

FIRST REGULAR SESSION

HOUSE BILL NO. 1168

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KORMAN.

2305H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 260.262, RSMo, and to enact in lieu thereof one new section relating to lead-acid batteries.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 260.262, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 260.262, to read as follows:

260.262. 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 lead-acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

(2) Post written notice which must be at least four inches by six inches in size and must contain the universal recycling symbol and the following language:

(a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

(b) Recycle your used batteries; and

(c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries for recycling, in exchange for new batteries purchased; and

(3) Manage used lead-acid batteries in a manner consistent with the requirements of the state hazardous waste law;

(4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery have been computed. The fee imposed, less six percent of fees collected, which shall be retained by the seller as collection costs, shall be paid to the department of revenue in the form and manner required by the department and shall include the total number of batteries sold

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 during the preceding month. The department of revenue shall promulgate rules and regulations
19 necessary to administer the fee collection and enforcement. The terms "sold at retail" and "retail
20 sales" do not include the sale of batteries to a person solely for the purpose of resale, if the
21 subsequent retail sale in this state is to the ultimate consumer and is subject to the fee. However,
22 this fee shall not be paid on batteries sold for use in agricultural operations upon written
23 certification by the purchaser; and

24 (5) The department of revenue shall administer, collect, and enforce the fee authorized
25 pursuant to this section pursuant to the same procedures used in the administration, collection,
26 and enforcement of the general state sales and use tax imposed pursuant to chapter 144 except
27 as provided in this section. The proceeds of the battery fee, less four percent of the proceeds,
28 which shall be retained by the department of revenue as collection costs, shall be transferred by
29 the department of revenue into the hazardous waste fund, created pursuant to section 260.391.
30 The fee created in subdivision (4) and this subdivision shall be effective October 1, 2005. The
31 provisions of subdivision (4) and this subdivision shall terminate December 31, ~~2018~~ **2023**.

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