

参考資料

参考資料1, 鉛バッテリーの回収を生産者に法律で義務付けている州の内訳

デポジット

州名	発効年	デポジット額(\$)	課徴金(\$)	未返却預り金所持者	小売手数料	リファンド有効期間(日)	広告作成主体	備考
アリゾナ	1990年	5		小売		30	小売	
アーカンザス	1992年	10		小売		30	州	
コネチカット	1990年	5		小売		30	小売	
アイダホ	1991年	5		小売		30	小売	
メイン	1989年	10	1	小売		7	州	
ミネソタ	1989年	5		小売		30	州	購入店以外への旧バッテリーの持ち込みは5個まで
ニューヨーク	1991年	5		小売		30	小売	
ロードアイランド	1989年	5		8割:州、 2割:小売		7	州	
サウスカロライナ	1991年	5	3	小売	課徴金額の3%	30	小売	課徴金から小売手数料を除いた残りは州のSolid Waste Management Trust Fundへ
ワシントン	1989年	最低 5		小売		30	州	
ウィスコンシン	1991年	5					州	

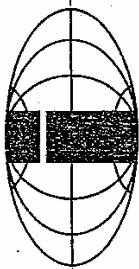
課徴金

州名	発効年	課徴金(\$)	小売手数料	広告作成主体	備考
フロリダ	1989年	1.5		なし	
テキサス	1991年	2, 3	課徴金額から2.5セント/バッテリー	州	課徴金額の残りはwaste remediation fundへ
ハワイ	1990年	2		州	

法律のみ

州名	発効年	広告作成主体	備考
カリフォルニア	1989年	なし	
ジョージア	1991年	小売	
イリノイ	1990年	小売	
インディアナ	1991年	小売	
アイオワ	1990年	小売	
ミズーリ州 カンザスシティ	1990年	小売	購入店以外への旧バッテリーの持ち込みは3個まで
ケンタッキー	1990年	小売	
ルイジアナ	1989年	小売	
ミズーリ	1991年	州	
ニュージャージー	1991年	小売	
ノースカロライナ	1991年	小売	
ノースダコタ	1992年	なし	
オクラホマ	1993年	小売	
オレゴン	1990年	小売	
ペンシルベニア	1989年	州	
サウスダコタ	1992年	なし	
テネシー	1990年	なし	
ユタ	1992年	小売・卸	
バーモント	1994年	小売	
バージニア	1990年	州	
ウェストバージニア	1994年	小売・卸	
ワイオミング	1989年	州	

出典: 参考文献のBCIモデル州一覧に挙げた文献を参考に筆者作成



BATTERY COUNCIL INTERNATIONAL  
PROPOSED MODEL BATTERY RECYCLING LEGISLATION  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

Section 1.  
LEAD-ACID BATTERIES;  
LAND DISPOSAL  
PROHIBITED.

- (a) No person may place a used lead-acid battery in mixed municipal solid waste, in any landfill, or municipal solid waste incinerator.
- (b) No person shall dispose of a used lead-acid battery except by delivery to a retailer or wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.
- (c) No retailer shall dispose of a used lead-acid battery except by delivery to the agent of a wholesaler or a secondary lead smelter, or to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.
- (d) Each battery improperly disposed of shall constitute a separate violation.
- (e) For each violation of this section a violator shall be subject to a fine not to exceed \$\_\_\_\_\_ and/or a prison term not to exceed \_\_\_\_\_ days (as appropriate under state code).

Section 2.  
LEAD-ACID BATTERIES;  
COLLECTION FOR  
RECYCLING.

A retailer selling replacement lead-acid batteries in the state shall:

- (a) Accept from customers, at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers;
- (b) Collect a deposit of at least \$10.00 on the sale of any automotive type replacement lead-acid battery that is not accompanied by the return of a used lead-acid battery of the same general type. All deposits shall inure to the benefit of the retailer unless the person paying the deposit pursuant to this subsection returns a used automotive lead-acid battery to the retailer within thirty days of the date of sale, in which case the deposit shall be returned to the customer; and
- (c) Post written notice which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

- (1) "It is illegal to discard a used lead-acid battery.";
- (2) "Recycle your used batteries."; and
- (3) "State law requires us to accept used lead-acid batteries for recycling in exchange for new batteries purchased."

Section 3.  
INSPECTION OF BATTERY  
RETAILERS.

The (appropriate state agency) shall produce and print the notices required by Section 2 and shall distribute such notices to all places where replacement lead-acid batteries are offered for retail

sale. In performing its duties under this section, the division may inspect any place, building, or premises where batteries are sold at retail. Authorized employees of the agency may issue warnings and citations to persons who fail to comply with the requirements of Section 2. Failure to post the required notice following warning shall subject the establishment to a fine of \$\_\_\_\_\_ per day (as appropriate under state code).

