

TITLE 39
HEALTH AND SAFETY

CHAPTER 70
SALE AND DISPOSAL OF BATTERIES

39-7001. DEFINITION OF LEAD ACID BATTERY. For the purpose of this chapter, "lead acid battery" means a battery with a core of elemental lead and a capacity of six (6) or more volts which is suitable for use in farm equipment, construction equipment, a motor vehicle or a boat. Batteries only suitable for motor cycles, off-road recreation vehicles or lawn and garden equipment are exempt from the fees in this chapter.

[39-7001, added 1991, ch. 292, sec. 1, p. 752.]

39-7002. DISPOSAL OF LEAD ACID BATTERIES. (1) The disposal of lead acid batteries in landfills and the incineration of those batteries is prohibited. An owner or operator of a solid waste disposal facility shall not knowingly accept a lead acid battery for disposal unless the owner or operator is removing lead acid batteries from the waste stream for recycling. A lead acid battery shall be discarded or disposed of only as follows:

(a) A lead acid battery retailer or wholesaler may deliver a lead acid battery to any one (1) of the following:

(i) A permitted secondary lead smelter.

(ii) A battery manufacturer.

(iii) A collection or recycling facility authorized by the federal environmental protection agency or department of environmental quality.

(iv) In the case of battery retailers only, an agent of a battery wholesaler.

(v) A landfill operator who offers collection services for recycling lead acid batteries.

(2) A person other than a lead acid battery retailer or wholesaler may deliver a lead acid battery to any of the following:

(a) A lead acid battery retailer or wholesaler.

(b) A permitted secondary lead smelter.

(c) A collection or recycling facility authorized by the federal environmental protection agency or the department of environmental quality.

(d) A landfill operator who offers collection services for recycling lead acid batteries.

[39-7002, added 1991, ch. 292, sec. 1, p. 752; am. 2001, ch. 103, sec. 63, p. 301.]

39-7003. SALE OF LEAD ACID BATTERIES -- FEE -- NOTICE. (1) A lead acid battery seller shall accept from customers at the point of transfer used lead acid batteries of the type and quantity sold at that point of transfer and may accept additional batteries. A lead acid battery seller shall post a written notice which is clearly visible in the public sales area of the establishment and which contains the following language:

"It is unlawful to dispose of a motor vehicle battery or other lead acid battery in a landfill or any unauthorized site.

Recycle all used batteries."

The seller is required by law to accept used lead acid batteries. When any new lead acid battery is purchased, an additional fee of ten dollars (\$10.00) will be charged unless a used battery is returned for refund within thirty (30) days.

(2) Each person who purchases a new lead acid battery shall be assessed a fee of ten dollars (\$10.00) per battery by the seller. A seller shall refund the ten dollar (\$10.00) fee to any person who presents a used lead acid battery to the seller with a receipt for the purchase of a new battery from that seller within the thirty (30) day period immediately following the purchase. A seller may keep any lead acid battery fee moneys which are not properly claimed within thirty (30) days after the date of sale.

(3) All lead acid batteries sold after July 1, 1992, shall bear a universally accepted recycling symbol.

(4) An advertisement or other printed promotional material related to the sale of lead acid batteries shall contain the following notice in bold print:

"A fee is imposed on the purchase of each new lead acid battery unless a used battery is returned where applicable."

(5) The provisions of this section do not apply to a person whose sales of batteries are not in the ordinary course of business.

(6) A wholesale seller of lead acid batteries who sells batteries to this state, to a political subdivision of this state or to a private entity which resells the batteries is not subject to the fees in this chapter.

(7) A person or entity who manufactures or sells equipment or vehicles, the final product of which includes a lead acid battery as a component part, is not subject to the fees in this chapter as long as the lead acid battery is attached to and is a component part of said equipment or vehicle.

[39-7003, added 1991, ch. 292, sec. 1, p. 753; am. 2009, ch. 172, sec. 1, p. 550.]

39-7004. PENALTIES. (1) A person who improperly disposes of a battery in violation of the provisions of this chapter is subject to a civil penalty of not more than five hundred dollars (\$500) per violation and is subject to the penalty provisions of the environmental protection and health act contained in chapter 1, title 39, Idaho Code. Each battery which is so disposed of improperly constitutes a separate violation.

(2) A person who knowingly violates any provision of this chapter other than as described in subparagraph (1) of this section is subject to a civil penalty of not more than one hundred dollars (\$100) per violation.

[39-7004, added 1991, ch. 292, sec. 1, p. 753.]