 the following language:

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

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

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

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

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

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

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

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

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

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

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

32              (g) No lead-acid battery retailer shall dispose of a used lead-acid  
33 battery except by delivery to the agent of a lead-acid battery wholesaler, to  
34 a battery manufacturer for delivery to a secondary lead smelter permitted by  
35 the Environmental Protection Agency, or to a collection or recycling facility

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

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

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

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

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

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

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

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

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APPROVED: 03/18/93

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