§ 27-1803. Definitions.

When used in this title:

1. "battery manufacturer" means every person, firm or corporation that: (i) produces rechargeable batteries sold or distributed in the state, or packages such batteries for sale in the state, except that if such production or packaging is for a distributor having the right to produce or otherwise package that same brand of battery in the state, then such distributor shall be deemed to be the battery manufacturer; (ii) imports rechargeable batteries into the United States that are sold or distributed in the state; or (iii) with respect to rechargeable batteries defined in subparagraph (ii) of paragraph (a) of subdivision four of this section, if no person, firm or corporation under paragraph (i) or (ii) of this subdivision takes responsibility for the requirements under this title, "battery manufacturer" means the manufacturer of the product that comes with, or contains, the rechargeable battery at the time the product is sold;

2. "consumer" means any person who purchases one or more rechargeable batteries, or products containing such batteries at the time of sale, for personal use;

3. "place of business" means the location at which a retailer sells or offers for sale to consumers, rechargeable batteries, or products containing such batteries at the time of sale;

4. (a) "rechargeable battery" means any of the following rechargeable batteries weighing less than fifty pounds: (i) any nickel-cadmium, sealed lead, lithium ion, or nickel metal hydride battery; (ii) any battery used as the principal electric power source for an electric scooter or bicycle with electric assist; (iii) any other such dry cell battery capable of being recharged; or (iv) battery packs containing any such batteries;

(b) "rechargeable battery" shall not include a battery used as the principal electric power source for a vehicle other than as set forth in subparagraph (ii) of paragraph (a) of this subdivision, such as, but not

limited to, an automobile, boat, truck, tractor, golf cart or wheelchair; for storage of electricity generated by an alternative power source, such as solar or wind-driven generators; or for memory backup that is an integral component of an electronic device;

5. "retailer" means a person, firm or corporation that engages in the sale of rechargeable batteries, or products containing such batteries, to a consumer in the state, including, but not limited to, transactions conducted through sales outlets, catalogs, by mail, telephone or the internet. For the purposes of this section retailer shall not include a food store; and

6. "food store" means a store selling primarily food and food products for consumption or use off the premises that occupies less than fourteen thousand square feet of display space.

7. "sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; "sell" or "sale" shall not include samples, donations, and reuse.