

ACT 281

H.B. NO. 1445

A Bill for an Act Relating to Environmental Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 342, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . LEAD ACID BATTERY RECYCLING**

**§342- Lead acid batteries; land disposal prohibited.** (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 an authorized collection or recycling facility, or to a secondary lead smelter permitted by the United States 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 United States Environ-

mental Protection Agency, or to an authorized collection or recycling facility, or to a secondary lead smelter permitted by the United States Environmental Protection Agency.

(c) Each battery improperly disposed of shall constitute a separate violation.

(d) For each violation of this section a violator shall be subject to the penalty provided under subsection (e) of section 342-11.

**§342- Lead acid batteries, collection for recycling.** 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 five inches by seven inches in size and must contain the universal recycling symbol and the following language:
  - (i) "It is illegal to discard a motor vehicle battery or other lead acid battery";
  - (ii) "Recycle your used batteries"; and
  - (iii) "State law requires us to accept used motor vehicle batteries or other lead acid batteries for recycling, in exchange for new batteries purchased".

**§342- Inspection of automotive battery retailers.** The department of health shall produce, print, and distribute the notices required by section 342- to all places where lead acid batteries are offered for sale at retail. In performing its duties under this section the department may inspect any place, building, or premise governed by section 342-. 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 \$2,000 per day.

**§342- Lead acid battery wholesalers.** 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 days to remove batteries from the retail point of collection.

**§342- Enforcement.** The department of health shall enforce this part."

SECTION 2. Section 342-11, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Any person who wilfully or negligently violates part VII or part of this chapter or any rule adopted by the department pursuant to part VII or part shall be punished by a fine of not more than \$5,000 for each violation or imprisonment for not more than one year, or both. If the conviction is for a violation committed after a first conviction, the violator shall be subject to a fine of not more than \$10,000 for each violation, or by imprisonment for not more than two years, or both."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions

## **ACT 281**

or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on January 1, 1990.

(Approved June 9, 1989.)