

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 846

Short Title: Retailers to Accept Goods for Disposal.

(Public)

Sponsors: Senators Odom; and Kinnaird.

Referred to: Commerce.

April 15, 1997

A BILL TO BE ENTITLED

AN ACT TO REQUIRE RETAILERS OF CERTAIN GOODS TO TAKE THEM BACK
TO BE RECYCLED OR PROPERLY DISPOSED.

The General Assembly of North Carolina enacts:

Section 1. Article 9 of Chapter 130A of the General Statutes is amended by
adding a new Part to read:

"PART 2E. RETAILER ACCEPTANCE OF HARD-TO-DISPOSE ITEMS.
"§ 130A-309.90. Retailers required to accept certain hard-to-dispose items; posting
of notice required.

(a) A person who sells or offers for sale any hard-to-dispose items at retail in this State shall accept from customers, at the point of transfer or sale, used items of the type and in the quantity at least equal to the number of new such items purchased, if offered by customers.

(b) A person who sells or offers for sale any hard-to-dispose items at retail in this State shall post written notice that is at least 8 1/2 inches by 11 inches in size and that contains the universal recycling symbol and that states that State law requires retailers to accept used items of that type for recycling in exchange for new items purchased of the same type.

(c) Any person who fails to post the notice required by subsection (b) of this section after receiving written warning from the Department to do so shall be assessed a

1 civil penalty of not more than fifty dollars (\$50.00) per day for each day the person fails
2 to post the required notice.

3 (d) For purpose of this Part, 'hard-to-dispose items' means all of the following:

4 (1) Telephone books.

5 (2) Nickel-cadmium batteries.

6 (3) Mercuric oxide batteries.

7 (4) Automobile tires.

8 (5) Fluorescent lights that the Department determines contain toxic levels of
9 substances.

10 (6) Hypodermic needles.

11 (7) Propane tanks.

12 (8) Smoke detectors.

13 (9) Pesticide containers specified by the Department.

14 (10) Products with cathode ray tubes specified by the Department.

15 (11) Motor oil.

16 (12) Antifreeze.

17 (13) Oil-based paint and solvents.

18 (14) White goods as defined in G.S. 130A-290.

19 **"§ 130A-309.91. Wholesalers required to accept hard-to-dispose items.**

20 (a) No person selling new hard-to-dispose items at wholesale shall refuse to accept
21 from customers, at the point of transfer, any used item of the type and in a quantity at
22 least equal to the number of new such items purchased, if offered by customers. A
23 person accepting a hard-to-dispose item in transfer from a retailer of those items shall be
24 allowed a period not to exceed 90 days to remove these items from the retail point of
25 collection.

26 (b) Any person who violates this section shall be assessed a civil penalty of fifty
27 dollars (\$50.00) per violation. Each item refused by a wholesaler or not removed from
28 the retail point of collection within 90 days is a separate violation.

29 **"§ 130A-309.92. Inspections of retailers authorized; construction of this Part.**

30 (a) The Department may inspect any place, building, or premise subject to the
31 provisions of G.S. 130A-309.90. The Department may issue warnings to persons who
32 fail to comply with the provisions of this Part.

33 (b) The provisions of this Part shall not be construed to prohibit any person who
34 does not sell any of the hard-to-dispose items from collecting and recycling such items.

35 **"§ 130A-309.93. Landfilling and incineration of hard-to-dispose items prohibited;**
36 **delivery for recycling.**

37 (a) No person shall knowingly place or dispose of a used hard-to-dispose item in a
38 landfill, an incinerator, or a waste-to-energy facility. Any person may deliver any hard-
39 to-dispose items to a retailer or wholesaler of that item, or to a collection or recycling
40 facility authorized under this Chapter or by the United States Environmental Protection
41 Agency.

42 (b) No retailer of any hard-to-dispose items shall knowingly place or dispose of
43 those used items in a landfill, incinerator, or waste-to-energy facility. A retailer of any

1 hard-to-dispose items may deliver those items to an agent of a wholesaler of those items,
2 to a manufacturer of those items, or to a collection or recycling facility authorized under
3 this Chapter or by the United States Environmental Protection Agency.

4 (c) Any person who knowingly places or disposes of any hard-to-dispose items in
5 violation of this section shall be assessed a civil penalty of not more than fifty dollars
6 (\$50.00) per violation. Each such item improperly disposed of is a separate violation."

7 Section 2. This act becomes effective July 1, 1998.