

REFERENCE TITLE: lead acid battery sales; fees

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HB 2132

Introduced by  
Representative Petersen

AN ACT

AMENDING SECTION 44-1323, ARIZONA REVISED STATUTES; RELATING TO THE SALE AND DISPOSAL OF BATTERIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 44-1323, Arizona Revised Statutes, is amended to  
3 read:

4 44-1323. Sale of lead acid batteries; fee; notice

5 A. A lead acid battery seller shall accept from customers at the point  
6 of transfer used lead acid batteries of the type and quantity sold at that  
7 point of transfer and may accept additional batteries. A seller shall not  
8 charge any fee to receive those batteries, other than the fee authorized by  
9 subsection B **OR F OF THIS SECTION**. A lead acid battery seller shall post a  
10 written notice that is clearly visible in the public sales area of the  
11 establishment and that contains the following language:

12 "It is unlawful to dispose of a motor vehicle battery or  
13 other lead acid battery in a landfill or any unauthorized site.

14 Recycle all used batteries.

15 This seller is required by law to accept used lead acid  
16 batteries. When any new lead acid battery is purchased, an  
17 additional fee ~~of not more than fifteen dollars~~ will be charged  
18 unless a used battery is returned for refund within forty-five  
19 days."

20 B. **A LEAD ACID BATTERY SELLER SHALL CHARGE** each person who purchases a  
21 new lead acid battery ~~shall be assessed~~ a fee ~~of not~~ **PER BATTERY. EXCEPT AS**  
22 **PROVIDED IN SUBSECTION F OF THIS SECTION, THE FEE MAY NOT BE** more than  
23 ~~fifteen dollars per battery by the seller~~ **THE DEPOSIT FEE THAT A WHOLESALE**  
24 **SELLER CHARGES TO THE SELLER FOR THE NEW LEAD ACID BATTERY.** A seller shall  
25 refund the fee to any person who presents a used lead acid battery to the  
26 seller with a receipt for the purchase of a new battery from that seller  
27 within the forty-five day period immediately following the purchase. A  
28 seller may keep any lead acid battery fee monies that are not properly  
29 claimed within forty-five days after the date of sale.

30 C. All lead acid batteries sold after July 1, 1991 shall bear a  
31 universally accepted recycling symbol.

32 D. An advertisement or other printed promotional material related to  
33 the sale of lead acid batteries shall contain the following notice in bold  
34 print:

35 "A fee is imposed on the purchase of each new lead acid  
36 battery unless a used battery is returned where applicable."

37 E. This section does not apply to a person whose sales of batteries  
38 are not in the ordinary course of business.

39 F. A wholesale seller of lead acid batteries who sells batteries to  
40 this state, to a political subdivision of this state or to a private entity  
41 that does not resell the batteries:

42 1. Is subject to this article.

43 2. **MAY CHARGE A FEE AS PRESCRIBED BY SUBSECTION B OF THIS SECTION**  
44 **EXCEPT THAT THE FEE MAY NOT BE MORE THAN THE DEPOSIT FEE THAT THE WHOLESALE**  
45 **SELLER CHARGES TO OTHER SELLERS FOR A NEW LEAD ACID BATTERY.**