

HOUSE BILL 135

M3

3lr1105

By: **Delegates A. Miller and S. Robinson**

Introduced and read first time: January 17, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Motor Vehicle Batteries – Recycling**

3 FOR the purpose of requiring any person selling motor vehicle batteries for retail sale
4 in the State to accept all used motor vehicle batteries offered by customers for
5 recycling and to post a sign in accordance with certain requirements; requiring
6 a person accepting used motor vehicle batteries to provide for the recycling of
7 each battery within a certain period of time and in a certain manner;
8 authorizing the Department of the Environment to inspect certain premises
9 under certain circumstances; establishing certain penalties for a violation of
10 this Act; requiring the Department to adopt certain regulations; defining a
11 certain term; and generally relating to motor vehicle battery recycling in the
12 State.

13 BY repealing and reenacting, without amendments,
14 Article – Environment
15 Section 6–1101(a) and (b) and 9–1701(a)
16 Annotated Code of Maryland
17 (2007 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Environment
20 Section 9–1701(i) through (s)
21 Annotated Code of Maryland
22 (2007 Replacement Volume and 2012 Supplement)

23 BY adding to
24 Article – Environment
25 Section 9–1701(i) and 9–1712
26 Annotated Code of Maryland
27 (2007 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 6–1101.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Cell” means a galvanic or voltaic device weighing 25 pounds or less
7 consisting of an enclosed or sealed container which contains a positive and a negative
8 electrode consisting primarily of cadmium or lead, and which contains a gel or liquid
9 starved electrolyte.

10 9–1701.

11 (a) In this subtitle the following words have the meanings indicated.

12 **(I) “MOTOR VEHICLE BATTERY” MEANS ANY TYPE OF ENCLOSED**
13 **DEVICE OR SEALED CONTAINER WHICH CONSISTS OF ONE OR MORE CELLS,**
14 **CONTAINS LEAD, AND IS USED AS A POWER SOURCE FOR STARTING A MOTOR**
15 **VEHICLE.**

16 **[(i)] (J)** (1) “Natural wood waste” means tree and other natural
17 vegetative refuse.

18 (2) “Natural wood waste” includes tree stumps, brush and
19 limbs, root mats, logs, and other natural vegetative material.

20 **[(j)] (K)** (1) “Natural wood waste recycling facility” means a facility
21 where recycling services for natural wood waste are provided.

22 (2) “Natural wood waste recycling facility” does not include a
23 collection or processing facility operated by:

24 (i) A nonprofit or governmental organization located in
25 the State; or

26 (ii) A single individual or business that provides recycling
27 services for its own employees or for its own recyclable materials generated on its own
28 premises.

29 **[(k)] (L)** “Office” means the Office of Recycling within the Department.

30 **[(l)] (M)** “Recyclable materials” means those materials that:

1 (1) Would otherwise become solid waste for disposal in a refuse
2 disposal system; and

3 (2) May be collected, separated, or processed and returned to
4 the marketplace in the form of raw materials or products.

5 **[(m)] (N)** (1) “Recycling” means any process in which materials that
6 would otherwise become solid waste are collected, separated, or processed and
7 returned to the marketplace in the form of raw materials or products.

8 (2) “Recycling” includes composting.

9 **[(n)] (O)** “Recycling services” means the services provided by persons
10 engaged in the business of recycling, including the collection, processing, storage,
11 purchase, sale, or disposition of recyclable materials.

12 **[(o)] (P)** “Resource recovery facility” means a facility in existence as of
13 January 1, 1988 that:

14 (1) Processes solid waste to produce valuable resources,
15 including steam, electricity, metals, or refuse–derived fuel; and

16 (2) Achieves a volume reduction of at least 50 percent of its solid
17 waste stream.

18 **[(p)] (Q)** (1) “Solid waste stream” means garbage or refuse that would,
19 unless recycled, be disposed of in a refuse disposal system located in this State.

20 (2) “Solid waste stream” does not include:

21 (i) Hospital waste;

22 (ii) Rubble;

23 (iii) Scrap material;

24 (iv) Land clearing debris;

25 (v) Sewage sludge; or

26 (vi) Waste generated by a single individual or business
27 and disposed of in a facility dedicated solely for that entity’s waste.

28 **[(q)] (R)** (1) “Video display device” means an electronic device with an
29 output surface that displays or is capable of displaying moving graphical images or
30 visual representations of image sequences or pictures that show a number of quickly
31 changing images on a screen to create the illusion of motion.

1 (2) “Video display device” includes a device that is an integral
2 part of the display and cannot easily be removed from the display by the consumer and
3 that produces the moving image on the screen.

4 (3) A video display device may use a cathode-ray tube (CRT),
5 liquid crystal display (LCD), gas plasma, digital light processing, or other
6 image-projection technology.

7 **[(r)] (S)** “White goods” includes:

8 (1) Refrigerators;

9 (2) Stoves;

10 (3) Washing machines;

11 (4) Dryers;

12 (5) Water heaters; and

13 (6) Air conditioners.

14 **[(s)] (T)** (1) “Yard waste” means organic plant waste derived from
15 gardening, landscaping, and tree trimming activities.

16 (2) “Yard waste” includes leaves, garden waste, lawn cuttings,
17 weeds, and prunings.

18 **9-1712.**

19 **(A) ANY PERSON SELLING MOTOR VEHICLE BATTERIES FOR RETAIL**
20 **SALE IN THE STATE SHALL:**

21 **(1) ACCEPT ALL USED MOTOR VEHICLE BATTERIES OFFERED BY**
22 **CUSTOMERS FOR RECYCLING; AND**

23 **(2) POST A SIGN THAT:**

24 **(I) INCLUDES THE UNIVERSAL RECYCLING SYMBOL; AND**

25 **(II) STATES:**

1 1. **“IT IS ILLEGAL TO DISCARD A MOTOR VEHICLE**
2 **BATTERY, EXCEPT IN ACCORDANCE WITH § 9-1712 OF THE ENVIRONMENT**
3 **ARTICLE OF THE ANNOTATED CODE.”;**

4 2. **“RECYCLE YOUR USED BATTERIES.”; AND**

5 3. **“STATE LAW REQUIRES US TO ACCEPT USED**
6 **MOTOR VEHICLE BATTERIES FOR RECYCLING IN EXCHANGE FOR NEW MOTOR**
7 **VEHICLE BATTERIES PURCHASED.”.**

8 **(B) A PERSON ACCEPTING USED MOTOR VEHICLE BATTERIES SHALL**
9 **PROVIDE FOR THE RECYCLING OF EACH BATTERY WITHIN 90 DAYS OF RECEIPT**
10 **IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT UNDER**
11 **THIS SECTION.**

12 **(C) THE DEPARTMENT MAY INSPECT ANY PREMISES SUBJECT TO THE**
13 **PROVISIONS OF THIS SECTION.**

14 **(D) (1) A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES ANY**
15 **PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON**
16 **CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH**
17 **VIOLATION.**

18 **(2) EACH DAY A VIOLATION OCCURS IS A SEPARATE VIOLATION**
19 **OF THIS SUBTITLE.**

20 **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT**
21 **THIS SECTION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.