Section 4.  
LEAD-ACID BATTERY  
WHOLESALEERS.

Any wholesaler selling replacement lead-acid batteries shall accept from customers at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers. A wholesaler accepting batteries in transfer from a retailer shall be allowed a period not to exceed 90 days to remove batteries from the retail point of collection.

Section 5.  
PLASTIC CODING.

Lead-acid battery cases shall not be required to bear an SPI, SAE or other resin identification code otherwise required for rigid plastic containers.

Section 6.  
DEFINITIONS.

For the purposes of Sections 1-5:

- (a) The term lead-acid battery means a battery that:
  - (1) consists of lead and sulfuric acid;
  - (2) is used as a power source; and
  - (3) is not intended as a power source for consumer products.

(b) The term retailer means any person who engages in the sale of replacement lead-acid batteries directly to the end user.

(c) The term wholesaler means any person who sells replacement lead-acid batteries for resale.

(d) The term consumer product means any device that is primarily intended for personal or household use and is typically sold, distributed, or made available to the general population through retail or mail-order distribution. Such term does not include vehicles, motorcycles, wheelchairs, boats or other forms of motive power. The term does include, but is not limited to, computers, games, telephones, radios, and similar electronic devices.

Section 7.  
ENFORCEMENT.

The (appropriate state agency) shall enforce Sections 2 and 4. Violations shall be a misdemeanor under (applicable state code).

Section 8.  
SEVERABILITY.

If any clause, sentence, paragraph or part of this chapter or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this chapter or this application to their persons or circumstances.

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From: GENERAL STATUTES OF CONNECTICUT Revised to January 1, 2005  
<http://www.cga.ct.gov/2005/pub/Chap446d.html#Sec22a-256g.htm>

Sec. 22a-256f. Definitions. For purposes of sections 22a-256f to 22a-256i, inclusive:

- (1) "Battery" means a lead acid battery or a motor vehicle battery;
- (2) "Retailer" means a person who engages in the sale of batteries to a consumer;
- (3) "Wholesaler" means a person who engages in the sale of batteries to a retailer in this state;
- (4) "Place of business of a retailer" means the location at which a retailer sells or offers for sale batteries.

(P. A. 90-248, S. 1.)

Sec. 22a-256g. Batteries. Disposal. Penalties. (a) No person may place a used battery in mixed municipal solid waste or discard or otherwise dispose of such a used battery except by delivery to (1) a retailer or wholesaler, (2) a recycling facility as defined in section 22a-207, (3) a secondary lead smelter permitted by the United States Environmental Protection Agency, (4) a scrap metal processor as defined in section 14-67w or (5) a municipally established collection site.

(b) No retailer shall dispose of a used battery except by delivery to (1) a wholesaler, (2) a battery manufacturer for delivery to a secondary lead smelter permitted by the United States Environmental Protection Agency, (3) a recycling center, (4) a secondary lead smelter permitted by the United States Environmental Protection Agency or (5) a scrap metal processor as defined in section 14-67w.

(c) Any person who violates any provisions of subsection (a) or (b) of this section shall be fined not more than one thousand dollars. Each battery disposed of in violation of this section shall constitute a separate violation.

(P. A. 90-248, S. 2.)

Sec. 22n-256h. Deposit for batteries. Refunds. Disposal by retailer. Written notice. Penalty. (a) Each person who purchases a battery shall return a used battery to the retailer or pay a deposit of five dollars for each new battery purchased. Any person paying a deposit pursuant to this subsection shall receive a five-dollar refund if such person returns a used battery, with a receipt from such retailer, within thirty days after the purchase of a new battery.

(b) All funds received by a retailer pursuant to the provisions of subsection (a) of this section shall accrue to the retailer.

(c) From October 1, 1990, to April 1, 1992, inclusive, no retailer may refuse to accept a used battery from a consumer who does not purchase a battery from such retailer provided no retailer shall be required to accept more than three batteries from any such consumer. The consumer shall not receive a deposit refund for a battery returned pursuant to the provisions of this subsection unless the consumer presents a receipt as described in subsection (a) of this section.

(d) A retailer shall not refuse to accept used batteries from consumers in accordance with the provisions of sections 22a-256f to 22a-256i, inclusive. Any batteries accepted by a retailer shall be disposed of in accordance with the provisions of said sections.

(e) Each retailer shall post a written notice at his place of business which shall advise consumers that it is illegal to discard a battery, that such batteries must be recycled, that such retailer is required to accept up to three batteries from a consumer who is not purchasing a battery for a period of eighteen months beginning on October 1, 1990, in accordance with the provisions of subsection (c) of this section and that after such eighteen-month period such retailer is required to accept a used battery for recycling, in exchange for the purchase of a new battery. Such notice shall be at least eight and one-half inches wide and at least eleven inches in length.

(f) Any person who violates any provision of subsection (c) of this section shall be fined not less than one hundred dollars for each day such violation continues.

(P. A. 90-248, S. 3.)

Sec. 22a-256i. Acceptance of batteries by wholesalers. Inspections. Warnings and citations. A wholesaler shall not refuse to accept at the point of transfer, in a quantity at least equal to the number of new batteries purchased, used batteries from retailers or consumers. Any wholesaler accepting batteries in transfer from a retailer shall remove such batteries from the retail point of collection within ninety days. The Commissioner of Environmental Protection, upon presenting appropriate credentials to a retailer, operator or agent in charge, may inspect, at reasonable times the retailer's place of business. The commissioner may issue warnings and citations to retailers who fail to comply with the provisions of sections 22a-256f to 22a-256i, inclusive.

(P. A. 90-248, S. 4.)

From the Connecticut General Statutes -- Updated Through January 1, 2005 -- Regarding Taxes on Battery Deposits

Sec. 12-412j. Exemption for value of core parts. In any sale at retail of any new or remanufactured part of an item of tangible personal property to a purchaser, which sale is made by a retailer of such parts who will accept in return from such purchaser a core component or core part of such tangible personal property, the sales or use tax with respect to such sale shall be imposed on the difference between the purchase price and the amount allowed by the retailer on the returned core component or core part, provided the retailer shall collect the tax, at the time of sale, on the purchase price and, when the core component or core part is returned, shall refund such tax on the amount allowed by the retailer on the returned core component or core part. When any such core component or core part traded in is subsequently sold to a consumer or user, the taxes imposed under this chapter shall be applicable to such sale.

<http://www.cga.ct.gov/2005/pub/Chap219.htm#Sec12-407.htm>

Sec. 12-407. Definitions (9)(B) "Gross receipts" do not include any of the following:

- (ix) the amount received by a retailer from a purchaser as the battery deposit that is required to be paid under subsection (a) of section 22a-256i; the refund value of a beverage container that is required to be paid under subsection (a) of section 22a-244 or a deposit that is required by law to be paid by the purchaser to the retailer; and that is required by law to be refunded to the purchaser by the retailer when the same or similar tangible personal property is delivered as required by law to the retailer by the purchaser, if such amount is separately stated on the bill or invoice rendered by the retailer to the purchaser.

CHAPTER 179  
2000-S 2841 am  
Enacted 7/13/2000

A N A C T

## RELATING TO BATTERY DEPOSIT AND CONTROL

Introduced By: Senators Breene, Flynn and Blais

Date Introduced: March 9, 2000

It is enacted by the General Assembly as follows:

SECTION 1. Sections 23-60-1, 23-60-2, 23-60-3, 23-60-5 and 23-60-6 of the General Laws in Chapter 23-60 entitled "Battery Deposit and Control" are hereby amended to read as follows:

23-60-1. Legislative findings and policy. -- The general assembly finds and declares that vehicle batteries are ~~potentially difficult to dispose of and~~ potentially harmful if improperly disposed of, and that it is necessary to adopt a special plan to control disposal and promote recycling of such batteries. This chapter sets forth a comprehensive plan for disposal of vehicle batteries.

23-60-2. Definitions. -- As used in this chapter:

- (1) "Consumer" means an individual who purchases a vehicle battery for use, consumption, or any use other than resale;
- (2) "Dealer" means every person in this state who engages in the sale of vehicle batteries;
- (3) "Director" means the director of the department of environmental management;
- (4) "Distributor" means every person who engages in the sale of vehicle batteries to a dealer in this state including any manufacturer who engages in such sales;
- (5) "Manufacturer" means a person who manufactures vehicle batteries;
- (6) "Person" means any person, firm, partnership, association, corporation, or organization of any kind whatsoever;

(7) "~~Place of business of a dealer~~" means the location at which a dealer sells or offers for sale vehicle batteries to consumers;

(8) "Vehicle" means every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons, including, but not limited to, buses, automobiles, truck, boats, motorcycles, farm, lawn and garden equipment, and snowmobiles;

(9) "Vehicle battery" means batteries used in any vehicle, or of a capacity of six (6) volts or more, and of one hundred fifty (150) pounds or less in weight, and like batteries in stationary uses.

