



1997 SENATE BILL 496

March 10, 1998 - Introduced by Senators COWLES, SHIBILSKI, HUELSMAN, FARROW, DARLING and SCHULTZ, cosponsored by Representatives SCHAFFER, AINSWORTH, OTTE, GOETSCH, RYBA, FOTI, MUSSER, OWENS, ALBERS, HASENOHRL, OLSEN, VANDER LOOP, LORGE, GROTHMAN and PLOUFF, by request of Department of Agriculture, Trade and Consumer Protection. Referred to Committee on Agriculture and Environmental Resources.

1 **AN ACT to repeal** 100.45 (2) (a) 1. and 2. and 100.45 (3) (c) 5.; **to renumber and**
2 **amend** 100.45 (2) (a) 3.; and **to amend** 100.45 (2) (b) (intro.), 2. and 3., 100.45
3 (3) (c) (intro.) and 1. to 4., 100.45 (4) (c) 1., 100.45 (5) (a) 3. and 100.45 (5) (c) of
4 the statutes; **relating to:** ozone-depleting refrigerant and mobile air
5 conditioners.

Analysis by the Legislative Reference Bureau

This bill changes the law related to mobile air conditioners (air conditioners in cars and trucks) that contain refrigerants that may deplete stratospheric ozone.

Under current law, a person who sells ozone-depleting refrigerant that was removed from a mobile air conditioner but has not been recycled is required to obtain an annual registration certificate from the department of agriculture, trade and consumer protection (DATCP). The bill repeals that requirement. The bill also eliminates provisions that require persons who sell ozone-depleting refrigerant that has not been recycled to make certifications to DATCP.

Under current law, a person who sells ozone-depleting refrigerant that was removed from a mobile air conditioner but has not been recycled must convey the refrigerant to a refrigerant reclamation facility. This bill also allows the refrigerant to be conveyed to a person who holds a registration certificate that authorizes the servicing of mobile air conditioners for recycling and reuse or resale.

Under current law, ozone-depleting refrigerant that is removed from a mobile air conditioner in the course of performing motor vehicle repair must be recycled at

SENATE BILL 496

the establishment where the refrigerant is removed or at another establishment under common ownership. The bill eliminates the requirement that the establishments be under common ownership.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 100.45 (2) (a) 1. and 2. of the statutes are repealed.

2 **SECTION 2.** 100.45 (2) (a) 3. of the statutes is renumbered 100.45 (2) (a) and
3 amended to read:

4 100.45 (2) (a) ~~After December 31, 1995,~~ a A manufacturer or distributor may
5 not distribute for sale in this state a mobile air conditioner that contains
6 ozone-depleting refrigerant and that is original equipment in a new motor vehicle.

7 **SECTION 3.** 100.45 (2) (b) (intro.), 2. and 3. of the statutes are amended to read:

8 100.45 (2) (b) (intro.) ~~After December 31, 1991,~~ the The department may waive
9 the application of par. (a) to a manufacturer or distributor for a period of one year if
10 any of the following applies:

11 2. Substitutes for ozone-depleting refrigerant ~~will~~ are not be available in
12 sufficient quantities ~~in-time~~ for the manufacturer or distributor to ~~meet the~~
13 ~~requirements under~~ comply with par. (a).

14 3. An acceptable mobile air conditioner cannot be manufactured in sufficient
15 quantities ~~in-time~~ for the manufacturer to ~~meet the requirements under~~ comply with
16 par. (a) and the progress made by the manufacturer or distributor toward ~~meeting~~
17 ~~the requirements under~~ complying with par. (a) is comparable with the progress
18 made by other manufacturers and distributors toward ~~meeting the requirements~~
19 ~~under~~ complying with par. (a).

SENATE BILL 496

1 **SECTION 4.** 100.45 (3) (c) (intro.) and 1. to 4. of the statutes are amended to read:

2 100.45 **(3)** (c) (intro.) No person may offer to sell, sell or otherwise transfer
3 possession of ozone-depleting refrigerant that was removed from a mobile air
4 conditioner but has not been ~~recycled or reclaimed~~ unless the person does all of the
5 following apply:

6 1. ~~Certifies to the department that the~~ The person or another person uses
7 approved refrigerant recovery equipment to remove the ozone-depleting refrigerant
8 from mobile air conditioners.

9 2. ~~Provides~~ The person provides to the department upon request the identity
10 of each person to whom it sells or otherwise transfers possession of the recovered
11 ozone-depleting refrigerant.

12 3. ~~Certifies to the department that it~~ The person informs each person to whom
13 it sells or otherwise transfers possession of the ozone-depleting refrigerant that the
14 ozone-depleting refrigerant has not been ~~recycled or reclaimed~~ and, if the
15 ozone-depleting refrigerant has not been recycled, that the ozone-depleting
16 refrigerant has not been recycled.

17 4. ~~Certifies that all~~ All of the recovered ozone-depleting refrigerant is conveyed
18 in a safe and timely manner to a refrigerant reclamation facility that is recognized
19 by the department or to a person who holds an annual registration certificate under
20 sub. (4) (h) for recycling and reuse or resale.

21 **SECTION 5.** 100.45 (3) (c) 5. of the statutes is repealed.

22 **SECTION 6.** 100.45 (4) (c) 1. of the statutes is amended to read:

23 100.45 **(4)** (c) 1. Recycles the used ozone-depleting refrigerant using approved
24 refrigerant recycling equipment at the establishment where the ozone-depleting
25 refrigerant is removed or at another establishment ~~under common ownership~~

SENATE BILL 496**SECTION 6**

1 location and either reuses the recycled ozone-depleting refrigerant in servicing a
2 mobile air conditioner or trailer refrigeration equipment ~~at one of the establishments~~
3 ~~under common ownership~~ or sells or otherwise transfers possession of the recycled
4 ozone-depleting refrigerant for conveyance to a refrigerant reclamation facility that
5 is recognized by the department.

6 **SECTION 7.** 100.45 (5) (a) 3. of the statutes is amended to read:

7 100.45 (5) (a) 3. Fees to cover the costs of administering ~~subs. (2) (b) and (4) this~~
8 section.

9 **SECTION 8.** 100.45 (5) (c) of the statutes is amended to read:

10 100.45 (5) (c) Issue annual registration certificates to persons required to hold
11 those certificates under ~~subs. (3) (b) and sub. (4) (h).~~

12 (END)