



2011 ASSEMBLY BILL 266

September 16, 2011 – Introduced by Representatives HONADEL, BROOKS, BERCEAU, HULSEY, A. OTT, POCAN, SPANBAUER, THIESFELDT and TURNER, cosponsored by Senators C. LARSON, COWLES, HOLPERIN, OLSEN, RISSER and TAYLOR. Referred to Committee on Consumer Protection and Personal Privacy.

1 **AN ACT to amend** 287.18 (1) (c), 287.18 (1m) (a) (intro.), 287.18 (1m) (a) 3., 287.18
2 (1m) (b), 287.18 (2) (a) and (b), 287.18 (3) (a) (intro.), 287.18 (3) (a) 3., 287.18 (3)
3 (b), 287.18 (4) (a) and (b) and 287.18 (5); and **to create** 287.18 (1) (bm) of the
4 statutes; **relating to:** the sale of lead acid batteries and acceptance of used lead
5 acid batteries.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of not less than \$5. The bill also changes terminology in the law relating

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to the sale of lead acid batteries and defines the term “deposit” for the purposes of that law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 287.18 (1) (bm) of the statutes is created to read:

2 287.18 (1) (bm) “Deposit” means an amount charged, upon the sale of an item,
3 that is refunded when the item, or another item of the same kind, is relinquished to
4 the person who sold the item. “Deposit” includes a core charge.

5 **SECTION 2.** 287.18 (1) (c) of the statutes is amended to read:

6 287.18 (1) (c) “~~Retailer~~” “Seller” means a person who sells batteries to
7 consumers.

8 **SECTION 3.** 287.18 (1m) (a) (intro.) of the statutes is amended to read:

9 287.18 (1m) (a) (intro.) The department shall provide a notice concerning the
10 disposal of batteries to all ~~retailers~~ sellers. The notice shall be 8.5 inches by 11 inches
11 and all notices shall be of the same color, typeface, and type size. The notice shall
12 include all of the following information:

13 **SECTION 4.** 287.18 (1m) (a) 3. of the statutes is amended to read:

14 287.18 (1m) (a) 3. That state law requires ~~retailers~~ sellers to accept used
15 batteries in trade and in some other instances.

16 **SECTION 5.** 287.18 (1m) (b) of the statutes is amended to read:

17 287.18 (1m) (b) A ~~retailer~~ seller shall post the notice provided under par. (a)
18 in a place where it can be seen by consumers.

19 **SECTION 6.** 287.18 (2) (a) and (b) of the statutes are amended to read:

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1 287.18 (2) (a) A ~~retailer~~ seller who sells a battery to a consumer and installs
2 the battery shall accept the used battery unless the consumer refuses to relinquish
3 the used battery.

4 (b) If the consumer refuses to relinquish the used battery under par. (a), the
5 ~~retailer~~ seller shall comply with sub. (3).

6 **SECTION 7.** 287.18 (3) (a) (intro.) of the statutes is amended to read:

7 287.18 (3) (a) (intro.) If a ~~retailer~~ seller sells a battery to a consumer without
8 installing the battery or if sub. (2) (b) applies, the ~~retailer~~ seller shall do all of the
9 following:

10 **SECTION 8.** 287.18 (3) (a) 3. of the statutes is amended to read:

11 287.18 (3) (a) 3. Subject to par. (b), accept the consumer's used battery in trade
12 for a new battery without charge or time limit, during normal business hours, at any
13 business location owned or operated by the ~~retailer~~ seller.

14 **SECTION 9.** 287.18 (3) (b) of the statutes is amended to read:

15 287.18 (3) (b) A ~~retailer~~ seller accepting a used battery in trade under par. (a)
16 3. may require the consumer to provide proof that the consumer purchased a battery
17 from the ~~retailer~~ seller.

18 **SECTION 10.** 287.18 (4) (a) and (b) of the statutes are amended to read:

19 287.18 (4) (a) Except as provided in par. (b), if a person delivers to a ~~retailer~~
20 seller a used battery to which sub. (3) (a) 3. does not apply, the ~~retailer~~ seller shall
21 accept the used battery. A ~~retailer~~ seller may charge up to \$3 for each battery
22 delivered under this paragraph.

23 (b) A ~~retailer~~ seller is not required to accept more than 2 batteries delivered
24 under this subsection by a person on one day.

25 **SECTION 11.** 287.18 (5) of the statutes is amended to read:

