



## 2009 SENATE BILL 700

April 20, 2010 - Introduced by Senators PLALE and KANAVAS, cosponsored by Representative ZEPNICK. Referred to Committee on Environment.

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

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### *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 to the sale of lead acid batteries and defines the term "deposit" for the purposes of that law.

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

**SENATE BILL 700**

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) of the statutes is amended to read:

20           287.18 (2) SALE AND INSTALLATION. (a) A ~~retailer~~ seller who sells a battery to  
21 a consumer and installs the battery shall accept the used battery unless the  
22 consumer refuses to relinquish the used battery.

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

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

