



1 E. "DISTRIBUTOR" MEANS ANY PERSON WHO SELLS RECHARGEABLE BATTERIES TO  
2 A RETAILER IN THIS STATE, INCLUDING ANY MANUFACTURER WHO SELLS TO  
3 RETAILERS IN THIS STATE.

4 F. "MANUFACTURER" MEANS ANY PERSON WHO MANUFACTURES LEAD-ACID  
5 BATTERIES.

6 G. "MIXED MUNICIPAL SOLID WASTE" MEANS ANY MATERIAL MANAGED AT A SOLID  
7 WASTE MANAGEMENT FACILITY AS DEFINED IN SECTION 27-0701 OF THIS ARTICLE.

8 H. "RECHARGEABLE BATTERY" MEANS ANY RECHARGEABLE NICKEL-CADMIUM,  
9 SEALED LEAD, LITHIUM ION, OR NICKEL METAL HYDRIDE BATTERY, OR ANY OTHER  
10 SUCH DRY CELL BATTERY CAPABLE OF BEING RECHARGED WEIGHING LESS THAN  
11 TWENTY-FIVE POUNDS, OR BATTERY PACKS CONTAINING SUCH BATTERIES, BUT  
12 SHALL NOT INCLUDE A BATTERY USED AS THE PRINCIPAL ELECTRIC POWER SOURCE  
13 FOR A VEHICLE, SUCH AS, BUT NOT LIMITED TO, AN AUTOMOBILE, BOAT, TRUCK,  
14 TRACTOR, GOLF CART OR WHEELCHAIR, FOR STORAGE OF ELECTRICITY GENERATED  
15 BY AN ALTERNATIVE POWER SOURCE, SUCH AS SOLAR OR WIND-DRIVEN GENERATORS,  
16 OR FOR MEMORY BACKUP IN AN ELECTRONIC DEVICE.

17 I. "RECYCLING FACILITY" MEANS ANY PERSON WHO PROCESSES RECHARGEABLE  
18 BATTERIES AND/OR PARTS THEREOF IN ORDER TO RECOVER THE MATERIALS  
19 CONTAINED THEREIN FOR LATER USE.

20 J. "RETAILER" MEANS ANY PERSON IN THIS STATE WHO SELLS NEW RECHARGEA-  
21 BLE BATTERIES TO CONSUMERS.

22 2. RECHARGEABLE BATTERY DISPOSAL PROHIBITIONS. A. NO PERSON SHALL  
23 DISPOSE OF A RECHARGEABLE BATTERY IN MIXED MUNICIPAL SOLID WASTE OR  
24 OTHERWISE DISPOSE OF A RECHARGEABLE BATTERY EXCEPT BY DELIVERY TO A  
25 RETAILER, DISTRIBUTOR, COLLECTOR, RECYCLING FACILITY OR AS A METHOD OF  
26 LAST RESORT TO AN AUTHORIZED HAZARDOUS WASTE FACILITY.

27 B. NO RETAILER SHALL DISPOSE OF A RECHARGEABLE BATTERY EXCEPT BY  
28 DELIVERY TO A DISTRIBUTOR, COLLECTOR, RECYCLING FACILITY OR AS A METHOD  
29 OF LAST RESORT TO AN AUTHORIZED HAZARDOUS WASTE FACILITY.

30 C. NO DISTRIBUTOR SHALL DISPOSE OF A RECHARGEABLE BATTERY EXCEPT BY  
31 DELIVERY TO A COLLECTOR, RECYCLING FACILITY OR AS A METHOD OF LAST  
32 RESORT TO AN AUTHORIZED HAZARDOUS WASTE FACILITY.

33 D. NO COLLECTOR SHALL DISPOSE OF A RECHARGEABLE BATTERY EXCEPT BY  
34 DELIVERY TO A RECYCLING FACILITY, ANOTHER COLLECTOR, OR AS A METHOD OF  
35 LAST RESORT TO AN AUTHORIZED HAZARDOUS WASTE FACILITY.

36 E. NO RECYCLING FACILITY OR AUTHORIZED HAZARDOUS WASTE FACILITY SHALL  
37 STORE, RECYCLE OR DISPOSE OF A RECHARGEABLE BATTERY EXCEPT IN ACCORDANCE  
38 WITH REGULATIONS PROMULGATED PURSUANT TO THIS CHAPTER.

39 3. RECHARGEABLE BATTERY COLLECTION. A. EVERY RETAILER SHALL ACCEPT  
40 USED RECHARGEABLE BATTERIES FROM ANY INDIVIDUAL AT NO CHARGE TO SUCH  
41 INDIVIDUAL.

