

CHAPTER 258—S.F.No. 2152

An act relating to commerce; regulating the purchase, return, and collection for recycling of lead acid batteries; modifying certain charges; amending Minnesota Statutes 2008, sections 325E.115, subdivision 1; 325E.1151, subdivisions 1, 3, 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 325E.115, subdivision 1, is amended to read:

Subdivision 1. **Surcharge; collection; notice.** (a) A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in this state shall:

- (1) accept, at the point of transfer, lead acid batteries from customers;
- (2) charge a fee of ~~\$5~~ at least \$10 per battery sold unless the customer returns a used battery to the retailer; and
- (3) post written notice in accordance with section 325E.1151.

(b) Any person selling lead acid batteries at wholesale or offering lead acid batteries for sale at wholesale must accept, at the point of transfer, lead acid batteries from customers.

Sec. 2. Minnesota Statutes 2008, section 325E.1151, subdivision 1, is amended to read:

Subdivision 1. **Purchasers must return battery or pay ~~\$5~~ surcharge.** (a) A person who purchases a lead acid battery at retail, except a lead acid battery that is designed to provide power for a boat motor that is purchased at the same time as the battery, must:

- (1) return a lead acid battery to the retailer; or
 - (2) pay the retailer a ~~\$5~~ surcharge of at least \$10.
- (b) A person who has paid a ~~\$5~~ surcharge under paragraph (a) must receive a ~~\$5~~ refund of the surcharge from the retailer if the person returns a lead acid battery with a receipt for the purchase of a new battery from that retailer within 30 days after purchasing a new lead acid battery.

(c) A retailer may keep the unrefunded surcharges for lead acid batteries not returned within 30 days.

Sec. 3. Minnesota Statutes 2008, section 325E.1151, subdivision 3, is amended to read:

Subd. 3. **Retailers must post notices.** (a) A person who sells lead acid batteries at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer making purchasing decisions.

(b) The notice must be at least 8-1/2 inches by 11 inches and contain the universal recycling symbol and state:

"NOTICE: USED BATTERIES

This retailer is required to accept your used lead acid batteries, EVEN IF YOU DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will be charged an additional ~~\$5~~ amount of at least \$10 unless you return a used battery within 30 days.

It is a crime to put a motor vehicle battery in the garbage."

Sec. 4. Minnesota Statutes 2008, section 325E.1151, subdivision 4, is amended to read:

Subd. 4. **Notices required in newspaper advertisements.** (a) An advertisement for sale of new lead acid batteries at retail in newspapers published in this state must contain the notice in paragraph (b).

(b) The notice must state:

~~"\$5~~ At least \$10 additional charge unless a used lead acid battery is returned. Improper disposal of a lead acid battery is a crime."

Presented to the governor April 19, 2010

Signed by the governor April 22, 2010, 11:56 a.m.