

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 649, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "260.262. A person selling lead-acid batteries at retail or offering lead-acid batteries for
5 retail sale in the state shall:

6 (1) Accept, at the point of transfer, in a quantity at least equal to the number of new lead-
7 acid batteries purchased, used lead-acid batteries from customers, if offered by customers;

8 (2) Post written notice which must be at least four inches by six inches in size and must
9 contain the universal recycling symbol and the following language:

10 (a) It is illegal to discard a motor vehicle battery or other lead-acid battery;

11 (b) Recycle your used batteries; and

12 (c) State law requires us to accept used motor vehicle batteries, or other lead-acid batteries
13 for recycling, in exchange for new batteries purchased; and

14 (3) Manage used lead-acid batteries in a manner consistent with the requirements of the
15 state hazardous waste law;

16 (4) Collect at the time of sale a fee of fifty cents for each lead-acid battery sold. Such fee
17 shall be added to the total cost to the purchaser at retail after all applicable sales taxes on the battery
18 have been computed. The fee imposed, less six percent of fees collected, which shall be retained by
19 the seller as collection costs, shall be paid to the department of revenue in the form and manner
20 required by the department and shall include the total number of batteries sold during the preceding
21 month. The department of revenue shall promulgate rules and regulations necessary to administer
22 the fee collection and enforcement. The terms "sold at retail" and "retail sales" do not include the
23 sale of batteries to a person solely for the purpose of resale, if the subsequent retail sale in this state
24 is to the ultimate consumer and is subject to the fee. However, this fee shall not be paid on batteries
25 sold for use in agricultural operations upon written certification by the purchaser; and

26 (5) The department of revenue shall administer, collect, and enforce the fee authorized
27 pursuant to this section pursuant to the same procedures used in the administration, collection, and
28 enforcement of the general state sales and use tax imposed pursuant to chapter 144 except as
29 provided in this section. The proceeds of the battery fee, less four percent of the proceeds, which
30 shall be retained by the department of revenue as collection costs, shall be transferred by the
31 department of revenue into the hazardous waste fund, created pursuant to section 260.391. The fee
32 created in subdivision (4) and this subdivision shall be effective October 1, 2005. The provisions of
33 subdivision (4) and this subdivision shall terminate December 31, [2018] 2023."; and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.

Action Taken _____ Date _____