23-60-3. Deposit on vehicle batteries. -- (a) Every vehicle battery sold or offered for sale in this state shall have a deposit of five dollars (\$5.00) paid at the time of sale

(b) Payment of the deposit shall be waived when a used vehicle battery is delivered to the dealer at time of purchase. The deposit shall be returned to the consumer when a used vehicle battery is delivered to the dealer by that consumer within seven (7) days of the date of purchase of the new battery. A dealer shall not refuse to accept from any consumer any used vehicle battery, in reasonably clean and substantially unbroken condition in accordance with the provisions of this section, as an exchange with the purchase of a new vehicle battery.

(b) A dealer may add a core charge to the sale of a battery. The core charge shall be waived when a used vehicle battery is delivered to the dealer at the time of purchase. The deposit shall be returned to the consumer when a used vehicle battery is delivered to the dealer by the consumer within seven (7) days of date of purchase of the new battery.

(c) All funds received by a dealer as a deposit on a vehicle battery shall be held in trust and separately accounted for by the dealer. Any interest on the funds shall inure to the benefit of the dealer. The funds shall not be subject to attachment or other process. In the event of the insolvency of the dealer, or if the dealer shall for any reason cease doing business as a dealer, the funds shall be paid over to the state for the purpose of the administration of this chapter. Each dealer shall annually during the month of July pay over to the state for deposit as general revenues eighty percent (80%) of all deposits collected by the dealers and not returned to consumers during the preceding July 1 - June 30 period. The balance of the deposits shall inure to the benefit of the dealer as of the day of remittance to the state as provided in the preceding sentence. The director, by regulation, shall prescribe acceptable methods for accounting for and holding the trust funds.

23-60-5. Distributor acceptance -- Reimbursement by distributor. -- (a) A distributor or manufacturer shall not refuse to accept from any dealer any used vehicle battery in reasonably clean and substantially unbroken condition of the kind, size, and brand sold by the distributor or manufacturer.

(b) The distributor or manufacturer shall reimburse the dealer for the cost of handling vehicle batteries in an amount which equals at least twenty percent (20%) of the deposit required under sections 23-60-2. This payment shall be the minimum payment by the distributor or manufacturer for the battery and is included in the total purchase price for the battery if the total price is in excess of the minimum amount to be paid to the dealer hereunder.

(c) Whenever a dealer or group of dealers receives a shipment or consignment of, or in any manner acquires, vehicle batteries outside Rhode Island for sale to consumers in Rhode Island, the dealer or dealers shall comply with this chapter as if they were distributors, as well as dealers.

23-60-6. Disposal of used vehicle batteries. -- (a) No person shall dispose of any vehicle battery within the state except by delivery of the same to a ~~facility~~ dealer, distributor, or manufacturer or operated by the Rhode Island resource recovery corporation designated for that purpose, or to a privately operated recycling facility within the state licensed by the director for that purpose or by delivery for transportation to an out-of-state recycling facility.

(b) When delivered to the ~~solid waste management resource recovery corporation~~ for disposal, the corporation shall be paid a separate disposal fee at the time of delivery. This fee shall be set from time to time by the corporation to fully cover the cost of storage and transportation out of Rhode Island, or, if it is not feasible to transport out of Rhode Island, then the cost of recycling the materials of the battery and disposing of any residue.

(c) The department of environmental management shall provide a notice concerning the disposal of batteries to all retailers. The notice shall be 8.5 x 11 inches and all notices shall be of the same color, typeface, and type size. The notice shall include all of the following information: (1) it is illegal to dispose of a vehicle battery in a landfill or an incinerator; (2) vehicle batteries should be recycled; and (3) retailers must accept used vehicle batteries in trade. Retailers shall post this notice in a place where it can be readily observed by consumers.

SECTION 2. Section 23-60-7 of the General Laws in Chapter 23-60 entitled "Battery Deposit and Control" is hereby repealed in its entirety.

~~23-60-7. Licensing of vehicle battery recyclers. The director shall license any person to engage in the vehicle battery recycling business where the director shall find that the person shall have the proper equipment and facilities to properly recycle the materials of vehicle batteries and dispose of any residues. The license shall be annually renewable on January 1 of each year upon application of the licensee. The director may revoke the license at any time or refuse to renew the license upon a finding that the licensee has not operated the business to safely and properly recycle and dispose of vehicle batteries in a manner causing no pollution of the environment or violation of law. The initial license fee shall be fifty dollars (\$50.00) and the fee for annual renewal shall be twenty-five dollars (\$25.00). Other than as set forth herein, the license shall be subject to the provisions of the Administrative Procedures Act, chapter 35 of title 42.~~

<http://www.rilin.state.nj.us/PublicLaws/law00/law00179.htm>