42 B. EVERY DISTRIBUTOR SHALL ACCEPT RECHARGEABLE BATTERIES FROM ANY  
43 INDIVIDUAL AT NO CHARGE TO SUCH INDIVIDUAL AND SHALL ACCEPT USED  
44 RECHARGEABLE BATTERIES FROM ANY RETAILER TO WHICH THE DISTRIBUTOR SELLS  
45 RECHARGEABLE BATTERIES AT NO CHARGE TO SUCH RETAILER.

46 4. POSTING REQUIREMENTS. EVERY RETAILER AND DISTRIBUTOR SHALL POST A  
47 CONSPICUOUS SIGN, OPEN TO PUBLIC VIEW, DISPLAYING THE UNIVERSAL RECYCL-  
48 ING SYMBOL AND STATING: "IT IS ILLEGAL TO DISCARD RECHARGEABLE  
49 BATTERIES. STATE LAW REQUIRES US TO ACCEPT RECHARGEABLE BATTERIES AT NO  
50 CHARGE FOR RECYCLING."

51 5. APPLICABILITY OF OTHER LAWS. FOR THE PURPOSES OF THIS SECTION, ANY  
52 RETAILER, DISTRIBUTOR, OR COLLECTOR WHO COMPLIES WITH THE REQUIREMENTS  
53 SET FORTH IN THIS SECTION SHALL BE EXEMPT FROM THE PROVISIONS OF TITLES  
54 SEVEN AND NINE OF THIS ARTICLE AND ARTICLE SEVENTY-TWO OF THIS CHAPTER.

55 6. ANY PROVISION OF ANY LOCAL LAW OR ORDINANCE, OR ANY RULE OR REGU-  
56 LATION PROMULGATED THERETO, GOVERNING THE COLLECTION, RETURN OR RECYCL-

1 ING OF RECHARGEABLE BATTERIES WHICH IS INCONSISTENT WITH ANY PROVISION  
2 OF THIS TITLE SHALL BE PREEMPTED, PROVIDED, HOWEVER, THAT SUCH  
3 PREEMPTION SHALL NOT EXTEND TO ANY PROVISION OF A LOCAL LAW OR ORDINANCE  
4 PROHIBITING THE ILLEGAL DISPOSAL OF RECHARGEABLE BATTERIES.

5 7. THE PROVISIONS OF THIS TITLE SHALL BE SEVERABLE AND IF ANY PORTION  
6 THEREOF OR THE APPLICABILITY THEREOF TO ANY PERSON OR CIRCUMSTANCES  
7 SHALL BE HELD INVALID, THE REMAINDER OF THIS TITLE AND THE APPLICATION  
8 THEREOF SHALL NOT BE AFFECTED THEREBY.

9 S 3. The section heading and subdivisions 1, 2 and 3 of section  
10 71-2722 of the environmental conservation law, the section heading and  
11 subdivision 3 as added by chapter 152 of the laws of 1990, subdivision 1  
12 as amended by section 33 and subdivision 2 as amended by section 34 of  
13 part C of chapter 62 of the laws of 2003, are amended to read as  
14 follows:

15 Enforcement of [section] SECTIONS 27-1701 AND 27-1703 of this chapter.

16 1. Any person who knowingly or intentionally violates any of the  
17 provisions or fails to perform any duty imposed by section 27-1701 OR  
18 27-1703 of this chapter, except the duty to accept a lead-acid battery  
19 pursuant to subdivision four of [such] section 27-1701 AND THE DUTY TO  
20 ACCEPT A RECHARGEABLE BATTERY PURSUANT TO SUBDIVISION THREE OF SECTION  
21 27-1703, shall be liable for a civil penalty not to exceed seventy-five  
22 dollars for each violation, provided that such civil penalty shall be in  
23 addition to any other penalties authorized under other state or local  
24 laws governing the illegal disposal of lead-acid OR RECHARGEABLE  
25 batteries.

26 2. Any retailer or distributor who refuses to accept a lead-acid OR  
27 RECHARGEABLE battery as required pursuant to subdivision four of section  
28 27-1701 OR SUBDIVISION THREE OF SECTION 27-1703 of this chapter, RESPEC-  
29 TIVELY, shall be liable for a civil penalty not to exceed seven hundred  
30 fifty dollars.

31 3. Penalties under this section shall be assessed by the commissioner  
32 after a hearing or opportunity to be heard pursuant to the provisions of  
33 section 71-1709 of this article, and, in addition thereto, any person  
34 found to have violated the provisions of section 27-1701 OR 27-1703 of  
35 this chapter may by similar process be enjoined from continuing such  
36 violation. For the purposes of this section, disposal of each lead-acid  
37 battery except as authorized pursuant to subdivision three of section  
38 27-1701 of this chapter shall constitute a separate violation.

39 S 4. This act shall take effect on the first of January next succeed-  
40 ing the date on which it shall have become a law.